

# VERMONT CLEAN WATER INITIATIVE PROGRAM

# FUNDING POLICY

## STATE FISCAL YEAR 2023

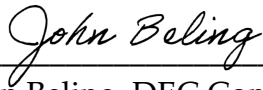


DEPARTMENT OF ENVIRONMENTAL CONSERVATION

December 2022

## Approval

This Funding Policy is approved by the Department of Environmental Conservation (DEC) Commissioner for the applicable CWIP funding programs.



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John Beling, DEC Commissioner

December 2022

The Funding Policy is available electronically at: <https://dec.vermont.gov/water-investment/cwi/grants>.

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## Funding Policy Introduction

Vermont waterways nurture ecosystem wellbeing, supply safe drinking water, strengthen tourism, buoy property values, and provide for recreational opportunities like fishing, swimming, and boating. For the benefit of current and future generations of Vermont people and wildlife, the state has made a long-term commitment to the Clean Water Initiative to provide the mechanisms, staffing, and financing necessary so that our waterways achieve and maintain compliance with the [Vermont Water Quality Standards](#). To this end, the Vermont Department of Environmental Conservation's (DEC) Clean Water Initiative Program (CWIP) coordinates with committed state and federal agencies and local partners to fund, develop, implement, and track clean water projects that protect and restore water quality.

This CWIP Funding Policy (Funding Policy) serves as a communication tool to clean water project proponents and prospective grant/contract recipients to level-set expectations on the division of roles and responsibilities related to CWIP-administered funding programs, and to provide clear guidelines on the appropriate use of CWIP-administered funds and expected outcomes from those investments.

The Funding Policy directly applies to a subset of CWIP-administered funding programs and does not apply to clean water funding programs administered by other departments, agencies, or partners. Language in this Funding Policy may also serve as a resource for other funding sources that are administered by the State of Vermont for Clean Water Projects (i.e., Lake Champlain Basin Program dollars) to support project integrity and consistency, ensure accountability mechanisms are in place, and facilitate tracking, accounting, and reporting requirements.

CWIP thanks our partners across the Agency of Natural Resources (ANR) and Agency of Commerce and Community Development (ACCD) for their assistance in reviewing and updating this Funding Policy as well as their on-going assistance to ensure the success of these clean water projects. CWIP also thanks our clean water partners on the ground. This work could not be done without you.

## Vermont Clean Water Initiative Background

### VERMONT'S WATER QUALITY GOALS

Vermont's [Surface Water Management Strategy \(SWMS\)](#) defines the state's three primary water quality goals as follows:

1. Protect, Maintain, Enhance, and Restore the Biological, Chemical, and Physical Integrity of all Surface Waters
2. Support the Public Use and Enjoyment of Water Resources
3. Protect the Public Health and Safety

To meet these goals, the SWMS outlines four objectives:

1. Minimize Anthropogenic Nutrient and Organic Pollution
2. Protect and Restore Aquatic and Riparian Habitats
3. Minimize Flood and Fluvial Erosion Hazards
4. Minimize Toxic and Pathogenic Pollution and Chemicals of Emerging Concern

Through the SWMS, DEC identified a list of [10 major stressors](#) with unique and sometimes overlapping causes and effects, which result in the surface water impacts documented in Vermont. By identifying the goals, objectives, stressors, and approaches to their management, the Surface Water Management Strategy sets the stage for the DEC's approach to Tactical Basin Planning.

### TACTICAL BASIN PLANNING

The [DEC Watershed Planning Program](#) is charged with developing and implementing watershed management plans, called Tactical Basin Plans. These plans are developed in accordance with the Vermont Surface Water Management Strategy (SWMS) and the [Vermont Water Quality Standards \(VWQS\)](#) to protect, maintain, enhance, and restore the biological, chemical, and physical integrity of Vermont's water resources.

Tactical Basin Plans (TBP) are strategic guidebooks for achieving watershed health. TBP's summarize existing water quality conditions, highlight whether waterbodies meet the Vermont Water Quality Standards, identify surface waters that are in need of restoration and protection, and outline a list of actions to achieve water quality goals. The plans also identify the partners and funding critical to implementing the actions. These prioritized efforts are then implemented through a combination of Clean Water Initiative funding, partner support, internal agency support, and public rulemaking processes.

The prioritized lists of clean water projects necessary to achieve clean water goals are found in each Tactical Basin Plan and continuously updated online in the Watershed Projects Database

(WPD)<sup>1</sup>, available at: <https://anrweb.vt.gov/DEC/cleanWaterDashboard/WPDSearch.aspx>.

Community and stakeholder engagement is a key component of Tactical Basin Plan development and implementation. Local, regional, and statewide partners, including municipalities, natural resource conservation districts, regional planning commissions, and watershed organizations, are all engaged in the development and implementation of Tactical Basin Plans. Figure 1 depicts the Tactical Basin Planning process.



Figure 1. Five-year Tactical Basin Planning cycle

## CLEAN WATER PROJECTS

Clean water projects identified and prioritized through the Tactical Basin Planning process help the state achieve its water quality goals by meeting at least one of the four objectives of Vermont’s Surface Water Management Strategy.

Clean water projects can be categorized across land use sectors like agriculture, developed lands, and natural resources. Examples of some clean water projects are provided in Figure 2 below. To explore more clean water projects currently and previously supported through the Clean Water Initiative Program, go to the Clean Water Project Explorer available at: <https://anrweb.vt.gov/DEC/CleanWaterDashboard/ProjectExplorer.aspx>.

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<sup>1</sup>Not all projects listed in the WPD have been fully vetted for funding eligibility under this Funding Policy. Learn more about the WPD in Appendix D. The Watershed Projects Database.









Land Use	Clean Water Project Objectives and Example Project Images	Additional Benefits
 <b>AGRICULTURE</b>	<p>Addresses runoff and soil erosion from farm production areas and farm fields.</p> 	<ul style="list-style-type: none"> <li>• Cost-effective</li> <li>• Leverages federal funds</li> <li>• Supports agricultural economy</li> <li>• Supports regulatory compliance</li> </ul>
 <b>NATURAL RESOURCES</b>	<p>Restores functions of “natural infrastructure”—river channels, floodplains, lakeshores, and wetlands</p> 	<ul style="list-style-type: none"> <li>• Cost-effective</li> <li>• Leverages federal funds</li> <li>• Increases flood resilience</li> <li>• Improves habitat</li> <li>• Enhances recreation</li> </ul>
 <b>STORMWATER</b>	<p>Addresses stormwater runoff from developed lands, such as parking lots, sidewalks, and rooftops</p> 	<ul style="list-style-type: none"> <li>• Increases flood resilience</li> <li>• May enhance aesthetic appeal</li> <li>• Supports regulatory compliance</li> </ul>
 <b>ROADS</b>	<p>Addresses stormwater runoff and erosion from roads</p> 	<ul style="list-style-type: none"> <li>• Cost-effective</li> <li>• Leverages federal funds</li> <li>• Increases flood resilience</li> <li>• Reduces future road maintenance costs</li> <li>• Supports regulatory compliance</li> </ul>

Figure 2. Clean water project land use sectors, objectives, and additional benefits

## CLEAN WATER INITIATIVE

The state has made a long-term commitment to the Clean Water Initiative to provide the mechanisms, staffing, and financing necessary to achieve and maintain compliance with the Vermont Water Quality Standards.<sup>2</sup> To achieve this, the Vermont Department of Environmental Conservation’s (DEC) [Clean Water Initiative Program \(CWIP\)](#) coordinates with committed state and federal agencies and local partners to fund, develop, implement, and track clean water projects that protect and restore water quality.

### Spending Plan

CWIP’s annual Spending Plan highlights which items from the Clean Water Budget<sup>3</sup> are CWIP-administered, their funding source, and the types of funding programs and initiatives available in the coming State Fiscal Year to support clean water projects. The annual CWIP Spending Plan

<sup>2</sup> 10 V.S.A § 1387: <https://legislature.vermont.gov/statutes/section/10/047/01387>

<sup>3</sup> Vermont’s Clean Water Board recommends the state’s annual Clean Water Budget, with dollars from the Clean Water Fund, Capital Bill, and on occasion other sources — most recently the American Rescue Plan Act (ARPA). A subset of Clean Water Budget dollars is appropriated to the Agency of Natural Resources and administered by CWIP. For more information on the Clean Water Board and Clean Water Budget process, visit: <https://dec.vermont.gov/water-investment/cwi/board>. Note the Spending Plan does not include information about CWIP-administered funding programs funded outside of the Clean Water Budgeting Process.

serves as a communication tool to clean water project proponents and prospective, current grant, or contract recipients outlining current fiscal year funds available and anticipated funding opportunities. CWIP's Spending Plan also serves as an internal planning tool to track annual progress implementing funding programs and initiatives.

To see CWIP's current fiscal year Spending Plan, visit: <https://dec.vermont.gov/water-investment/cwi/grants>.

## Performance Report

CWIP coordinates with state and federal agencies to track clean water projects and summarize data annually in the *Vermont Clean Water Initiative Annual Performance Report*. The report summarizes state clean water investments, the outcomes of those investments, as well as progress made across state and federal funding programs and regulatory programs toward meeting the *Phosphorus Total Maximum Daily Loads (TMDLs) for Vermont Segments of Lake Champlain*, and the *Lake Memphremagog Phosphorous Total Maximum Daily Load*. Annual Performance Reports are available at: <https://dec.vermont.gov/water-investment/cwi/board#reports>. Interactive data is also publicly available through the [Clean Water Interactive Dashboard](#).

## State Fiscal Year (SFY) 2023 Funding Policy

This CWIP Funding Policy (Funding Policy) serves as a communication tool to clean water project proponents and prospective funding recipients to clarify expectations on the division of roles and responsibilities related to CWIP-administered funding programs, and to provide clear guidelines on the appropriate use of CWIP-administered funds and expected outcomes from those investments.

The Funding Policy addresses the following objectives:

1. To ensure that the Clean Water Funds allocated to CWIP are used as intended by statute<sup>4</sup> and as intended by the Clean Water Board.<sup>5</sup>
2. To ensure projects result in the necessary deliverables for tracking and reporting clean water investments and outcomes.
3. To standardize expectations in a manner that expedites granting and contracting efforts and enhances equity across grant recipients.
4. To minimize investments in infeasible and/or low priority projects.
5. To provide guidance and insight into CWIP operations where useful and to clarify previously unaddressed or new policy questions as needed.

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<sup>4</sup> Learn more about the statutory intent for the Clean Water Fund in 10 V.S.A § 1387-1389: <https://legislature.vermont.gov/statutes/chapter/10/047>.

<sup>5</sup> For more information on the Clean Water Board and Clean Water Budget process, visit: <https://dec.vermont.gov/water-investment/cwi/board>.



The Funding Policy directly applies to the following CWIP-administered clean water funding programs:<sup>6</sup>

1. Water Quality Restoration Formula and Operation and Maintenance Grants.
2. Water Quality Enhancement Grants (includes both state-administered contracts and grants as well as block grants issued under this funding program and excludes wetlands incentive payments).
3. Municipal Stormwater Implementation Grants (includes Municipal Separate Storm Sewer System (MS4) Community Formula Grants, and Municipal Roads Grants in Aid Equipment Grants and excludes the Green Schools Initiative).
4. New funding rounds under existing or open CWIP block grant agreements from State Fiscal Year 2022 or earlier (includes the Woody Buffer Block Grant, Design and Implementation Block Grant, Dam Removal Design and Implementation Block Grant, Watershed Work Crew Block Grants, and the Project Development Block Grant).

CWIP may determine whether the Funding Policy applies to additional funding programs on an ongoing or as needed basis, as part of funding program development and design (e.g., Lake Champlain Basin Program-funded initiatives administered by CWIP). Funding Policy applicability will be clearly indicated in CWIP requests for proposals (RFPs) and agreements.

The Funding Policy is subject to change. Agreements and sub-agreements funded under the above-listed initiatives must align with whichever Funding Policy version is the most current at the time of agreement, sub-agreement, or amendment execution. Questions on Funding Policy interpretation should be directed to and answered by CWIP staff.

## **DETERMINATION OF ELIGIBILITY**

To be eligible for CWIP funding, clean water projects must meet a series of eligibility criteria outlined below. Please see the [Eligibility by Project Phase](#) section to learn which criteria may apply to a specific project. Please see the [Project Eligibility Screening Form](#) and the [Grant Recipient Responsibilities and Guidance](#) sections to learn more about how to document and confirm eligibility and who should do so.

### **Eligibility Criteria**

#### **Eligibility Criteria #1: Project Purpose**

Project purpose must address at least one of the four objectives of Vermont's Surface Water Management Strategy:

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<sup>6</sup> Please see the CWIP website (<https://dec.vermont.gov/water-investment/cwi/grants/opportunities>) to learn more about these funding programs.

- (1) Minimize Anthropogenic Nutrient and Organic Pollution
- (2) Protect and Restore Aquatic and Riparian Habitats
- (3) Minimize Flood and Fluvial Erosion Hazards
- (4) Minimize Toxic and Pathogenic Pollution and Chemicals of Emerging Concern

## **Eligibility Criteria #2: Project Types and Standards**

### **Definitions and Standards**

The project must be listed as an eligible project type for the applicable grant funding program, meet the definitions and minimum standards, and result in the standard performance measures, milestones, and deliverables as listed in [Appendix B. Project Types Table](#).

### **Ineligible Projects or Activities**

The project cannot be an ineligible project type or have a scope of work that includes ineligible activities, as follows.

- Projects that can be wholly funded through other grant sources.<sup>7</sup> Projects may be eligible if other options are ill-suited, insufficient, or poorly timed and justification is provided. Projects that can be funded through other loan or financing sources may still be eligible.
- Operation and maintenance activities of prior implemented clean water projects (e.g., mowing, weeding, replanting, and road re-grading<sup>8</sup>) unless funded through Water Quality Restoration Formula Grants or otherwise described in an active legacy grant agreement.
- Large scale site mowing to manage for invasive species like Japanese Knotweed. Site-prep mowing is eligible if it's within the same footprint of the planted buffer and is used just to suppress competing grasses (i.e., not invasive management).
- Projects related to compliance with the Municipal Separate Storm Sewer System (MS4) Permit Minimum Control Measures, including street sweeping and catch basin

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<sup>7</sup> Specifically, agriculture projects should explore funding potential from Agency of Agriculture, Food and Markets, U.S. Department of Agriculture, and Vermont Housing and Conservation Board; forestry projects should explore funding potential from U.S. Department of Agriculture and Vermont Department of Forests, Parks and Recreation, and municipal roads projects should explore funding potential from the Vermont Agency of Transportation before pursuing CWIP funds.

<sup>8</sup> Proper road crowning through re-grading, as well as re-grading to direct runoff into a treatment practice is acceptable work under the Roads project type as long as the scope of the full project includes water project installations and not general road maintenance.

cleaning.<sup>9</sup>

- Projects that treat stormwater associated with new, redeveloped, or expanded impervious surfaces, including but not limited to projects to comply with the operational stormwater General Permit 3-9050 associated with new development, redevelopment, or expansion of impervious surfaces.
- Retrofit projects to comply with the operational stormwater General Permit 3-9050 (“Three-Acre General Permit”) unless located on a public school three-acre site and funded through the Green Schools Initiative. No other Three-Acre General Permit projects are eligible for funding through CWIP, as other funding/financing programs are available to support these projects.<sup>10</sup> See [Appendix D. Further Guidance for Three-Acre General Permit Project Types](#) for more information.
- Projects that solely address hazard mitigation and protection of infrastructure.
- Restoration or stabilization of in-gully channels caused by stormwater or road runoff unless the project also addresses precipitating upstream flow. See [Appendix D. Further Guidance for Roads/Stormwater Gully Project Types](#) for more information.
- Streambank hard armoring or “riprapping.” However, a *bioengineered* slope stabilization practice that includes a rock toe or other similar streambank stabilization practices may be eligible subject to DEC Rivers Program approval.
- Projects to comply with *Acceptable Management Practices (AMPs) for Maintaining Water Quality on Logging Jobs in Vermont* on active logging/harvesting sites.<sup>11</sup>
- Projects dealing with wastewater management, as other funding/financing programs are available to support these projects.
- Land acquisition, as in, a fee simple purchase.<sup>12</sup>
- General outreach and education activities unrelated to a specific clean water project.

### Eligibility Criteria #3: Watershed Projects Database

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<sup>9</sup> Projects that contribute to MS4 community(ies) meeting MS4 permit flow and/or phosphorus reduction targets, including projects identified by the MS4 community in a flow restoration plan (FRP) and/or phosphorus control plan (PCP) are eligible for CWIP funds.

<sup>9</sup> For information regarding the Municipal Separate Storm Sewer System (MS4) General Permit, see: <https://dec.vermont.gov/watershed/stormwater/permit-information-applications-fees/ms4-permit>.

<sup>10</sup> Please see available support for Three-Acre General Permit projects from the Water Infrastructure Finance Program here: <https://anr.vermont.gov/special-topics/arpa-vermont/treating-stormwater-runoff>.

<sup>11</sup> *Acceptable Management Practices (AMPs) for Maintaining Water Quality on Logging Jobs in Vermont* available at: <https://fpr.vermont.gov/forest/managing-your-woodlands/acceptable-management-practices>.

<sup>12</sup> River corridor and wetland easements are not considered land acquisition.

Projects must have a Watershed Projects Database (WPD) identification number (WPD-ID) to be eligible for funding. Each project must have a WPD-ID number specific to the proposed project phase (for example, a final design will have a different WPD-ID from an implementation phase even if for the same overall project). Please see [Appendix D. The Watershed Projects Database](#) for more information on the WPD-ID. DEC's Watershed Planning Program is developing standard operating procedures to support project review and will communicate updates to partners once available.

#### How Projects Are Assigned a WPD-ID

If the project, or the specific phase, is not yet in the Watershed Project Database, project proponents should complete a Batch Import File (BIF) or Clean Water Project - New Project Form in ANR Online (<https://anronline.vermont.gov/?FormTag=CWPNewProject>).<sup>13</sup> The minimum data requirements to obtain a WPD-ID include project title, project type, description, location, and watershed or sub-basin. Please use the [WPD Search Tool](#) to ensure the proposed project is not already listed in WPD. The [Regional Watershed Planner](#) (Watershed Planner) will screen all projects to ensure they have a water quality benefit, and once approved, assign the WPD-ID.

It is strongly suggested that project proponents consult with their Watershed Planner in advance of or in conjunction with submitting a BIF or New Project Form for complex projects or projects where the project proponent is unsure of the water quality benefit. The Watershed Planner may request the following as part of this consultation:

- Project location (town/region, watershed, and GPS coordinates as applicable)<sup>14</sup>
- Summary of proposed scope of work<sup>15</sup>
- Other minimum data requirements to obtain a WPD-ID as listed above
- Documented comments on project or design plans from the applicable DEC Programmatic Staff (if applicable).
  - DEC Programmatic Staff bring valuable expertise to the comments they provide on project designs and may, at times, express concern. The Watershed Planner may want to see proof of communication with the applicable DEC Programmatic Staff for certain project types to ensure the proposed project and scope of work is well planned around natural resource needs and constraints.
  - Project proponents are encouraged to engage with DEC Programmatic Staff (if applicable) as early as possible, to invite them to stakeholder meetings, and to integrate their feedback into the design or project plans as much as feasible. The

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<sup>13</sup> A BIF should not be used once the New Project Form is available. For information on how to use the New Clean Water Project Forms in ANR Online, refer to the New Clean Water Project Form User Guide (available here: <https://dec.vermont.gov/water-investment/cwi/grants/resources>).

<sup>14</sup> Proponents for project development may just suggest a general geographic area.

<sup>15</sup> Proponents for project development should provide a tentative list of projects they would like to develop with the understanding this may change over time.

Watershed Planner is responsible for reviewing and considering DEC Programmatic Staff comments when deciding whether to assign a new WPD-ID.

- Applicable project types for DEC Programmatic Staff input include design or implementation for a stream/floodplain, lakeshore, wetlands, or dam removal project, as well as for stream geomorphic assessments or lake watershed action plans. Please see [Appendix C. DEC Programmatic Staff Engagement](#) for the appropriate points of contact for DEC Programmatic Staff organized by project type.
- In cases where the DEC Programmatic Staff have already provided written comments on a prior design phase, and the project design has not changed substantively since the prior DEC review, those may be submitted to satisfy this requirement.
- In cases where the proposed project was identified through a recently completed (within the last five years) sector-based or multi-sector assessment in which the applicable DEC Programmatic Staff were involved, additional staff commentary is not needed.
- In all other scenarios, project proponents should allow time to gather this input. Send DEC program contacts the location and description of the project, and any other relevant information they request that will be utilized in their review. Capture their comments in writing – an email will suffice.

#### **Eligibility Criteria #4: Natural Resource Impacts**

Agency of Natural Resources (ANR) permitting programs are established to mitigate project impacts to natural resources. Projects seeking CWIP funds must be screened against ANR permitting requirements to determine project “permit-ability” and/or to identify project design considerations necessary to ensure the project will be permit-able.<sup>16</sup> Projects are eligible for CWIP funds if they are reasonably considered permit-able by all applicable ANR permitting programs and/or if the project proposal demonstrates how permitting staff feedback will be integrated into designs to ensure final projects are permit-able. Guidance for this process is provided in [Appendix A. Project Eligibility Screening Form – Step 4](#). Easements and Riparian Buffer Plantings are excluded from this eligibility requirement.

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<sup>16</sup> While some natural resource impacts are permit-able, projects are strongly encouraged to clearly demonstrate good faith effort to avoid/minimize impacts to natural resources. Project proponents should strive to avoid impacts to water resources whenever possible and proponents risk project delays or terminations if they fail to do so. For example, projects that require a wetlands individual permit must obtain the individual permit prior to the close of final design and prior to seeking funds for construction. In accordance with the Wetlands Rule, permits cannot be issued when alternative project locations and sizes (i.e., project footprint) are possible. Consequently, it is in the project proponent’s best interest to avoid wetlands impacts and seek alternative project locations early in the design process.

### **Eligibility Criteria #5: Landowner and Operation and Maintenance Responsible Party Support**

Projects must identify and demonstrate commitment from a qualified and willing operation and maintenance responsible party. Projects must also demonstrate landowner support for the project and currently proposed phase. For earlier design phase projects, a letter of support or some other demonstration of commitment will suffice. For implementation phase projects, a signed Access License/Easement Agreement or Operation and Maintenance Plan (if available) may be used. This is a required deliverable by the close of the implementation phase. See Appendix C for more information on the [Access License or Easement Agreements](#) or [Operation and Maintenance Plans](#).

### **Eligibility Criteria #6: Budget**

#### **Ineligible Expenses**

Agreement or sub-agreement and contract or sub-contract budgets may not include the ineligible expenses listed below as direct expenses<sup>17</sup>:

1. Project components that are above and beyond those necessary to achieve the project's clean water purpose (as listed under eligibility screen #1). For example, where a project's stakeholders prefer higher cost materials or a more complex design than what is necessary to achieve the project's clean water outcomes, the cost differential must be covered by another funding source. Budget proposals can provide reasonable justification if need be. These additional expenses may be considered leverage.
2. Expenses incurred outside award duration. Agreements must be fully executed (signed by both parties) before incurring expenses unless pre-award expenses are authorized by CWIP within the agreement. CWIP only authorizes pre-award expenses for specific funding programs at the program-level and does not accept case-by-case requests.
3. Annual fees associated with permits that require/compel implementation of the clean water project, such as stormwater operational permits (including General Permit 3-9050, Municipal Roads General Permit (MRGP), and MS4 Permit fees).<sup>18</sup>
4. Operational stormwater General Permit 3-9050 (i.e., Three-Acre General Permit) impact fees.
5. In Lieu Fee payments to mitigate wetland impacts.

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<sup>17</sup> Note some of these expenses may be part of a grant recipient's approved or de minimis Indirect Cost Rate or Cost Allocation Plan.

<sup>18</sup> One-time/up-front permit fees associated with ANR natural resource permits to implement a clean water project are an eligible project expense. One-time/up-front operational stormwater General Permit 3-9050 (e.g., Three-Acre General Permit) application fees are an eligible project expense.

6. Tools and/or equipment, unless intent of tool or equipment is to assist with implementation of clean water projects or to assist with operation and maintenance of clean water projects (in cases where operation and maintenance is eligible). Eligible tool or equipment purchases must have an expected useful life of more than one year. Tools are defined as having a per unit cost of less than \$5,000 and are not subject to DEC's Equipment Purchase Policy. Tools may be sold, or otherwise disposed of with no further obligation to DEC. Items with a per unit cost of equal to or greater than \$5,000 are defined as "equipment" and subject to DEC's Equipment Purchase Policy. See [Appendix D. DEC's Equipment Purchase Policy](#) for more information.
7. Office supplies such as computers, cell phones, and uniforms/staff apparel.
8. Food, beverage, or event space costs (such as for a meeting).
9. AmeriCorps host site or member costs.
10. Political advocacy.
11. Fundraising and grant writing.

### **Eligibility Criteria #7: Leveraging Requirements**

Leveraging requirements are established at the funding program-level. Proposed projects are eligible for CWIP funds if proposed leveraging meets required leveraging levels (if applicable), meets the definition of leveraging, and comes from eligible sources.

Leveraging is currently required for the regulatory projects supported by Municipal Stormwater Implementation Grants sub-initiatives (i.e., MS4 Community Formula Grants and the Municipal Roads Grants in Aid Equipment Grants). Leveraging requirements are subject to change.

#### **Leveraging Levels**

Table 2 depicts required leveraging levels by applicable funding program. Leveraging requirements and eligible leveraging may be further defined at the funding program-level.

Table 2. Scenarios where leveraging are required to be eligible for CWIP funds

<b>Funding Program</b>	<b>Leveraging Requirement<sup>19</sup></b>
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<sup>19</sup> See the Eligible Sources of Leverage section for more information on flexible options for meeting leveraging requirement

MS4 Community Formula Grants	State pays up to 50% and MS4 community pays at least 50% of total project cost
Equipment supporting MRGP municipalities	State pays up to 80% and municipality pays at least 20% of total equipment cost

### Definition of Leveraging

“Leveraging” is defined as a grant recipient’s financial commitment toward the project costs from a source other than the State of Vermont’s tax revenues or capital dollars that DEC is *not* using to meet DEC’s match or significant contribution obligations on federal awards.

Leveraging may only be committed to one project and cannot be committed to multiple projects. All expenses covered through leveraging must be incurred within the duration of the grant or contract agreement. See the [Leveraging and Match](#) section for more details on types of leveraging.

### Eligible Sources of Leverage

Table 3 depicts eligible and ineligible sources of leveraging. Leveraging requirements and eligible leveraging may be further defined at the funding program-level. Note that a project scope may be expanded to include in-kind associated activities to count as leverage. For example, in the case of MS4 Community Formula Grants, attainment of phosphorus control plan goals can be considered a single “project” such that individual best management practices funded by the town can be used as in-kind leverage against a best management practice installed with CWIP funds. Leveraging can be in the form of cash added to the project budget from another funding source or leveraging can be the quantified value of in-kind services or donated products provided to the project.

Table 3. Examples of eligible and ineligible sources of leveraging (not an exhaustive list)

Eligible Leveraging	Ineligible Leveraging
In-kind includes: <ul style="list-style-type: none"> <li>• Additional expenses for project components that are above and beyond those necessary to achieve the project’s</li> </ul>	Funds leveraged or matched to other projects Funds obtained from other State of Vermont-administered clean water dollars <sup>21</sup> Expenses incurred outside award duration

<sup>21</sup> Vermont state agencies administer both state and federal funds to advance clean water objectives. These funding sources are ineligible to use as leveraging on CWIP-funded projects because this could result in supplanting funds budgeted for other programs and/or double counting of leveraged contributions in the *Vermont Clean Water Clean Water Initiative Annual Performance Report*. This includes clean water-focused funding administered by the following state agencies: Agriculture, Food and Markets; Commerce and Community Development; Natural Resources; and Transportation, as well as the Vermont Housing and Conservation Board. Other federal funds administered by these agencies or programs may be eligible on a case-by-case basis, pending CWIP review.



<p>clean water purpose or components that solely address co-benefits (includes outreach and education related to the project)</p> <ul style="list-style-type: none"> <li>• Expenses related to equipment used or travel performed to complete project</li> <li>• Donated land or easement value for project location</li> <li>• AmeriCorps member or other volunteer time<sup>20</sup></li> <li>• MS4 community investments in other clean water projects to meet Phosphorus Control Plan (PCP) goals (including O&amp;M on other PCP clean water projects)</li> </ul> <p>Cash from non-state funding sources</p> <ul style="list-style-type: none"> <li>• Includes Clean Water State Revolving Fund (CWSRF) loans</li> <li>• Private donations</li> <li>• Federal grants directly awarded to the project and not administered by state agencies</li> </ul>	<p>Expenses related to political advocacy</p> <p>Expenses related to fundraising</p> <p>Expenses related to grant writing</p>
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### Eligibility Criteria #8: Funding Program – Specific Eligibilities

In addition to the general CWIP eligibility screens, listed above, each funding program may have additional eligibility requirements. In the past, these would typically be baked into RFPs or passthrough agreements. However, for programs that are designed to operate longer term and utilize the block-grant model, we are defining program-specific eligibilities in a central location but retaining the ability to define program-specific eligibility requirements within RFP and grant agreement documents, as needed. Please refer to the following for further information on each respective program’s additional eligibility requirements.

1. Water Quality Restoration Formula and Operation and Maintenance Grants: Water Quality Restoration Formula Grant Guidance documents describe required project eligibility and prioritization. Available here: <https://dec.vermont.gov/water-investment/statutes-rules-policies/act-76/law-rule-guidance>. Project proponents should also review any additional project solicitation materials provided by the relevant Clean Water Service Provider available on their websites.
2. Water Quality Enhancement Grants: The Enhancement Grants Summary Document provides an overview of additional requirements for a project to be eligible for

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<sup>20</sup> AmeriCorps member time = (host site fee / total AmeriCorps member hours) x number of hours worked on the project. Note: AmeriCorps member time is not eligible to be used as match for any purpose, however, it can be considered as leverage for the CWIP only.

Enhancement grant funding. Available here: <https://dec.vermont.gov/water-investment/cwi/grants/opportunities>. Project proponents should also review any additional project solicitation materials provided by the Enhancement Funding Program Administrators, once selected.

3. Municipal Stormwater Implementation Grants:
  - a. MS4 Community Formula Grants: The MS4 Community Formula Grants Summary Document provides an overview of additional requirements for a project to be eligible for MS4 Community Formula Grant funding. Available here: <https://dec.vermont.gov/water-investment/cwi/grants/opportunities>.

## Eligibility by Project Phase

CWIP's grant programs may fund clean water projects across a range of phases from initial assessments and identification, through development, design, implementation, and operation and maintenance. Please refer to [Appendix D. Project Phase Terminology](#) to learn more about these different project phases.

The factors that render a proposed project eligible for funding sometimes take time and investment to uncover. As such, projects proposed for assessment or development funds will have a lower eligibility threshold than projects seeking design and implementation funds recognizing less is known in early project stages.

### Assessment, Project Identification, and Project Development

Projects seeking funds to perform assessments, project identification, or development must meet the following eligibility criteria:

- Eligibility Criteria # 2: Project Types and Standards
- Eligibility Criteria # 3: Watershed Projects Database
- Eligibility Criteria # 6: Budget
- Eligibility Criteria # 8: Funding Program-Specific Eligibilities

### Project Design and Implementation

Projects seeking design and/or implementation funding must meet all the eligibility criteria.

## Project Eligibility Screening Form

The Project Eligibility Screening Form is designed to assist with project review by systematically walking through all eligibility criteria. This includes detailing the relevant staff contacts at ANR where consultations are applicable. DEC will provide updates to the Project Eligibility Screening Form on an as needed basis. This form should be completed for all projects seeking funding for preliminary (30%) design, final (100%) design, or implementation work. It may be used for projects seeking funding for assessment or development if helpful for determining their alignment with eligibility criteria 2, 3, 6, and 8. For block-grant funded initiatives, Funding Program Administrators should use the most up-to-date form at the point of their next project

solicitation round. Alternatively, the form may be completed during project development or a design stage to allow for more time for ANR program input and review. For the Municipal Separate Storm Sewer System (MS4) Community Formula Grants, each MS4 community is responsible for using the Project Eligibility Screening Form to confirm their proposed projects is/are eligible. Appendix A is a reference Project Eligibility Screening Form. Please find a fillable PDF version of this form on the Grant Applicant and Recipient Resources webpage: <https://dec.vermont.gov/water-investment/cwi/grants/resources>.

## GRANT RECIPIENT RESPONSIBILITIES AND GUIDANCE

Local, regional, and statewide entities receive CWIP grants. These partner organizations play a key role championing and implementing clean water projects on-the-ground. To expedite granting efforts and to enhance equity across grant recipients, this section outlines standardized expectations for all grant recipients. Please see [Appendix D. Grant Recipient, Contractor, and Agreement Terminology](#), and [Appendix D. Roles and Responsibilities of DEC Staff](#) to learn more.

### Expectations for all Grant Recipients

The term “grant recipient” applies both to entities that hold a grant award directly with DEC (“direct grantee”) as well as to entities that hold a subgrant with Funding Program Administrators (“subgrantee”). Please see [Appendix D. Grant Recipient, Contractor, and Agreement Terminology](#) to learn more. For CWIP Funding Programs where the Funding Policy applies, all Grant Recipients are expected to:

1. Read the Funding Policy and subsequent updates. Contact CWIP staff with any questions, points of clarification, or needs for policy interpretation.<sup>22</sup>
2. Adhere to the CWIP Funding Policy and DEC agreement terms and conditions. This includes but is not limited to:
  - a. Ensuring proposed projects meet eligibility criteria,
  - b. Performing due diligence to avoid or minimize natural and cultural resource impacts,
  - c. Completing projects in alignment with standardized milestones and deliverables as listed in [Appendix B. Project Types Table](#) and further described in [Appendix C. Project Types Table Explanation of Items](#), and
  - d. Ensuring spent funds directly support the project’s clean water purpose.<sup>23</sup>

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<sup>22</sup> For subrecipients, the Funding Program Administrator may be a good first stop with questions.

<sup>23</sup> Unless included in a grant recipient's approved or de minimis Indirect Cost Rate or Cost Allocation Plan.

3. Ensure projects do not run over budget. See [Managing Project Spending](#) for more details.
4. Secure all local, state, and federal permits at the end of final design or at the start of the implementation phase and prior to any construction begins.
5. Oversee subcontractor work, if applicable. This includes ensuring all subcontractor work proceeds in alignment with any guidance or direction provided by DEC staff, regulatory programs, and the CWIP Funding Policy.
6. Pause implementation/construction and contact the Vermont Division of Historic Preservation in the event that identifiable artifacts are discovered at a project site.
7. Maintain timely reporting, invoicing, and proactive communication with the DEC Technical Project Manager or Funding Program Administrator (as applicable).
8. Maintain and comply with an up-to-date procurement policy.
9. Sign the final version of the DEC agreement within 90 days of receipt.<sup>24</sup>

### **Expectations for Funding Program Administrators<sup>25</sup>**

1. Solicit competitive proposals for eligible clean water projects.
2. Conduct communications and outreach to publicize competitive solicitation rounds. This includes posting solicitation round information on the Funding Program Administrator's website and broadly distributing announcement of funding opportunities.
3. Review proposals and determine alignment with the applicable Funding Policy eligibility screens.
4. Develop and apply a prioritization and selection schema such that the resulting portfolio of funded projects reflects the general programmatic goals of the relevant funding program.
5. Oversee subrecipient and subcontractor work. This includes but is not limited to:

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<sup>24</sup> For direct recipients only. Award may be rescinded if this requirement is not met.

<sup>25</sup> For the purposes of this Funding Policy the term "Funding Program Administrator" also applies to Clean Water Service Providers. Please see [Appendix D. Grant Recipient, Contractor, and Agreement Terminology](#) for more information.

- a. Ensuring all subrecipient and subcontractor work proceeds in alignment with any guidance or direction provided by DEC staff, regulatory programs, and the CWIP Funding Policy.<sup>26</sup>
    - i. Funding Program Administrators shall obtain the most up-to-date Funding Policy before each solicitation round to ensure subgrantees/subcontractors are adhering to the most recent requirements.
    - ii. Funding Program Administrators shall keep documentation of all communication with the state that relates to project technical assistance and approval. Should any project require additional conditions set by DEC permitting staff, Funding Program Administrators shall include those conditions in any resulting sub-agreement should that project be selected for funding. The Funding Program Administrator is then responsible for ensuring any resulting conditions are met prior to release of funding on the project's final invoice.
  - b. Compiling, reviewing, approving, and submitting deliverables and invoices to DEC.
6. Maintain a standardized processes to manage equipment ownership and disposition in a manner that ensures sub-grantees commit to using retained equipment for the same purpose as originally granted. See [Appendix D. DEC's Equipment Purchase Policy](#) for more information.
  7. Report to and communicate regularly/proactively with Technical Project Manager (TPM).
  8. Coordinate with other Funding Program Administrators to prevent duplication of effort, ensure clear public communications, share proposals, and achieve geographically equitable distribution of funds.

## Eligible Grant Recipients

All CWIP Funding Programs that this Funding Policy applies to are grant programs. Grants are commonly issued to organizations that perform public benefit activities with a high degree of independence. Grantees often adhere to programmatic requirements of the state program under which the grant is issued (e.g., this Funding Policy) and are required to submit financial,

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<sup>26</sup> Sub-agreements found by the DEC Technical Project Manager to be out of alignment with the Funding Policy will be discussed with the Funding Program Administrator to address the cause and resolve any disparate interpretations for future sub-agreement funding decisions. In the case of Clean Water Service Providers, repeated misinterpretation of or disregard for the Funding Policy will be taken under consideration during re-appointment proceedings. For other Funding Program Administrators this will be documented as a risk factor when selecting recipients for new block grant funds.

programmatic and/or performance reports to the Granting Agency.<sup>27</sup> Eligible applicants to serve as Funding Program Administrators for CWIP grant programs, therefore are those best suited to hold and manage a grant agreement (i.e., entities that perform public benefit activities and do not provide a similar suite of services for profit to multiple customers in a competitive environment). Table 1 lists entities eligible and ineligible to serve as Funding Program Administrators for CWIP grant programs.

Table 1. Entities eligible and ineligible to serve as Funding Program Administrators for CWIP grant programs

Eligible Entities	Ineligible Entities
Vermont municipalities Regional planning commissions Natural resource conservation districts Non-profit organizations State agencies State colleges and universities Public hospitals and medical centers Public schools	Private citizens, individuals Private for-profit businesses and industries Private for-profit colleges and universities Federal agencies

Depending on the CWIP Funding Program, the Funding Program Administrators may have the authority to utilize either or both subgrants and subcontracts. Funding Program Administrators are encouraged to use State of Vermont Agency of Administration Guidance<sup>28</sup> to determine the best agreement vehicle based on the substance of the relationship. If holding an open granting round, Funding Program Administrators should use Table 1 as a guide to determine eligible subgrant recipients.

## BUDGET DEFINITIONS AND GUIDANCE

The following section includes specific budget conditions and requirements.

### “Block Grant” Program Delivery/Administrative and Project Completion Costs

CWIP deploys agreements with Funding Program Administrators, with technical and administrative expertise, to increase capacity and scale up the number of clean water projects funded. This approach is necessary to manage increased clean water funding, given DEC staff capacity constraints. This funding structure also develops partner capacity to manage clean

<sup>27</sup> For more information on grants please see the Vermont Agency of Administration’s Bulletin 5: [https://aoa.vermont.gov/sites/aoa/files/Bulletins/Bulletin\\_5\\_eff12-26-14.pdf](https://aoa.vermont.gov/sites/aoa/files/Bulletins/Bulletin_5_eff12-26-14.pdf)

<sup>28</sup> For more information on contracts please see the Vermont Agency of Administration’s Bulletin 3.5: <https://aoa.vermont.gov/sites/aoa/files/Bulletins/3point5/3.5Rewrite121619FINAL.pdf>.

water projects more independently, while still benefiting from DEC guidance and technical assistance. Funding Program Administrators typically operate under a “block grant” funding structure. Clean Water Service Providers (a subset of Funding Program Administrators, established through rule) operate under Water Quality Restoration Formula Grants. In some cases, Funding Program Administrators may also operate under contracts.

A portion of “block grant” budgets support program delivery (i.e., administrative costs) to fund partner capacity to administer the “block grant” program on behalf of DEC. Program delivery expenses are not to exceed 15% of the total award amount. The remaining 85% minimum of the total award amount must be used for project completion. The following sections clarify these definitions and expected tasks.

### **Program Delivery/Administrative Costs Definition and Example Tasks**

Program Delivery costs, described in the Act 76 Clean Water Service Provider Guidance Document as “administrative costs,” supports costs associated with administering a block grant initiative. In the case of Water Quality Restoration Formula Grants, administrative costs support the operation of the CWSP. Program Delivery costs are limited to 15% of the total value of the agreement amount and includes all tasks/expenses associated with program delivery, indirect costs associated with program delivery, and elements of subcontracted<sup>29</sup> program delivery work (if applicable). Example program delivery tasks include but may not be limited to those listed in the [Expectations for Clean Water Funding Program Administrators](#) section.

### **Project Completion Costs Definition and Example Tasks**

Project completion supports subgrantee/subcontractor costs associated with individual projects funded under CWIP initiatives. Allowable costs include expenses incurred that directly relate to project activities and reporting of the individual project, including materials, travel, contracts, and personnel expenses for direct project implementation and management. Direct project management tasks may include stakeholder coordination, communications, procurement, development and monitoring of subcontracts, processing invoices for payment, overseeing and verifying project results, and preparing and compiling deliverables. Project completion costs may also include applicable and appropriately billed subgrantee indirect costs. Project completion expenses are deducted from the project completion budget and not the program delivery (i.e., administrative costs) budget. Note that when Funding Program Administrators are overseeing an individual project as the project implementer, their time and expenses should be charged to the project completion budget.

Both project completion and program delivery costs may include indirect expenses consistent with an entity’s approved or de minimis (10%) Indirect Cost rate, Cost Allocation Plan, or Negotiated Indirect Cost Rate Agreement (NIRCA).

### **Technical Assistance**

On occasion a “block grant” initiative may benefit from contracting with a technical assistance

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<sup>29</sup> Funds passed through to other entities to conduct program delivery, which must be contained within the 15% program delivery cap for the total award amount.

provider to enhance the capacity of individual project implementers to advance clean water projects. Depending on the nature of the technical assistance provided, the expenses associated with this technical assistance might be better suited for program delivery, project completion, or a third budget category to be determined in the funding program's RFP materials. Expense allowances for the use of this additional technical assistance as well as the appropriate budgeting category will be outlined in CWIP Requests for Proposals and resulting agreements for specific funding programs.

## **Managing Project Spending**

CWIP grant recipients must make every effort to utilize lowest cost materials available to achieve the project's clean water purpose. Higher costs are acceptable, if necessary, to allow construction materials or plantings to be locally sourced where feasible.

All grant recipients are responsible for ensuring projects do not run over budget. This may include proactive approaches such as building in contingencies and allowances or soliciting real quotes when budgeting.

Funding Program Administrators are expected to use best professional judgement when deciding how to deal with an over-budget project. Funding Program Administrators are granted full decision-making authority on this matter for their sub-agreements and do not need to confer with the TPM for input but may choose to reconvene their project selection committees or consult with DEC staff as needed. The following options are provided merely for consideration:

- a. Funding Program Administrators may choose to completely terminate the project.
- b. Funding Program Administrators may choose to add more funds to the project if they have remaining project completion funds within their "block grant" agreement with DEC. Note that DEC will not have additional funds available to make any over-budgeted projects whole.
- c. Funding Program Administrators may choose to work with the project proponent to downsize or restructure the project's scope and expected deliverables or identify alternative sources of funds to cover the new budget gap.

In deciding on a best course of action for over-budgeted projects, Funding Program Administrators may choose to weigh the following considerations:

- a. Is the percent of the cost increase greater than 10%?
  - i. If so, does the project remain cost-competitive with the increased budget?
  - ii. If not cost-competitive, is it still worth pursuing at the expense of other projects?



## **Leveraging and Match**

Leveraging and match are both referring to a grant recipient's financial (cash or in-kind) commitments towards a project. Both types of commitment may be documented within a grant agreement and both must come from a source different than the source of the funds populating that specific grant agreement. For example, typically federal funded grant agreements expect the grant recipient to commit match sourced from local or state-level dollars. Typically, state-funded grant agreements expect the grant recipient to commit match or leverage sourced from non-state dollars (federal or local).

DEC distinguishes between leveraging and match based on reporting requirements and tracking. If DEC needs to capture and report a grant recipient's financial commitments to meet DEC's match or significant contribution obligations on a federal award, the grant recipient's commitment is considered "match" and tracked financially. If DEC does not need to capture and report a grant recipient's financial commitments to meet DEC's match or significant contribution obligations on a federal award, the grant recipient's commitment is considered "leveraging" and tracked programmatically.

CWIP does not require match on any projects funded through CWIP-administered programs. CWIP sets policy on what CWIP requires for leveraging and what CWIP will accept as leveraging on grant agreements funded through CWIP-administered programs. CWIP also sets policy on which CWIP funds can be used by the grant recipient as a match commitment against non-CWIP administered programs.

### **Leveraging on CWIP-administered programs**

CWIP requires leveraging on some projects. See [Eligibility Criteria #7](#) for more information on where leveraging is required. Where leveraging is not required, it may be incentivized in scoring criterion. If a proposal is competitively scored based on leveraging and then selected for funds, the leveraging becomes a legal obligation within the resulting agreement.

Leveraging can be in the form of cash added to the project budget from another funding source or leveraging can be the quantified value of in-kind services or donated products provided to the project. CWIP does not set policy on how in-kind services or products are valued.

Under funding programs with program delivery/administrative costs, leveraging requirements only apply to project completion costs, not program delivery/administrative costs (see definitions in [Budget Definitions and Guidance](#) section).

### **Tracking and Reporting Leveraging**

Grant recipients are responsible for tracking and retaining records to verify leveraging and for reporting the final leveraged amount in final deliverables. Grant recipients must retain all back-up documentation of leveraging for five years for state-funded projects (e.g., Clean Water Fund state funding source) and seven years after the close of federal-funded projects (e.g., Lake Champlain Basin Program federal funding source). This can include, but is not limited to, payroll logs for donated professional services, volunteer timesheets, mileage logs, and

accounting information for donations. Grant recipients must also report required leverage as part of final project reporting. Please see [Appendix C. Documentation of Leverage \(if applicable\)](#) for more information on reporting leverage to CWIP.

If a project comes in under budget, required leveraging levels may also decrease, but must remain at least the same percentage of the total project completion costs as written into the original agreement/sub-agreement.

### **Grant Recipient use of CWIP Funds for Match**

DEC uses CWIP funds to meet DEC's match requirements for federal dollars granted into Vermont. To the greatest extent possible, CWIP has also carved out some funds that Funding Program Administrators and their subgrantees can use to meet the match requirements of other non-CWIP-administered funding programs.<sup>30</sup> These available match amounts are carefully calculated based on DEC's own match obligations and are specified within the request for proposals or, at a minimum, within the resulting agreements. If an individual project is in need of match contributions, the project proponent should direct requests to the Funding Program Administrator of the most appropriate "block grant" program. CWIP does not hold any additional match to be made available on request.

### **Use of Leftover Funds**

Leftover funds are defined as funds that the grant recipient *has* invoiced DEC for that remain unspent by the grant recipient. These leftover funds sit with the grant recipient not DEC. CWIP designs most current and new "block grant" agreements as cost-reimbursable. CWIP agreements that are cost-reimbursable are not considered to have leftover funds because the grant recipient may only invoice DEC for costs/expenses incurred.

While a Funding Program Administrator may design their sub-agreements as deliverables-based (which do materialize leftover funds for the sub-grantee when the sub-grantee completes contracted work under budget), if the direct agreement with DEC is cost-reimbursable, CWIP may still direct the manner and use of any leftover funds that materialize under deliverables-based sub-agreements. If the sub-agreements are deliverables-based and leftover funds have materialized, Funding Program Administrator must ensure use of those leftover funds comply with all terms of the Funding Policy, meet the eligibility screening requirements (e.g., are not ineligible expenses, contribute to the program's water quality goals, etc.), and align with the scope and purpose of DEC's agreement with the Funding Program Administrator.

Once projects or agreements are completed and closed, DEC releases any remaining, un-invoiced/unexpended funds from the agreement and CWIP re-purposes these dollars.

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<sup>30</sup> CWIP does not guarantee that CWIP funds are an eligible match source for these other non-CWIP-administered funding programs. Grant recipients must perform due diligence with those other programs as to whether they consider CWIP funds an acceptable source of match.

Clean Water Service Providers should refer to Water Quality Restoration Formula Grant Guidance document on a different and separate definition for and allowed use of “leftover funds.”

## **STATE HISTORIC PRESERVATION REVIEW**

With evidence of Native American occupations extending as far back as 13,000 years ago, Vermont has a rich cultural, historical, and architectural legacy. This significant heritage manifests itself in the state’s ancient Native encampments, agricultural farmsteads with timber-framed barns and rising silos, villages with white-spined churches and town halls marking the valley bottoms and maple-strewn hillsides, downtowns centered on railroad depots and sites of early industrial centers, summer retreats surrounding lakes and ponds, and ski resorts nested on the slopes of the green mountains. The strata of history is a component of the built and natural environment, recounting the stories of Vermont’s buildings, economy, and communities.

Preservation of Vermont’s historic resources is the primary initiative of the Vermont Division for Historic Preservation (VDHP). Serving as the State Historic Preservation Office (SHPO), VDHP plays an essential role in guiding the state’s historic preservation agenda, keeping hundreds of years of history alive and vital, engaging people of all walks in Vermont’s past through collecting, preserving, and discovering a shared priority and value for the human spirit that preceded us.

The Vermont Division for Historic Preservation (VDHP) is authorized by 22 V.S.A. § 723(10) to adopt rules and carry out the purposes of the Vermont Historic Preservation Act. VDHP is charged to fulfill responsibilities under the Vermont State Historic Preservation Act and the National Historic Preservation Act to identify, preserve, and interpret historic resources on behalf of the citizens of the state and promoting them as significant components of our communities. This is achieved, in part, by the regulatory review and comment process for projects involving federal or state funding, licenses or permits.

Since Clean Water Initiative Program funding programs can involve both state and federal funding, VDHP must be engaged in the successful implementation of clean water projects to ensure they have a minimal impact on the state’s rich cultural, historical, and architectural legacy. The following sections of guidance provide information on which CWIP project types should pursue VDHP Project Review, when, how, and what the project proponents should expect from this process.

### **Project Types Subject to VDHP Project Review**

#### **Exempt Project Types**

The following are CWIP project types categorically exempt from any VDHP Project Review:

- Sector based or multi-sector assessments and project identification

- Project development
- Stormwater/Road Equipment
- Forestry Equipment
- Illicit Discharge Detection and Elimination (IDDE)
- River Corridor and Wetland Easements
- Riparian Buffer Plantings
- Operation and Maintenance activities

These project types have no VDHP milestones or deliverables listed in the [Appendix B. Project Types Table](#).

### **Conditionally Exempt Project Types**

The following project types are exempt from VDHP Project Review if they meet all the listed project qualifications:

#### **Project Types**

- Agricultural Pollution Prevention
- Roads
- Stormwater
- Roads/SW Gullies
- Forestry

#### **Project Qualifications**

- a. Project involves no new ground disturbance beyond the previously disturbed<sup>31</sup> horizontal (surface area) and vertical (depth) footprint.
- b. Project causes no direct or indirect<sup>32</sup> impact or disturbance to any man-made building or structure (including dams, culverts, and bridges) more than 50 years old.<sup>33</sup>
- c. Project causes no direct or indirect impact or disturbance to any federally listed historic

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<sup>31</sup> Previous disturbance means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

<sup>32</sup> Indirect impacts might include instances where natural systems readjust to a project's impacts in a manner that newly undermines or affects nearby Historic Sites.

<sup>33</sup> If the age of nearby structures is unknown, tax accessor records are a good resource. Connect with the applicable town clerk to access this information. You can also contact the State Architectural Historian (Devin Colman [devin.colman@vermont.gov](mailto:devin.colman@vermont.gov) 802-585-8246) for guidance on age of building or structure that cannot be determined. If the age of an impacted building or structure cannot be determined, assume this qualification is NOT met and the project is NOT exempt from VDHP Project Review.

building or structure.<sup>34</sup>

- d. Project Area of Potential Effect (APE)<sup>35</sup> is not located within, does not intersect with, and is not adjacent to a state-listed historic district,<sup>36</sup> Designated Downtown, or Village Center.<sup>37</sup>
- e. Project APE is not located within, does not intersect with, and is not adjacent to a federally listed historic district or site.<sup>38</sup>

It is the responsibility of project proponents to confirm their projects meet these conditional qualifications and continue to do so as the project advances through to implementation. If the project proponent is in any way unsure, they should assume their project does not meet these qualifications and is not exempt from VDHP Project Review.

### **Non-exempt Project Types**

Non-exempt project types are all project types listed in [Appendix B. Project Types Table](#) not otherwise listed above as exempt or conditionally exempt. All non-exempt project types, or

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<sup>34</sup> Federally listed historic buildings and structures are not mapped digitally. A full listing of federally listed historic buildings and structures in Vermont can be found in the Historic Sites Spreadsheet on the CWIP Applicant & Recipient Resources Page here: <https://dec.vermont.gov/water-investment/cwi/grants/resources>. Filter the "BUILDINGS & STRUCTURES" tab by Column E ("City") for the town and neighboring towns of your project's APE. If no historic buildings or structures are listed, your project meets this qualification. If historic buildings or structures are listed, use the links in Column G ("External Link") to determine the geographic location and extent of the listed historic buildings or structures. Contact the State Architectural Historian (Devin Colman [devin.colman@vermont.gov](mailto:devin.colman@vermont.gov) 802-585-8246) for guidance as necessary. If these available resources are insufficient to confidently determine whether the project causes direct indirect impact or disturbance to any federally listed historic building or structure, proceed assuming this qualification is NOT met, and the project is NOT exempt from VDHP Project Review.

<sup>35</sup> The project APE or "area of potential effects" means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE is influenced by the scale and nature of an undertaking and may be different from different kinds of effects caused by the undertaking [36 C.F.R. § 800.16(d)]. When determining a project's APE remember to consider/include extent of restoration footprint; new, upgraded or existing access or haul roads; staging, storage, and stockpile areas; disposal sites or waste areas; borrow areas and other source locations for fill material; and areas impacted by drainage diversions or mechanical tree clearing and similar landscape alterations.

<sup>36</sup> Find state-listed historic districts through this mapping tool: <https://geodata.vermont.gov/datasets/ee5cdb1b9c094139ad00f7f02785d2b2/explore?location=44.264850%2C-72.514584%2C12.77>.

<sup>37</sup> Find a map of Designated Downtowns and Village Centers here: <https://accd.vermont.gov/community-development/designation-programs/downtowns>.

<sup>38</sup> Federally listed historic districts and sites are not mapped digitally. A full listing of federally-listed historic districts and sites in Vermont can be found in the Historic Sites Spreadsheet on the CWIP Applicant & Recipient Resources Page here: <https://dec.vermont.gov/water-investment/cwi/grants/resources>. Filter the "DISTRICTS & SITES" tab by Column E ("City") for the town and neighboring towns of your project's APE. If no historic districts or sites are listed, your project meets this qualification. If historic districts or sites are listed, use the links in Column G ("External Link") to determine the geographic location and extent of the listed historic districts/sites. Contact the State Architectural Historian (Devin Colman [devin.colman@vermont.gov](mailto:devin.colman@vermont.gov) 802-585-8246) for guidance as necessary. If these available resources are insufficient to confidently determine whether the project APE is located within, intersects with or is adjacent to a listed district or site, proceed assuming this qualification is NOT met, and the project is NOT exempt from VDHP Project Review.

conditionally exempt project types that do not meet the project qualifications, are subject to the VDHP Project Review Processes as outlined below.

## **VDHP Project Review Process**

VDHP Project Review consists of identifying a project's potential effect to historic buildings and structures, historic districts, historic landscapes and settings, and to known or potential archaeological resources. These resources are known, collectively as "Historic Properties" or "Historic Sites." This consultative process, also known as Project Review, occurs between the Vermont State Historic Preservation Office (VDHP) and project proponent. Purpose of review is to assure that Historic Properties/Sites are not affected, or if affected, are not adversely affected.

### **Step 1: Confirm Project Type**

Confirm project type is either non-exempt or conditionally exempt and fails to meet the project qualifications.

### **Step 2: Complete a VDHP Preliminary Project Review**

Complete the VDHP Preliminary Project Review section of the VDHP Project Review Form<sup>39</sup> and submit to VDHP. VDHP will conduct a desk review to determine whether the project location is considered sensitive and if a professional consultant is needed by checking the appropriate boxes and returning the form to the project proponent. VDHP findings as a result of this review will clarify next steps for the project proponent. These steps may include:

1. Finding of Historic Properties/Sites Affected:
  - a. Recommendation of further historic assessment performed by a consultant(Architectural Historian or Historian as appropriate) who meets the minimum qualifications under the Secretary of the Interior's Professional Qualification Standards (48 FR 44738-9). Purpose of this work will be to identify potential sites and to seek ways to avoid or minimize an Adverse Effect on the Historic Site.
  - b. Recommendation of further archaeological assessment consultation performed by an archaeologist (the Archaeologist) who meets the minimum qualifications under the Secretary of the Interior's Professional Qualification Standards (48 FR 44738-9). Purpose of this work will be to identify potential sites and to seek ways to avoid or minimize an Adverse Effect on the Historic Site.
2. Finding of No Historic Properties/Sites Affected/No Effect: For projects that have received this determination from VDHP, the project proponent may continue to advance design plans without further historic or archeological resource assessment consultation. These projects still need to complete **Step 5: VDHP Final Project Review**. Additionally, VDHP should be notified and re-engaged if the approved plans change during final design. This includes if the APE is adjusted or the area, depth, or location of ground

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<sup>39</sup> The VDHP Project Review Form is available on the CWIP Applicant & Recipient Resources Page here: <https://dec.vermont.gov/water-investment/cwi/grants/resources>.

disturbance changes.

**Step 3: Proceed with Cultural Resource Assessments (if applicable)**

Proceed with any archaeological or historic assessment consultation as requested by VDHP. This may be an iterative process in which the professional consultant may recommend additional consultation and, unless VDHP disagrees, the project proponent should plan to perform that work should they wish to proceed with the project.

For projects that receive a recommendation for further historic assessment consultation, this may include:

1. Historic Resource documentation to evaluate the eligibility of structures in the project area for inclusion on the state and National Registers of Historic Places.

In addition to assessment reports, the professional consultant shall submit a Determination of Eligibility (DOE) Form and Vermont Architectural Resource Inventory (VARI) Form as appropriate to VDHP for review and approval. Upon receipt, VDHP shall have 30 days to respond. Non-response by VDHP within 30 days will constitute concurrence with documents submitted. Project proponents should proceed following VDHP's final determination or, in the absence of this, should proceed assuming VDHP concurrence with final recommendations provided by the professional consultant. For projects involving historic properties or historic sites that are listed in or potentially eligible for inclusion in the State or National Registers of Historic Places, the consultation process may require the Federal Advisory Council on Historic Preservation or Vermont Advisory Council on Historic Preservation participation with extended review time.

For projects that receive a recommendation for further archaeological assessment consultation, this may include:

1. Archaeological Resource Assessment (ARA)<sup>40</sup>
2. Phase I site identification survey (in some cases, the need for a Phase I site identification survey may be readily apparent without an ARA).
3. Phase II Site Evaluation
4. Phase III Data Recovery (generally completed as a mitigation measure)

A report of each study phase shall be submitted to VDHP. Each study should include a determination by the consulting Archaeologist as to whether or not additional archaeological studies are necessary. Vermont Archaeological Inventory (VAI) Forms are also required as appropriate. Upon VDHP's receipt of archaeological resource assessments, other archaeological reports, or end-of-field documents, VDHP shall have 30 days to respond. Non-response by VDHP within 30 days will constitute concurrence with documents submitted. Project proponents should proceed following VDHP's final determination or, in the absence of this, should proceed assuming VDHP concurrence with final recommendations provided by the

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<sup>40</sup> Learn more about these steps here:

[https://outside.vermont.gov/agency/ACCD/ACCD\\_Web\\_Docs/HP/Archaeology/ARCHEO\\_GUIDELINES.pdf](https://outside.vermont.gov/agency/ACCD/ACCD_Web_Docs/HP/Archaeology/ARCHEO_GUIDELINES.pdf)

consulting Archaeologist. For projects involving historic properties or historic sites that are listed in or potentially eligible for inclusion in the State or National Registers of Historic Places, the consultation process may require the Federal Advisory Council on Historic Preservation or Vermont Advisory Council on Historic Preservation participation with extended review time.

#### **Step 4: Address Adverse Effects**

To the extent possible, historically and archaeologically sensitive areas should be avoided. It is strongly encouraged to have project designs developed in tandem with archaeological and historic assessment consultation to ensure potential effects to historic properties/sites are avoided or minimized to the maximum extent possible. An open and iterative conversation between engineering and historic/archaeological consultants will ensure an accurate APE is mapped and informs the archaeological and historic assessment consultation. Even with archaeological or historic resources nearby, a project can proceed with a finding of No Historic Properties/Sites Affected /No Effect or No Adverse Effect as long as it can demonstrate avoidance to the archaeological/historic resources.

If the historic/archaeological consultant determines that the proposed final design plans and scope of work will have an Adverse Effect on a Historic Property/Site, the project proponent will need to work with the consultants and VDHP to develop a Treatment Plan or other agreement document. The intent of the Treatment Plan is to help the project arrive at No Adverse Effect (if possible) or to mitigate an Adverse Effect. This Treatment Plan may include such activities as:

1. Redesign of one or more project components;
2. Specific construction conditions;
3. Construction monitoring by a qualified Archaeologist and/or Architectural Historian/Historian;
4. Site documentation and archiving, or public facing informational signage; and
5. Rehabilitation of an affected historic building or structure in accordance with the *Secretary of the Interior's Standards for Rehabilitation*.

#### **Step 5: VDHP Final Project Review**

All non-exempt project types, or conditionally exempt project types that do not meet the project qualifications, must complete a VDHP Final Project Review of 100% Final Design plans once completed. To do this, complete the VDHP Final Project Review section of the VDHP Project Review Form<sup>41</sup> and submit to VDHP. The review may be simple if the preliminary review issued a finding of No Historic Properties/Sites Affected/No Effect, and the project has not changed. For projects that required further archaeological or historic assessment consultation, or development of a Treatment Plan this VDHP Final Project Review must signal VDHP concurrence with all findings and proposed Treatment Plan strategies if applicable.

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<sup>41</sup> Project proponents should be completing the Final Project Review section on the same form that was completed and signed for Preliminary Project Review such that all the Preliminary Project Review data entry and VDHP signoffs are included in the Final Project Review submission.



## **VDHP Project Review Timing and Budgeting**

For all non-exempt and conditionally exempt project types, CWIP's standard milestones have integrated VDHP Preliminary Project Review as part of the Preliminary (30%) Design Phase but this can happen earlier if appropriate for the project. CWIP's standard milestones also have integrated VDHP Final Project Review as part of the 100% Final Design Phase, and Treatment Plan implementation as part of implementation phases (if applicable).

CWIP recognizes that the exploratory and iterative nature of historic and archaeological assessment consultation, if required by VDHP, can be difficult to predict and budget for within the 100% Final Design Phase.

1. CWIP encourages Funding Program Administrators to be flexible in granting additional cultural resource funds as the iterative process progresses as long as the project remains cost-competitive (in terms of ecological and community benefits gained per dollar spent).
2. Project proponents should do everything in their power to avoid impacts to historic and archaeological resources and should be cautious about advancing any projects that cannot practically avoid these impacts. Failure to adequately demonstrate avoidance leads to mounting costs both in terms of required cultural resource assessment consultation as well as, potentially, the mitigation strategies that must be implemented under a Treatment Plan. Although some clean water projects may be worth this expense in terms of the resulting ecological and community co-benefits, not all projects may continue to demonstrate a cost-competitive advantage over other clean water projects.

Costs associated with VDHP Project Review are eligible and may fall under the Project Completion or another budget category depending on how cultural resource work is contracted. Funding Program Administrators may request case-specific budgeting guidance from CWIP as needed. Eligible expenses include costs for identifying and evaluating historic buildings, structures and archaeological sites; for project reviews and determination of effect; for necessary studies; and for implementation for Treatment Plans. This also includes project manager personnel time needed to oversee these tasks and perform the necessary procurement and contracting of professional cultural consultant services.

## Appendices

### APPENDIX A. CLEAN WATER INITIATIVE PROGRAM - PROJECT ELIGIBILITY SCREENING FORM

This reference form is designed to assist with project review by systematically walking through all eligibility criteria. It should be completed for all projects seeking funding for 30% + design or implementation work. It may be applied to projects seeking funding for assessment or development if helpful for determining their alignment with eligibility criteria 2, 3, 6, and 8.

Please find a fillable PDF version of this form on the Grant Applicant and Recipient Resources webpage: <https://dec.vermont.gov/water-investment/cwi/grants/resources>

#### Step 1: Conduct Eligibility Criteria #1 Screening: Project Purpose

Table 1A: Project Purpose	
From the drop-down list to the right, please select which of the four objectives of Vermont's Surface Water Management Strategy this project addresses. If multiple, please list below:	Minimize anthropogenic nutrient and organic pollution



## Step 4: Conduct Eligibility Criteria #4 Screening: Natural Resource Impacts<sup>44</sup>

Agency of Natural Resources (ANR) permit screening for natural resource impacts includes 1) an initial desktop review to identify which ANR permitting programs should be contacted, 2) a review by the relevant ANR permitting staff, and 3) a response summary from the project proponent addressing any permitting staff concerns.<sup>45</sup>

- 1) **Table 4. Natural Resource Impacts** facilitates a high-level desktop review of the most likely ANR permits to apply to clean water projects. Project proponents should answer all the questions to identify likely permit needs.<sup>46</sup> Please note that “project site” may include both the active restoration location as well as any additional impact footprint related to staging, site access, or storage of waste or disposed materials.
- 2) If responses to the **Table 4. Natural Resource Impacts** desktop review trigger a permitting staff consultation, **Table 4** provides appropriate contact information.
  - a. Proponents should send the identified permitting staff the following:
    - i. The watersheds project database identification number (WPD-ID) (if available),
    - ii. Project location (GPS coordinates)
    - iii. Summary of proposed scope of work, and
    - iv. Any other relevant information they request that will be utilized in their review.
  - b. **Proponents should clarify they are seeking permitting staff input on potential permitting needs, permit-ability of proposed scope of work, and other design considerations but they are NOT seeking a formal permit determination.**
  - c. Project proponents must attempt to communicate with the permitting staff and provide them with at least thirty days to review the project and provide a response. Project proponents are encouraged to perform this screening during a project development phase as opposed to during a project solicitation round to allow for more time for feedback. Permitting feedback may be up to one year old.
- 3) Proponents should summarize permitting staff feedback and how the proposed scope of work will address this at the bottom of **Table 4**. Specifically, please include:
  - a. Which permits or permit amendment are needed or might be needed?<sup>47</sup>
  - b. What type might be needed? (e.g., a general or individual permit<sup>48</sup>)?
  - c. What concerns were voiced by permitting staff?
  - d. How will the proposed scope of work address these concerns?<sup>49</sup>

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<sup>44</sup> Easements and Riparian Buffer Plantings are excluded from this eligibility requirement/step.

<sup>45</sup> In cases where this screening may have already occurred in a prior project phase, project proponents may supply attachments or links to relevant permit needs assessment documents in place of completing Table 4.

<sup>46</sup> Entities selected for funding are expected to perform due diligence to ensure all applicable permits (including non-ANR state, local, and federal permits) are discovered and secured prior to implementation. The [ANR Permit Navigator](#) and an Environmental Compliance Division Community Assistance Specialist can help confirm ANR permitting needs for any projects once selected for funding.

<sup>47</sup> Occasionally permit staff may indicate they need a field visit or to see more completed designs prior to making a permit need determination.

<sup>48</sup> Design phase projects that require an individual wetlands permit must have the permit in hand at the close of the final design phase. Implementation phase projects must have the individual permit in hand to be eligible for funding.

<sup>49</sup> Examples could include planned design changes or inviting permitting staff to stakeholder meetings.

Table 4A: Natural Resource Impacts	
<b>I. Act 250 Permits</b>	
1. Have any Act 250 (Vermont's Land Use and Development Control Law) Permits been issued in the project site's parcel location? <sup>50</sup>	Yes No
<p>If <b>yes</b>, please provide the permit number and list any water resource issues or natural resource issues found<sup>51</sup>:</p> <p><b>Permit Number:</b> <b>Resource Issues:</b></p> <p>If <b>yes</b>, use the <a href="#">Water Quality Project Screening Tool</a> to identify the appropriate <u>regulatory contact for an Act 250 consultation</u>.</p> <p><b>Regulatory Point of Contact Name/Position:</b></p>	
<b>II. Lake and Shoreland</b>	
1. Is the project site located within 250 feet of the mean water level (shoreline) of a lake or pond? <sup>52</sup>	Yes No
<p>If <b>yes</b>, you might need either a Shoreland Protection Act Permit or a Lake Encroachment Permit. Use the <a href="#">Water Quality Project Screening Tool</a> to find the Lakes and Ponds Program contact for your project's region.</p> <p><b>Regulatory Point of Contact Name/Position:</b></p>	
<b>III. Rivers, River Corridors, and Flood Hazard Areas</b>	
1. Is there any portion of the project site located within 100' of a river corridor and/or mapped Federal Emergency Management Agency (FEMA) flood hazard area <sup>53</sup> ? (e.g. a stormwater pond's pipe draining into a river corridor area)? Any permanent excavation/filling or construction within a flood hazard area or river corridor may trigger	Yes No

<sup>50</sup> An Act 250 Permit is required for certain categories of development, such as subdivisions of 10 lots or more, commercial projects on more than one acre or ten acres (depending on whether the town has permanent zoning and subdivision regulations), and any development above the elevation of 2,500 feet. The [ANR Atlas Clean Water Initiative Program Grant Screening tool](#) can help answer this yes/no question. Follow the instructions on the link above to identify whether your project is located on an Act 250 parcel. Note that the layer to activate in ANR Atlas is now named "Clean Water Initiative Program Grant Screening."

<sup>51</sup>Note that Act 250 permit amendments may require more extensive review of project impacts to natural resources including wildlife habitat, significant natural communities, and riparian zones. Please consult with the Act 250 District Coordinator regarding the nature and scope of that review and what bearing it may have on your project design.

<sup>52</sup> The [ANR Atlas Clean Water Initiative Program Grant Screening tool](#) can help answer this yes/no question. Follow the instructions on the link above to identify whether your project is located in the jurisdictional zone to trigger a Lakeshore permit. Note that the layer to activate in ANR Atlas is now named "Clean Water Initiative Program Grant Screening."

<sup>53</sup> FEMA mapped Flood Hazard Areas are not available statewide on the ANR Natural Resources Atlas. For projects located in Grand Isle, Franklin, Lamoille, Addison, Essex, Orleans, Caledonia, and Orange Counties, maps are available via the FEMA Flood Map Service Center: <https://msc.fema.gov/portal/home>. ANR Floodplain Managers are available to provide technical assistance if needed.

regulatory requirements through municipal bylaws or through state authorities.	
If <b>yes</b> , you will need to speak with a <u>Floodplain Manager</u> . Use the <a href="#">Water Quality Project Screening Tool</a> to find the Floodplain Manager for your project's region.  <b>Regulatory Point of Contact Name/Position:</b>	
<b>2. Is any portion of the project site within a perennial river or stream channel?</b> 54	Yes No
If <b>yes</b> , you will need to speak with a <u>Stream Alteration Engineer</u> . Use the <a href="#">Water Quality Project Screening Tool</a> to find the Stream Alteration Engineer for your project's region.  <b>Regulatory Point of Contact Name/Position:</b>	
<b>IV. Wetland</b>	
<b>1. Does the <a href="#">Wetland Screening Tool</a><sup>55</sup> provide a result of wetlands likely, very likely, or present at the project site?</b>	Yes No
<b>2. Does your project site involve land that is in or near an area that has <u>any</u> of the following characteristics:</b> o Water is present – ponds, streams, springs, seeps, water filled depressions, soggy ground under foot, trees with shallow roots or water marks? o Wetland plants, such as cattails, ferns, sphagnum moss, willows, red maple, trees with roots growing along the ground surface, swollen trunk bases, or flat root bases when tipped over? o Wetland Soils – soil is dark over gray, gray/blue/green? Is there presence of rusty/red/dark streaks? Soil smells like rotten eggs, feels greasy, mushy or wet? Water fills holes within a few minutes of digging? (See <a href="#">Landowners Guide to Wetlands</a> for additional information on identifying wetlands onsite.)	Yes No Not Sure
If you answered <b>yes</b> or <b>not sure</b> to <u>either</u> of the above questions, you will need to contact your <u>District Wetlands Ecologist</u> using the <a href="#">Wetland Inquiry Form</a> . The District Wetlands Ecologist can help determine the approximate locations of wetlands and whether you need to hire a Wetland Consultant to conduct a wetland delineation. Alternatively, if you answered <b>yes</b> or <b>not sure</b> to <u>either</u> of the above questions, you can simply budget for a Wetland Consultant in the proposed scope of work. Any activity within a Class I or II wetland or wetland buffer zone (minimum of 100 feet and 50 feet respectively) which is not exempt or considered an “allowed use” under the <a href="#">Vermont Wetland Rules</a> requires a permit. All permits must go through review and public notice process, which takes at minimum 6 weeks for a General Permit and 5 months for an Individual Permit.  <b>Regulatory Point of Contact Name/Position:</b>	

<sup>54</sup> Stream Alteration Permits regulate all activities that take place within perennial river and stream channels. Examples of regulated activities include streambank stabilization, dam removal, road improvements that encroach on streams, and bridge/culvert construction or repair. The [ANR Atlas Clean Water Initiative Program Grant Screening tool](#) can help answer this yes/no question. Follow the instructions on the link above to identify whether your project is located in the jurisdictional zone to trigger a Stream Alteration permit. Note that the layer to activate in ANR Atlas is now named “Clean Water Initiative Program Grant Screening.”

<sup>55</sup> To view the Wetland Screening Tool introduction video, see <https://youtu.be/6lv5en0AB1o>

3. Is your project a Wetland Restoration project type?	Yes No
<p>If you answered yes, under the <a href="#">Vermont Wetland Rules</a> you will need an “allowed use” determination from the DEC Wetlands Program. Contact your <a href="#">District Wetlands Ecologist</a> using the <a href="#">Wetland Inquiry Form</a>.</p> <p><b>Regulatory Point of Contact Name/Position:</b></p>	
<b>V. Fish and Wildlife</b>	
<p>State law protects endangered and threatened species. No person may take or possess such species without a Threatened &amp; Endangered Species Takings permit.</p> <p><b>1. Does your project involve cutting down trees larger than 5 inches in diameter in any of the following towns?</b> Addison, Arlington, Benson, Brandon, Bridport, Bristol, Charlotte, Cornwall, Danby, Dorset, Fair Haven, Ferrisburgh, Hinesburg, Manchester, Middlebury, Monkton, New Haven, Orwell, Panton, Pawlet, Pittsford, Rupert, Salisbury, Sandgate, Shoreham, Starksboro, St. George, Sudbury, Sunderland, Vergennes, Waltham, West Haven, Weybridge, Whiting</p>	Yes No
<p><b>2. Is the project site within 1 mile of a mapped<sup>56</sup> Significant Natural Community or Rare, Threatened, or Endangered Species?</b></p>	Yes No
<p>If <b>yes</b> to either of the above questions, connect with the VT Fish and Wildlife department (everett.marshall@vermont.gov 802-371-7333) to discuss your project and any necessary permitting.</p> <p><b>Regulatory Point of Contact Name/Position:</b></p>	
<b>VI. Stormwater</b>	
<p><b>1. Will the project disturb more than an acre of land during construction, add or redevelop impervious surface, create new development or <a href="#">otherwise require a Stormwater permit</a>?</b></p>	Yes No
<p>If <b>yes</b>, forward to the appropriate <a href="#">Stormwater specialist</a> to ensure necessary permitting. Use the <a href="#">Water Quality Project Screening Tool</a> to find the Stormwater specialist for your project’s region.</p> <p><b>Regulatory Point of Contact Name/Position:</b></p>	
<b>VII. Solid Waste</b>	
<p><b>Will you be creating any debris (including construction and demolition waste, stumps, brush, untreated wood, concrete, masonry, and mortar) with your project that you intend to bury on site?</b> <sup>57</sup></p>	Yes No

<sup>56</sup> Find both of these layers on the ANR Atlas under Atlas Layers/Fish and Wildlife. Use the Measurement tool to 1) Plot Coordinates for your project 2) select the coordinates from the left panel 3) select the Radius Tool 4) click on your project location 5) Indicate 1 mile distance 6) look for overlap with either of these mapped layers.

<sup>57</sup> If your project will result in the transfer and disposal of debris (including construction and demolition waste, stumps, brush, untreated wood, concrete, masonry and mortar), you do not need a permit from this office as long as you hire a [licensed solid waste hauler](#) and bring the material to a certified facility.

If yes, connect with the Waste Management & Prevention Division (dennis.fekert@vermont.gov 802-522-0195) to discuss your project and any necessary permitting.

**Regulatory Point of Contact Name/Position:**

Provide below or attach a narrative summary of Table 4 findings. Please include:

- a. Which permits or permit amendment are needed or might be needed?
- b. What type might be needed? (e.g. a general or individual permit)?
- c. What concerns were voiced by permitting staff?
- d. How will the proposed scope of work address these concerns?

Is the project, as proposed, reasonably considered permit-able by all applicable ANR permitting programs?  
(Answer must be Yes to continue)

Yes

No

## Step 5: Conduct Eligibility Criteria #5-8 Screenings

**Table 5A. Eligibility Criteria 5-8**

**Landowner and Operation and Maintenance Responsible Party Support.** Project identifies and demonstrates commitment from a qualified and willing operation and maintenance responsible party. Project demonstrates landowner support for the proposed project phase.

Yes

No

(Answer must be YES to proceed)

**Budget.** Project budget includes [listed ineligible expenses](#).  
(Answer must be NO to proceed)

Yes

No

**Leveraging.** Proposed leveraging meets required leveraging levels (if applicable), meets the definition of leveraging, and comes from eligible sources  
(Answer must be YES or N/A to proceed)

Yes

No

N/A

**Funding Program Specific Eligibility.** Project meets additional funding program eligibility requirements\*. Please list applicable funding program below:

Yes

No

(Answer must be YES to proceed)

\*If Formula Grant, complete Step 6 below



## Step 6: Screening Projects on Agricultural Lands (Water Quality Restoration Formula Grants Only)

For Water Quality Restoration Formula Grant projects, please complete the following information as part of your Funding Program Specific Eligibility Screening. Please note this must be completed for all projects located on agricultural lands regardless of project type. See [Appendix B. Project Types Table](#) for eligible project types.

Table 6A. Screening Projects on Agricultural Lands	
<p><b>1. Is the proposed project located on a <a href="#">jurisdictional farm operation</a><sup>58</sup>?</b></p> <p>Complete a preliminary review to determine if it is a <a href="#">jurisdictional farm operation</a>, and any case that requires consultation with AAFM will occur via the <a href="#">farm determination</a> process. Please note this form must be submitted by the farm operation/landowner seeking the determination.</p>	<p><b>Yes</b> - Proceed to next question below.</p>
	<p><b>No</b><sup>59</sup> - There is no additional requirements related to agricultural review for these projects.</p>
<p><b>2. Is the proposed project an agricultural project?</b></p> <p>Examples of agricultural projects include but are not limited to Production Area Practices – (e.g. Waste Storage Facilities, Heavy Use Area, Diversion) Fence, Livestock Exclusion, Filter Strip, Cover Crop, Reduced Tillage, Manure Injection, Rotational Grazing. Please note this is not an exhaustive list of all agricultural practices.</p>	<p><b>Yes</b> - Agricultural Projects on jurisdictional farms are not an eligible project type. You can provide a referral to an applicable state or federal agricultural <a href="#">assistance program</a>, or a local organization.</p>
	<p><b>No</b> - The natural resource, innovative, or other project type will require an agricultural project review and approval from the Vermont Agency of Agriculture, Food and Markets (VAAFM) to ensure a consistent approach on farms statewide that follows rules, regulations, and laws in place. Please follow Steps 1 &amp; 2 below.</p> <p><b>Step 1</b> - Please submit a detailed description of the project, project site, project details, landowner, farm operation, and any other relevant information to VAAFM at <a href="mailto:AGR.WaterQuality@Vermont.gov">AGR.WaterQuality@Vermont.gov</a>.</p> <p><b>Step 2</b> - Once you complete this Agricultural Project Review, please allow 30 days for a response. Once that response has been received, please include a summary of the response in the next section.</p>
Agricultural Project Review Status & Summary:	
Check as Applicable	Status
	Submitted/ Pending
	Approved

<sup>58</sup> Jurisdictional farm operations are required to meet Vermont’s Required Agricultural Practices (RAPs).

<sup>59</sup> Note CWIP’s Agricultural Pollution Prevention project type eligibility is limited to land where owner or operator is not a jurisdictional farm (i.e., not required to meet the Required Agricultural Practices (RAPs)). As such, projects that meet the definition of the Agricultural Pollution Prevention project type in the Appendix B. Project Types Table are not subject to review by VAAFM.

Denied
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Please include a summary of the response here:

**Please note that it is expected that all projects with the status “submitted/pending” will be “approved” prior to a project approval for funding.**

## APPENDIX B. PROJECT TYPES TABLE

The CWIP Projects Type Table is subject to change over time. The most recent version can be found here: <https://dec.vermont.gov/water-investment/cwi/grants/resources#ProjectTypes>.

## APPENDIX C. PROJECT TYPES TABLE EXPLANATION OF ITEMS

All CWIP project types<sup>60</sup> include standard performance measures, milestones and deliverables which are intended to: (1) standardize expectations for grant recipients; (2) streamline the agreement development process; (3) ensure projects progress as intended and achieve the desired outputs and outcomes; and (4) ensure project outputs and outcomes are captured and acknowledged in the *Vermont Clean Water Initiative Annual Performance Report* and other communications supporting Vermont’s clean water efforts.

The following describes how information is presented and organized in the Project Types Table:

- A. In Project Type (column A), project types are organized by sector and further broken out into project phases. See [Appendix D. Project Phase Terminology](#) for more information on project phases.
- B. Funding Program (column B) lists the CWIP funding programs that support the project type. Project types are only eligible for CWIP funds under the listed funding programs.

<b>Table 1C: Definitions of common funding program acronyms and shorthand</b>	
Funding Program Acronym/Shorthand	Funding Program Name
DIBG (old)	Design/Implementation Block Grant
Enhancement (Dam Removal DIBG)	Water Quality Enhancement Grants – Dam Removal Design and Implementation Block Grant sub-initiative
Enhancement (EDDIBG)	Water Quality Enhancement Grants – Enhancement Development, Design, and Implementation Block Grant sub-initiative
Enhancement (State)	Water Quality Enhancement Grants – State-administered sub-initiatives
Enhancement (WBBG)	Water Quality Enhancement Grants – Woody Buffer Block Grant sub-initiative
Formula	Water Quality Restoration Formula Grants
Green Schools	Green Schools Initiative
IDDE	Illicit Discharge Detection and Elimination contracts
LCBP	CWIP-administered Lake Champlain Basin Program.
MARGIA	Municipal Roads Grants-in-Aid
MS4	Municipal Separate Storm Sewer System (MS4) Community Formula Grants
PDBG (old)	Project Development Block Grant
RCPP	CWIP-administered Regional Conservation Partnerships Program.
WCBG	Work Crew Block Grants

<sup>60</sup> Within a project phase, all milestones and deliverables must be met. Not all projects require all project phases from development through preliminary and final design depending on their complexity. CWIP relies on the expertise of project proponents in consultation with DEC staff to indicate a proposed project’s complexity and to identify which project phases are appropriate/applicable.

- C. Definition (column C) provides the project type definitions and minimum standards that must be met for a proposed project to be eligible.
- D. Performance Measure (column D) lists the standard performance measures that should be reported on for the given project type.
- E. Milestones (column E) lists expected milestones. Not all milestones have a corresponding deliverable, but they are still expected to be completed.
- F. Deliverables (column F) lists mandatory deliverables that should be submitted at the close of the project.

The following section provides more information on the **bolded items** listed in the CWIP Project Types Table (in alphabetical order).

### **Access License or Easement**

Clean water projects funded through the Water Quality Restoration Formula Grant Program should secure an Access License or Easement *instead* of an Operations and Maintenance (O&M) Plan (clean water projects funded through CWIP in programs *other than* the Water Quality Restoration Formula Grant Program should refer to the [Operation & Maintenance Plan](#) section). The Access License or Easement is used to secure access to private property to perform the necessary operation and maintenance on clean water projects funded through the Water Quality Restoration Formula Grant Program. The Access License or Easement also details the necessary O&M activities. Refer to the Water Quality Restoration Formula Grant Guidance (<https://dec.vermont.gov/water-investment/statutes-rules-policies/act-76/law-rule-guidance>) for more information on which (license or easement) is needed based on the project budget. The Access License or Easement should be drafted during the design phase and should accompany documentation of landowner support/willingness to sign. A signed Access License or Easement is required for all implementation projects funded through the Formula Grant program. The Access License or Easement template should be used and is subject to change over time. The most up-to-date template is available on the Grant Applicant and Recipient Resources webpage:

<https://dec.vermont.gov/water-investment/cwi/grants/resources>

### **ANR Online Clean Water Project - Project Update Form (once available)**

The “ANR Online Clean Water Project – Project Update Form” (Project Update Form) shall be used to enter project funding information and update the Watershed Projects Database (WPD) status of a project from “proposed” to “selected for funding” or “funded.” The Project Update Form is also used to link a project to its parent project in WPD and to update the dollar amount of an existing agreement in the event of an amendment. A link to the Project Update Form (once available) can be found on the Grant Applicant and Recipient Resources webpage: <https://dec.vermont.gov/water-investment/cwi/grants/resources>

To learn more about the Watershed Projects Database (WPD) and WPD-IDs please see [Appendix D. The Watershed Projects Database](#).

### **As-built drawings or red-lined 100% designs**

All implementation project types include as-built drawings as a final deliverable. This can be as simple as hand-annotated final designs to indicate any adjustments that have occurred during the construction/implementation phase. An accurate and representative final design is needed so that any entities performing inspection and verification visits have access to actual infrastructure plans as installed.

## **Batch Import File (BIF) or ANR Online Clean Water Project - New Project Form (once available)**

The BIF or “ANR Online Clean Water Project – New Project Form” (New Project Form) provides the minimum amount of information needed to enter new projects into the Watershed Projects Database (WPD). Each project’s WPD identification number (WPD-ID) is a unique identifier that allows DEC to track the relationships of projects to each other, and across funding programs. A unique WPD-ID is critical to avoid duplicate spending across multiple funding groups. Each project must have a WPD-ID specific to the proposed project phase (for example, a final design will have a different WPD-ID from an implementation phase even if for the same overall project). The BIF or New Project Form must be completed at the close of any assessment/project identification project type to upload newly identified projects into the WPD. The BIF or New Project Form must also be completed at the close of any preliminary or final design phase for projects that are recommended to proceed to the next phase and that need a new WPD-ID for the proceeding phase. The New Project Form will replace the BIF and a BIF should not be listed as a deliverable in any new agreements once the New Project Form is available. BIF templates and a link to the New Project Form can be found on the Grant Applicant and Recipient Resources webpage: <https://dec.vermont.gov/water-investment/cwi/grants/resources>. The New Project Form can also be accessed through the ANR Online Finder (search feature) or via this direct link: <https://anronline.vermont.gov/?FormTag=CWPNewProject>. To learn more about the Watershed Projects Database (WPD) and WPD-IDs please see [Appendix D. The Watershed Projects Database](#).

## **Clean Water Project Sign**

The State of Vermont Legislature directed Vermont state agencies to post signs that identify clean water projects funded by the State of Vermont ([Act 84 of 2017, Section 35a](#)). Grant recipients are required to post and take a photo of the Clean Water Project sign in front of their project either during or at the completion of construction, if the project can be considered visible to the public. Clean Water Project Signs can be signed out from regional host sites, please contact your local [Regional Planning Commission](#) to reserve and sign out a Clean Water Project Sign. Refer to the *Guidelines for Clean Water Project Signs* for more information: [https://dec.vermont.gov/sites/dec/files/DEC-CWIP\\_CleanWaterProjectSignsGuidance\\_FINAL.pdf](https://dec.vermont.gov/sites/dec/files/DEC-CWIP_CleanWaterProjectSignsGuidance_FINAL.pdf)

## **DEC Programmatic Staff Engagement**

Some project types require engagement with the relevant DEC programmatic staff during both preliminary and final design phases as a milestone. This is separate and distinct from permitting review.<sup>61</sup> The associated deliverable is documented comments from the relevant DEC programmatic staff

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<sup>61</sup> Please use the [Natural Resource Impacts Screening](#) process to determine what permits your project may need.

on the design plans (this can be via email). The preliminary and final design project types that include this milestone requirement are Lake Shoreland, Floodplain/Stream, Wetland, and Dam Removal.

Project proponents can find the applicable DEC Programmatic Staff contacts in Table 2C below. Send DEC Programmatic Staff contacts the watersheds project database number, location and description of the project, and any other relevant information they request that will be utilized in their review. Documentation of this engagement may be requested by the Watershed Planner when reviewing eligibility for a WPD-ID for the next project phase. See the [How Projects Are Assigned a WPD-ID](#) section for more details.

DEC Programmatic Staff bring valuable expertise to the comments they provide on project designs and may, at times, express concern. The Funding Program Administrators and/or Technical Project Managers (TPM) are responsible for considering these comments and performing final deliverables review and approval. While these milestones are restricted to preliminary and final design, project proponents are encouraged to engage with DEC Programmatic Staff as early as project development, to invite them to stakeholder meetings, and to integrate their feedback into the design plans as much as feasible.

<b>Table 2C: DEC Programmatic Staff by project type</b>		
<b>Project Type</b>	<b>Contact Name</b>	<b>Contact<sup>62</sup></b>
Lake Shoreland	Alison Marchione	802-490-6128, <a href="mailto:alison.marchione@vermont.gov">alison.marchione@vermont.gov</a>
Floodplain/Stream and Dam Removals	Regional Rivers Scientist	<a href="https://anrweb.vt.gov/DEC/cleanWaterDashboard/ScreeningTool.aspx">https://anrweb.vt.gov/DEC/cleanWaterDashboard/ScreeningTool.aspx</a>
Wetland	Wetland District Ecologist	<a href="https://tinyurl.com/zk4umr4m">Wetland Inquiry Form (https://tinyurl.com/zk4umr4m)</a>

### **Documentation of Leverage (if applicable)**

Leveraging is currently required for the regulatory projects supported by Municipal Stormwater Implementation Grants (including MS4 Community Formula Grants and the Municipal Roads Grants in Aid Equipment Grants). Grant recipients should submit documentation of leverage in a format as requested by the applicable Technical Project Manager (TPM). Note that the Final Performance Report or ANR Online Clean Water Project – Project Close Out Form also asks for “match/leverage provided.” This is so the Watershed Projects Database and supporting databases can capture the full cost of an individual project. Since the MS4 Community Formula Grants allow leverage above and beyond expenses on an individual project, grant recipients should be careful only to document the value of cash and in-kind services provided to the specific funded project when reporting “match/leverage provided” in the Final Performance Report/Project Closeout Form. Grant recipients can report all other leverage on

<sup>62</sup> Please contact the applicable Funding Program Administrator if these contacts have changed or left their posts.

external documentation in a format as requested by the TPM.

## Equipment Ownership Request/Approval Form (if applicable)

Any eligible equipment purchased or furnished with CWIP funds under a direct grant agreement from the state is provided on a loan basis only and remains the property of the state. Grant recipients must submit an Equipment Ownership Request / Approval Form, which will be attached to applicable Grant Agreements, to retain the equipment at no later than the end of the agreement term. See [Appendix D. DEC's Equipment Purchase Policy](#) for more information.

## Final Design Report<sup>63</sup>

Design Reports are intended to provide a narrative overview of the project so that external stakeholders can easily understand the project purpose and what was achieved. Final Design Reports should provide updates to project information provided in [Preliminary Design Reports](#) but do not need to be redundant. CWIP-funded final design reports are strongly encouraged but not required to include the following content. DEC Programmatic Staff may also provide input and guidance on suggested content:

- Project identifying name and WPD-ID
- Project purpose (if not included in or different from Preliminary Design Report)
  - References to reports or planning documents documenting the problem or impairment
- Summary of existing site conditions (if not included in or different from Preliminary Design Report)
  - Watershed description and drainage area
  - Project location/address
    - Identification of current landowners, easements, and covenants
  - Site history and current uses
- Stakeholder engagement
  - A list of engaged stakeholders and summary of engagement efforts
  - An overview of feedback received on designs and assessment reports and how feedback was integrated into the design. Including, specifically, input and consultations with DEC Watershed Management and Watershed Planning staff.
- Design plans, drawings, general notes, and specifications
- A narrative summary revisiting all project feasibility considerations based on any new learning through design and stakeholder communications.
  - Updated estimate of pollutant reduction benefits and other environmental/ecological and water quality benefits and co-benefits based on stakeholder input and design specifications.
  - Documentation of committed support from landowner and the identified O&M responsible party to proceed to implementation.
  - Description of extent of project footprint and impacts to natural and cultural resources including a summary of proposed mitigation measures in the design and or project scope to address these.

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<sup>63</sup> Updated from the 2016 Ecosystem Restoration Program (ERP) Design Terminology Guidance document drawing from the work of the [Vermont Dam Task Force](#), the [VTANR 2009 User's Guide to Vermont Dam Removals](#), and the [United States Society on Dams Guidelines for Dam Decommissioning Projects](#).

- Analysis of any other site-specific constraints or limitations such as utilities, infrastructure, access, invasive species presence, hazards, etc. and how these are addressed in the design or project scope.
  - Status of permitting efforts.
- Costs. An updated estimate of costs for permitting, construction, construction oversight, long-term maintenance and operation, cultural resource studies or treatment plans for VDHP, and potential future replacement costs for any structural elements that remain. The design team should develop an itemized cost estimate based on the design and specifications. This is considered an Engineer's Opinion of Probable Cost based on the project specifications and may include such items as fees associated with land acquisition and permitting, engineering and consulting services, excavation and grading, paving, utilities, utility relocation, equipment, structures, contingency, applicable allowances and contractor overhead and profit. Allowances will generally be included for equipment mobilization, construction access, diversion and care of streamflow, environmental controls (such as erosion control measures and water for dust abatement), site restoration, and any unlisted items. Cost estimates are impacted by the estimated quantities and types of materials to be used, restoration methods, labor and equipment resource requirements, expected transportation methods and capacities, and proposed waste disposal including potential presence of hazardous materials. In general, 100% design cost estimates should have a reduced contingency value in comparison to 30% design cost estimates.
- A summary of implementation project phasing, and funding considerations or opportunities. The major construction activities for a large project may involve multiple contracts and include work required before, after, and concurrent with restoration. The final design report for a complex project should identify these major construction activities, the sequence in which they should be performed, their estimated resource requirements and durations, and a proposed schedule incorporating any restraints, for example, key fish spawning, bird nesting, or winter hibernation periods of sensitive species that could be affected by the project, or other regulatory calendar restrictions on in-stream work if applicable. The final designs should ensure that the major construction activities follow a logical sequence to produce optimum results. Sequencing of the work will often affect the overall length of the schedule and thus will have an impact on project costs.
- Any other final design phase deliverables listed in the CWIP Project Types Table

Final design reports may also include as appropriate:

- Draft bidding documents for construction phase
  - General conditions
  - Supplementary conditions
  - Proposed project schedule
  - Technical specifications
  - Exceptions to standards
  - Bid forms
  - Definitions
  - Draft contract language
- Geotechnical report. The following may be included in a geotechnical report but specific details should be dictated by the contracted engineer.
  - Vicinity map of project limits



- Plot map showing location of borings and soil tests
- Detailed descriptions of surface and subsurface conditions, including seasonal high-water table, bathymetry, and observations of wetness
- Summary of laboratory tests performed and test results
- Summary of geotechnical recommendations for backfill and bedding of underground utilities, trench criteria, borrow material gradation requirements, foundation support, bearing capacity, pavement replacement, site development, material stability, slope stability, site preparation, grading procedures, and erosion potential
- Draw down and flow diversion needs.
- Photo renderings or photographic simulation depicting the selected project alternative if desired for community work.
- Recreation plan for parks, river walks, boating/fishing access if relevant.
- Other associated plans or assessments such as pre- and post-project monitoring strategies, benefit-cost analyses, sediment management, waste disposal, infrastructure protection or historic and archeological resource assessments.

### **Final Performance Report or ANR Online Clean Water Project - Project Closeout Form (once available)**

A Final Performance Report or “ANR Online Clean Water Project - Project Closeout Form” (Project Closeout Form) is required for all CWIP agreements and sub-agreements. Final Performance Reports or Project Closeout Forms allow CWIP to collect the data needed to report on progress towards achieving Vermont's water quality goals. The data submitted in these forms are uploaded to the Watersheds Projects Database and reported in the *Vermont Clean Water Initiative Annual Performance Report*, which is statutorily required to meet accountability and reporting requirements set forth by the Vermont State Legislature and US EPA. This Final Performance Report or Project Closeout Form includes all data needed for sector-specific BMP reporting to calculate phosphorus reductions.

The Final Performance Report is an Excel spreadsheet. Funding Program Administrators should aggregate Final Performance Report data from all subrecipients onto a single Final Performance Report and submit to the TPM at regular intervals to be determined in agreement documents. Once the ANR Online Clean Water Project - Project Closeout Form is available, this should supplant the Final Performance Report as a deliverable in any subsequent agreements or sub-agreements. Funding Program Administrators will then be expected to perform a quality control check on the data submitted by subrecipients via the Project Closeout Form *instead* of submitting an aggregated Final Performance Report. Final Performance Report templates and a link to the Project Closeout Form (once available) can be found on the Grant Applicant and Recipient Resources webpage: <https://dec.vermont.gov/water-investment/cwi/grants/resources>.

### **Initial Statement of Compliance (if applicable)**

This form is used to meet permit conditions that require a stormwater designer to inspect the project upon completion of construction and to certify that the stormwater system was built in conformance with the approved plans. Please note a Statement of Compliance may indicate that the project was not

constructed in alignment with the permitted designs. This deliverable is specific to stormwater regulatory projects that require permit obtainment and compliance.

## Lake Watershed Action Plans

Please see the DEC Lakes and Ponds Program site page for more information about this project type: <https://dec.vermont.gov/watershed/lakes-ponds/lakeshores-lake-wise/LWAP>

## Lake Wise Assessments

Please see the DEC Lakes and Ponds Program site page for more information about this project type: <https://dec.vermont.gov/watershed/lakes-ponds/lakeshores-lake-wise/what>

## Media Announcement

Grant recipients are required to issue a press release to local or area news publications, *or* post a social media announcement, informing readership of the receipt of their Department of Environmental Conservation Clean Water Initiative Program (CWIP) funds along with details on the project's purpose, actions, and results. Grant recipients will submit a copy of the press release or social media post and a list of the entities to whom the press release was sent, or the number of views if on social media, as a deliverable.

## Operation & Maintenance (O&M) Plan

Clean water projects funded through CWIP in programs *other than* the Water Quality Restoration Formula Grant Program and Green Schools Initiative<sup>64</sup> should complete and execute an Operation & Maintenance (O&M) Plan (clean water projects funded through the Water Quality Restoration Formula Grant Program should refer to the [Access License or Easement section](#)).

The O&M Plan identifies the responsible party and necessary O&M activities. An O&M responsible party should be identified early and documentation of the responsible party's support for the project should be included with draft versions of this O&M Plan. A signed O&M Plan is required for all implementation projects to ensure that the projects and/or practices supported by CWIP continue to function properly throughout their useful lives and contribute to improving water quality conditions of Vermont's waterways. O&M Plans must be signed by both the landowner(s) and O&M responsible party (if different) prior to project installation. O&M plans should be for the design life of the project or, if less than 10 years, should be for at least 10 years.

Project proponents should use the DEC O&M Manual or an engineering firm for guidance on expected O&M practices to include in the O&M plan. The O&M Manual (once available) can be found on the BMP Verification webpage: <https://dec.vermont.gov/water-investment/cwi/projects/bmp-verification>.

The O&M Plan templates should be used and are subject to change over time. The "Operation & Maintenance Plan Template" is for all projects where the landowner and O&M responsible party are the

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<sup>64</sup> Please note that regulatory projects have integrated operation and maintenance plans as part of the permitting process and do not need to complete an additional O&M plan.

same. The “Third Party Operations & Maintenance Plan Template” is for all projects where the landowner and O&M responsible party are different. The most up-to-date templates are available on the Grant Applicant and Recipient Resources webpage: <https://dec.vermont.gov/water-investment/cwi/grants/resources>.

## **Other permit-required... (if applicable)**

Some permits or reviews may require additional assessment work during the design phase (such as an archeological resources assessment) or mitigation work during the implementation phase. Permit-required project elements are eligible for CWIP funding. They are added as milestones “if applicable” to remind project proponents to perform due diligence on these key project components.

## **Photo(s)**

Please submit all photos in a photo file format (e.g. JPEG, PNG, etc.) and not within a word or PDF document. Ensure that all photos are labeled and/or have documentation as to what they are associated with in the project. For example, an accompanying photo log excel file with photo number and description is helpful.

## **Preliminary Design Reports<sup>65</sup>**

Design Reports are intended to provide a narrative overview of the project so that external stakeholders can easily understand the project purpose and what was achieved. CWIP-funded preliminary design reports are strongly encouraged but not required to include the following content. DEC Programmatic Staff may also provide input and guidance on suggested content:

- Project identifying name and WPD-ID
- Project purpose
  - Reference to reports or planning documents documenting the problem or impairment
- Summary of existing site conditions
  - Watershed description and drainage area
  - Project location/address
    - Identification of current landowners, easements, and covenants
  - Site history and current uses
- Stakeholder engagement
  - A list of engaged stakeholders and summary of engagement efforts
  - An overview of feedback received on designs and assessment reports and how feedback was integrated into the design. Including, specifically, input and consultations with DEC Watershed Management and Watershed Planning staff.
  - A description of future plans for stakeholder and public involvement
- Design plans and drawings
  - A set of 30% design plan drawings for the preferred alternative

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<sup>65</sup> Updated from the 2016 Ecosystem Restoration Program (ERP) Design Terminology Guidance document drawing from the work of the [Vermont Dam Task Force](#), the [VTANR 2009 User’s Guide to Vermont Dam Removals](#), and the [United States Society on Dams Guidelines for Dam Decommissioning Projects](#).

- A narrative summary of design considerations, calculations, and preliminary analyses (if applicable)
- Basis for design/ technical memorandum naming any design standards to be used, assumptions, and any variations required and describing the analysis that went into the design and details the rationale behind the project approach (if applicable).
- A narrative summary revisiting all project feasibility considerations based on any new learning through design and stakeholder communications.
  - Updated estimate of pollutant reduction benefits and other environmental/ecological and water quality benefits and co-benefits based on stakeholder input and design specifications.
  - Status of support from stakeholders, landowner, and identified O&M responsible party.
  - Description of extent of project footprint and impacts to natural and cultural resources including a summary of proposed mitigation measures in the design and or project scope to address these.
  - Update of permitting needs, status of existing permits and identification of federal, state, and local permits or permit amendments required along with assessments or plans needed for permit compliance.
  - Analysis of any other site-specific constraints or limitations such as utilities, infrastructure, access, invasive species presence, hazards, etc.
- Costs. An updated estimate of costs for final design, permitting, construction and construction oversight, cultural resource studies for VDHP, long-term maintenance and operation, and potential future replacement costs for any structural elements that remain. Costs should be based, at a minimum, on the consulting team's best judgment and past experience but may use sector-specific cost-curves and allowances where appropriate.
- A summary of projected next steps, project phasing, and funding considerations or opportunities.
- Any other preliminary design phase deliverables listed in the Project Types Table.

Preliminary design reports may also include as appropriate:

- Geotechnical report. The following may be included in a geotechnical report but specific details should be dictated by the contracted engineer.
  - Vicinity map of project limits
  - Plot map showing location of borings and soil tests
  - Detailed descriptions of surface and subsurface conditions, including seasonal high-water table, bathymetry, and observations of wetness
  - Summary of laboratory tests performed and test results
  - Summary of geotechnical recommendations for backfill and bedding of underground utilities, trench criteria, borrow material gradation requirements, foundation support, bearing capacity, pavement replacement, site development, material stability, slope stability, site preparation, grading procedures, and erosion potential
- Drawdown and flow diversion needs
- Photo renderings or photographic simulation depicting the selected project alternative if desired for community work.
- Recreation plan for parks, river walks, boating/fishing access if relevant.

- Other associated plans or assessments such as pre- and post-project monitoring strategies, benefit-cost analyses, sediment management, waste disposal, infrastructure protection or historic and archeological resource assessments.
- Preliminary modeling and calculations – for Benefit-Cost Analyses, permitting thresholds, and/or confirming project outcomes.

## **Preliminary and Final VDHP Review, VDHP Treatment Plan implementation (if applicable)**

See [State Historic Preservation Review](#) Section for more details.

## **Road Erosion Inventory (REI)**

Road implementation project types require a pre- and post- construction REI assessment of the road segments to be treated. The data collected through the REI is necessary to complete the final reporting for the roads project type but the inventory data does not need to be submitted as a final deliverable.

REIs should use the template available here:

[https://dec.vermont.gov/sites/dec/files/wsm/stormwater/docs/Permitinformation/MunicipalRoads/sw\\_MRGP\\_RoadErosionInventory.pdf](https://dec.vermont.gov/sites/dec/files/wsm/stormwater/docs/Permitinformation/MunicipalRoads/sw_MRGP_RoadErosionInventory.pdf)

## **Stream Geomorphic Assessments**

Please see the DEC Rivers Program site page for more information about this project type:

<https://dec.vermont.gov/watershed/rivers/river-corridor-and-floodplain-protection/geomorphic-assessment>

## **Transfer of Ownership Request Letter**

This is a standard deliverable for equipment grants. An optional template for the Transfer of Ownership Request Letter is available on the Grant Applicant and Recipient Resources webpage:

<https://dec.vermont.gov/water-investment/cwi/grants/resources>

## **Unified scoring matrix for Stormwater Master Plans**

The most up-to-date matrix template is available on the Grant Applicant and Recipient Resources webpage: <https://dec.vermont.gov/water-investment/cwi/grants/resources>. See this site for more information on Stormwater Master Planning: <https://dec.vermont.gov/water-investment/cwi/solutions/developed-lands/municipal-stormwater>.

## **Wetlands Individual Permit (if applicable)**

Projects that require a wetlands individual permit (IP) must obtain the individual permit prior to the close of final design (if final design is funded by CWIP). Implementation phase projects must have the individual permit in hand to be eligible for funding.

## APPENDIX D. OTHER INFORMATION

### Environmental Justice

As of May 31, 2022, [Act No 154 \(S. 148\) the Vermont Environmental Justice \(EJ\) Bill](#) was passed and enacted. This act establishes an environmental justice policy for the entire State of Vermont and requires state agencies to incorporate environmental justice into their work, rules, and procedures. It establishes the Environmental Justice Advisory Council and the Interagency Environmental Justice Committee to advise the state on environmental justice issues and requires the creation of an environmental justice mapping tool. It also requires the Agency of Natural Resources to direct investments with environmental benefits proportionately to Environmental Justice Focus Populations. The Agency of Natural Resources, in consultation with the Environmental Justice Advisory Council and the Interagency Environmental Justice Committee, shall issue guidance on how the covered agencies shall determine which investments provide environmental benefits to environmental justice focus populations. Should CWIP-administered grants be identified as one of these investments, CWIP will update this Funding Policy to provide guidance for grant recipients on how to meet these proportionality requirements.

### The Watershed Projects Database

The Watershed Projects Database (WPD) is a DEC database developed by the Agency of Digital Services (ADS) used to manage a variety of clean water projects across the state. DEC's CWIP uses the WPD to track and report on CWIP-funded clean water projects in Vermont. DEC's Watershed Planning Program uses the WPD to track prospective clean water projects in Vermont identified through the tactical basin planning process. The Watershed Planning Program reviews potential projects prior to creating a new WPD project with a unique identifier number (WPD-ID) to ensure projects that enter the WPD are an appropriate fit. Learn more about the WPD and use the WPD search tool here:

<https://dec.vermont.gov/water-investment/cwi/projects/clean-water-portal#Watershed%20Projects%20Database>.

### Why Projects Might Need a WPD-ID

Opportunities for clean water projects exist all around Vermont, in varying stages of readiness. The following are some reasons why a project may need a WPD-ID:

1. **New Assessment.** There is a recognized local need for a sector-based or multi-sector assessment which needs to be documented in the WPD as a proposed potential assessment project.
2. **Assessment Output.** The project opportunity has been newly identified through an assessment process and should be documented in the WPD as a proposed potential project.
3. **Project Development ID.** Project proponents are seeking funding assistance to perform project development on one or a suite of projects and the development work must be assigned a WPD-ID for tracking purposes.<sup>66</sup>
4. **Project Development Output.** A new opportunity has been identified and developed through a development process and should be documented in the WPD as a proposed potential project.
5. **Design Output.** The project has completed a design stage and the project partners are

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<sup>66</sup> Note individual projects under an assessment or development effort do not need to have a WPD-ID for the assessment/development to be eligible for funding. Projects that need development may already have a WPD-ID, or if identified through development efforts may be assigned a WPD-ID at completion of project development.

recommending advancement such that the proceeding stage (further design or implementation) should be documented in the WPD as a proposed potential project.

6. **External Project.** Previous project steps were funded outside DEC and the proposed potential project for the proceeding stage (design or implementation) should be documented in the WPD to be eligible for funding.

### **When Projects Are Assigned a WPD-ID**

To the greatest extent possible, the assignment of new WPD-IDs for the same project across its phases has been integrated as a standard deliverable for every project type in [Appendix B. Project Types Table](#) so that partners can receive support in securing these WPD-IDs. For example, all assessment project types must submit a BIF or New Project Form for all newly identified projects. All development project types must do the same thing. All preliminary and final design project types must submit a BIF or New Project Form for the recommended next project phase if advancement is recommended by the project partners. There may still be instances outside of these circumstances, however, where a WPD-ID is sought, for example in the case of proposing assessment or development work where there was no prior project phase, or in the case of an external project seeking CWIP funds for the first time. If a WPD-ID is needed, project proponents should give the DEC Programmatic Staff and the Watershed Planner a minimum of two weeks each to review submitted materials. See [How Projects Are Assigned a WPD-ID](#) for more information.

[CWIP staff](#) are available to TPMs and Funding Program Administrators as needed to clarify these WPD-ID requirements. For questions about adding new projects to the WPD please contact the regional Watershed Planner.

## **Clean Water Initiative Program Project Phase Terminology and Design Guidance**

### **Introduction**

The purpose of this Clean Water Initiative Program (CWIP) Project Phase Terminology and Design Guidance is to provide clarity in terminology and help project implementers demonstrate project success. It includes summary definitions of project phases as funded through CWIP and a deeper dive into typical components of design phase work.

Projects vary widely in their degree of complexity and need for development, and preliminary or final design work. Not all projects require all of these phases, and what activities fall under these phases may vary by project type or complexity. CWIP relies on the expertise of project proponents in consultation with DEC staff to indicate a proposed project's complexity and to identify which project phases are appropriate/applicable. The Clean Water Initiative Program Project Phase Terminology and Design Guidance provides basic information on what tasks generally fall into these phases which can be used for project planning but does not dictate what must fall in these phases. At a minimum, however, a project must achieve the milestones and deliverables listed in [Appendix B. Project Types Table](#).

### **Project Phase Terminology**

## **Assessments and Project Identification**

Sector-specific and multi-sector assessments follow established protocols to identify areas with the highest contributions of pollutants and recommend potential clean water projects/best management practices (BMPs). Work includes landscape level assessments and field work, project identification, and project prioritization through stakeholder engagement to target cost effective actions. Established assessment methodologies require the use the tools and protocols developed and provided by the DEC. It is expected that assessment work will lead to a prioritized list of potential clean water projects to pursue.

## **Development**

CWIP provides funds for project development activities recognizing that well-planned projects save both time and money. Project development is defined as the scoping work on any identified project to determine feasibility, constraints, and overall suitability for implementing the project. This typically includes reviewing site assessments or other project identification tools and prioritized plans, conducting site visits, refining project scope and phasing, developing conceptual maps and drawings, estimating pollutant reduction benefits, confirming landowner/municipal interest, identification of—and possible engagement with—other stakeholders, partners, and likely concerned parties (e.g., neighbors, funders, regulators), identifying the prospective responsible operations and maintenance party, consulting with DEC staff, and determining project budget and permit needs (local, state and federal), natural and cultural resource constraints, co-benefits, and other project considerations, site constraints, and feasibility factors (e.g., rights-of-way, infrastructure, invasive species presence, hazardous materials concerns) in advance of design or between design phases. Outcomes from a project development phase should include a clear plan for advancing any projects deemed feasible with a clear articulation of the water quality improvement objectives and goals and how proposed project will meet these goals. Project development sometimes also includes articulation of a funding strategy and list of potential funding sources. The project feasibility factors identified during this project development phase provide the progress anchors for future design stages. They are a benchmark to touch base on as the project progresses to confirm roadblocks are addressed and no new feasibility concerns have arisen.

## **Design**

Project design is a general term that captures all the work needed to ready a scoped/developed project for implementation. For simpler projects like a lakeshore buffer planting, this may just involve drafting and finalizing a planting plan and concept design and executing an operations and maintenance landowner agreement. For more complex projects, like an underground stormwater infiltration basin, this may involve finalizing complete engineering and landscape designs stamped by a P.E., securing a range of local, state, and federal permits, and completing other assessments or plans as required to meet these permit requirements (for example, a historical and archaeological resources assessment and historical resources mitigation plan). For most project types, the CWIP distinguishes between a preliminary (30%) design phase and a final (100%) design phase, with the assumption that more complex projects will require at least both phases, and that simpler projects may only require 100% design or no design at all. In most cases “design” is an iterative process involving one or more rounds of review and stakeholder engagement to ensure feasibility concerns initially identified during development phase are adequately addressed and no new feasibility concerns have arisen. See “Design Guidance” section below for more details.



## Implementation

Implementation/construction describes the mobilization of effort to install the clean water project. It includes steps like putting the work out to bid for contractors, securing all remaining permits, sourcing materials like tree stock, and installing the project in alignment with designs, permits, and other programmatic guidance.

## Design Guidance<sup>67</sup>

This design guidance section is provided to outline some typical design phase activities which can be used for project planning. It also outlines how project managers and Funding Program Administrators without an engineering background can review these design deliverables for completeness.

Simple projects involve very little in terms of design. Costs are predictable and there is not much deviation between what is recommended and what is installed. Intermediate projects involve a fair bit of design before proceeding to construction but are not quite complex enough to require a full set of engineering steps. At their most complex, clean water projects will require the majority, if not all, of the design steps outlined in this section. CWIP relies on the expertise of project proponents in consultation with DEC staff to indicate a proposed project's complexity and to identify which of the following steps are appropriate/applicable.

Funding Program Administrators and project managers that do not have an engineering background may use this guidance to review whether submitted design deliverables have sufficient content (i.e., "design completeness") but they are not expected to evaluate the quality of design work (i.e., "design quality"). Funding Program Administrators and project managers may consult with DEC staff regarding any question on "design quality," if they have concerns.

## Preliminary (30%) Design

In the 30% design stage the stakeholders (such as partners, regulators, impacted landowners, funders, public representatives, and consultants) work together to identify and assess the scientific and engineering challenges and conceptual approaches. Typical activities within this design stage include those listed below. Note that more complex projects may include more of these activities, and all projects are unique in their order of these activities.

**Data Collection.** Collect and synthesize all publicly available existing data on the site and surrounding landscape. This could include existing maps and plans, regulatory documentation, FEMA flood mapping, air photos, historic maps and records, fisheries and other species data, planning department reports, and utilities mapping.

**Conceptual (10%) Plans.** Develop conceptual plans and drawings of proposed project approaches. A simple site plan to depict the project's concept and location of proposed practices. The most complex projects may require the development of 10% designs by a design professional to accompany an alternatives analysis. This is sometimes a requirement for certain permits or other funding sources.

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<sup>67</sup> Updated from the 2016 Ecosystem Restoration Program (ERP) Design Terminology Guidance document drawing from the work of the [Vermont Dam Task Force](#), the [VTANR 2009 User's Guide to Vermont Dam Removals](#), and the [United States Society on Dams Guidelines for Dam Decommissioning Projects](#).

CWIP does not require an alternatives analysis, but CWIP funds may be used to support them if needed. Mapped data is generally publicly available and easily accessible and might include (but not be limited to):

- Engineer name, date and project title
- North arrow/legend
- Graphical scale (1 " = 10', 20', 30', 40', 50', 60' or 100')
- Location map
- Current land use
- USGS soil classification
- Site topography
- Existing stormwater flowpath (also consider adjacent sites)
- Practice location/layout with affected flowpath and preliminary grading
- Nearest receiving waterbody
- Site features and other upstream, downstream, and adjacent infrastructure that could potentially be impacted by the project (e.g., wetlands, river corridors, mapped surface waters, invasive or endangered species, streets, buildings, private wells, onsite wastewater, utility lines, and other infrastructure, hotspots, brownfield remediation, etc.)

Designs may be accompanied by limited preliminary calculations, modeling and/or analyses to compare estimated costs and environmental benefits of the proposed alternatives. This might include practice sizing, hydrology/hydraulics, volume reduction, and water quality volume estimates and runoff modeling. This may sometimes fall under project development instead.

**Alternatives Analysis.** An alternatives analysis is a process in which multiple approaches are considered to meet the project purpose and need, and it may result in a recommendation that the project is not feasible or that other options should be considered. This involves the consideration of the key advantages and disadvantages of the various project alternatives and involves stakeholder and public input. Alternatives analysis may include the following:

- 10% designs and narrative descriptions of each alternative
- An evaluation of each alternative with consideration given to:
  - Cost
  - Feasibility
  - Alignment with project purpose and goals
  - Stakeholder comments
  - Pros and cons
  - Sustainability
    - Use of native and climate adapted species
    - Use of green infrastructure
    - Water efficiency
    - Planned for climate change impacts
    - Life of project/expected lifespan
    - Low carbon footprint
    - Affordable
  - Estimate of environmental improvement

- Quantitative
  - Qualitative
- Selection of preferred alternative and justification

**Site Surveys and Mapping.** The conceptual design may require the collection of additional information, including survey data, material properties, hazardous material assessments, site geologic data, and hydrologic data. These data may address proposed topographic changes at the site and modifications to remaining structures and riverbanks. Site visits during this stage may include surveys to collect baseline information on site and/or reference conditions, and soil conditions or sediment quantity, quality, and mobility. Sites are often photographed and topography, geomorphology, and/or bathymetry data are collected, and area of project impact delineated. Potentially affected natural and cultural resources may also be surveyed or delineated for mapping purposes, including wetland boundaries and ordinary high and low water lines, or historical, paleontological, and archaeologically sensitive areas. Site visits may also uncover other significant site features that should be mapped and planned around. This site work may occur during either or also under 100% design phase.

**Meetings.** A project relies on strong participation from a collection of stakeholders including the landowner, neighbors, town officials, regulators, funders, project managers, consultants, other partners, and the general public. This design phase may include one or more meetings with some or all of these stakeholders to solicit input on design plans, alternatives analysis and selection, permitting and assessment needs, cost considerations, and any findings or conclusions drafted in the preliminary report. These meetings are a venue to discuss or revisit feasibility considerations initially identified, and to update these with stakeholder input and expertise including refinement on project phasing and permitting or other regulatory requirements such as the development of sediment management plans, waste disposal, river monitoring, and/or infrastructure protection plans.

### **30% Design**

Once field assessments are completed and key stakeholder and regulator input has been addressed, a more advanced design would be prepared for the preferred alternative to reflect the necessary design changes. The 30% design typically includes a set of drawings (the design plan) of the primary project features, a set of detailed specifications, and a technical memorandum/basis of design describing the analysis and approach to establish the final design data and design assumptions, including design loads, waste disposal sites, construction constraints, and site restoration requirements. A clear design allows for effective stakeholder discussion and outlines a specific area of impact to inform the potential need for historic or archeological resource assessment work. An independent review may be required to evaluate the preliminary design for technical adequacy and potential cost savings or improved performance.

- Topographic survey (boundary survey if applicable)
  - Property lines, right-of-ways, and easements
  - Topographic information and datum, flood elevations if applicable
  - Location of existing structures and natural and cultural resources/site constraints
  - Site survey
  - Invert elevations

- USGS soil classification and land use
- Existing stormwater flowpath
- Drawings and specifications
  - Cover sheet
  - Site plan
  - Plan view sheets
  - Sections and details of significant features including project footprint, location of likely practices, and a preliminary recommendation on construction access
    - Practice location/layout with affected flowpath and preliminary grading

**Calculations and analyses on designs.** Engineering may develop further calculations and analyses based on the 30% design plans including updated cost estimates, valuation of ecological benefits (river miles reconnected, flood mitigation, clean water value, etc.), and/or technological confirmation that project goals would be achieved through design (e.g., hydrologic-hydraulic analysis).

**Preliminary (30%) design Report.** A final design report from this phase combines all prior findings and deliverables.

### **Final (100%) Design**

The development of a final construction level design is a series of steps that further define a solution and its ability to meet stated criteria. For complex projects, these steps provide an opportunity to re-evaluate the design based on changing project assumptions and stakeholder feedback. Final plans for complex projects should include refined project specifications on necessary construction equipment, material specifications and quantities, project sequencing, staging areas, and site access, as well as updated cost estimates that account for these specifications.

### **60/90/100% Design**

The 100% design typically includes a set of drawings (the design plan) of the primary project features, and a set of specifications detailing the construction work, materials, and phasing. Sixty and 90% design plans are interim designs which may be explicit or mandatory milestones in more complex projects to allow for more thorough review from stakeholders and regulatory authorities but these are not standard project steps for CWIP funding and have no specific content requirements other than what might be requested by regulatory programs. A clear and complete final (100%) design should have sufficient detail for permitting authority reviews. This typically includes:

- Drawings (complete and ready for agency and permitting authority review)
  - General notes including 30/60/90% comments and changes made to plans
  - Profile sheets
  - Site plan
    - Existing site conditions
      - Property lines, rights-of-way, easements, topography, soils, stormwater flows, existing structures

- Delineation of natural and cultural resource areas (e.g., wetlands boundaries)
    - Staging areas and access
    - Restoration plan and construction limits
    - Proposed plan view
    - Proposed cross sections and longitudinal profiles
    - Erosion prevention and sediment control practices
    - Infrastructure replacement/protection
    - Habitat feature schematics
- Specifications. The project specifications detail the construction work that will be completed. This typically includes:
  - Construction equipment needs
  - Material specifications and quantities
  - Project sequencing and schedule
  - Staging area and site access
  - Other site-specific details such as planting plans, traffic control, infrastructure protection, waste removal and management etc.

**Final (100%) Design Report.** A final report from this phase combines all prior findings and deliverables.

## **Roles and Responsibilities of DEC Staff in CWIP-Administered Funding Programs**

### **Programmatic Oversight**

CWIP provides policy development and programmatic oversight of its funding programs. This involves coordinating with ANR-DEC leadership and technical programs to establish CWIP's annual Spending Plan and to maintain an updated Funding Policy. CWIP coordinates with DEC Technical Project Managers (TPMs), Financial Managers, and Grants Management Specialists (GMSs) to implement the annual Spending Plan, including:

1. Assigning TPMs to each funding program (in coordination with ANR-DEC Division Directors and TPMs' supervisors);
2. Establishing target timelines for competitive project procurement (e.g., Requests for Proposals or "RFPs") and agreement development and linking TPMs with available resources to complete this work;
3. Working with technical partners to develop standard performance measures, milestones, deliverables, and reporting templates for performance tracking; and
4. Monitoring funding programs to ensure compliance with the CWIP Funding Policy.

CWIP also manages technical closeout of grant/contract agreements to ensure project outputs and outcomes are captured in the *Vermont Clean Water Initiative Annual Performance Report*.

## **Financial and Grants Management**

DEC's Administration and Innovation Division (AID) Financial Managers and Grants Management Specialists (GMSs) provide administrative processing support and financial management of CWIP funding and ensure compliance with DEC's Granting Plan. The Granting Plan documents the procedures DEC follows for issuance of all grant agreements.

AID GMSs partner with TPMs to facilitate:

1. Competitive procurement of funding programs, including proposal review and selection processes;
2. Grant or contract agreement and amendment development and execution;
3. Invoice payment processing through ANR Online; and
4. Grant/contract agreement closeout upon approval of final deliverables and payment of final invoice.

AID establishes standard operating procedures and roles and responsibilities for both GMSs and TPMs and provides associated trainings.

## **Technical Project Management**

Each CWIP-funded initiative is overseen by a "Technical Project Manager" (TPM). TPMs are ANR staff members responsible for defining the scope of work and services sought. Once an agreement is executed, TPMs provide technical project or program oversight through review and approval of deliverables and invoices for payment. TPM assignments are made considering area of technical expertise, geographic focus, and capacity. CWIP provides trainings and administrative support to TPMs as needed.

## **Technical Project Support**

Other programs and divisions in the Agency of Natural Resources (ANR) and Agency of Commerce and Community Development (ACCD) support the success of these clean water projects by providing technical support on specific projects. From site visits and project scoping consultations with project proponents, to permit-ability reviews and permit processing, to project screening, CWIP relies on and is grateful for numerous other state staff efforts.

## **Grant Recipient, Contractor, and Agreement Terminology**

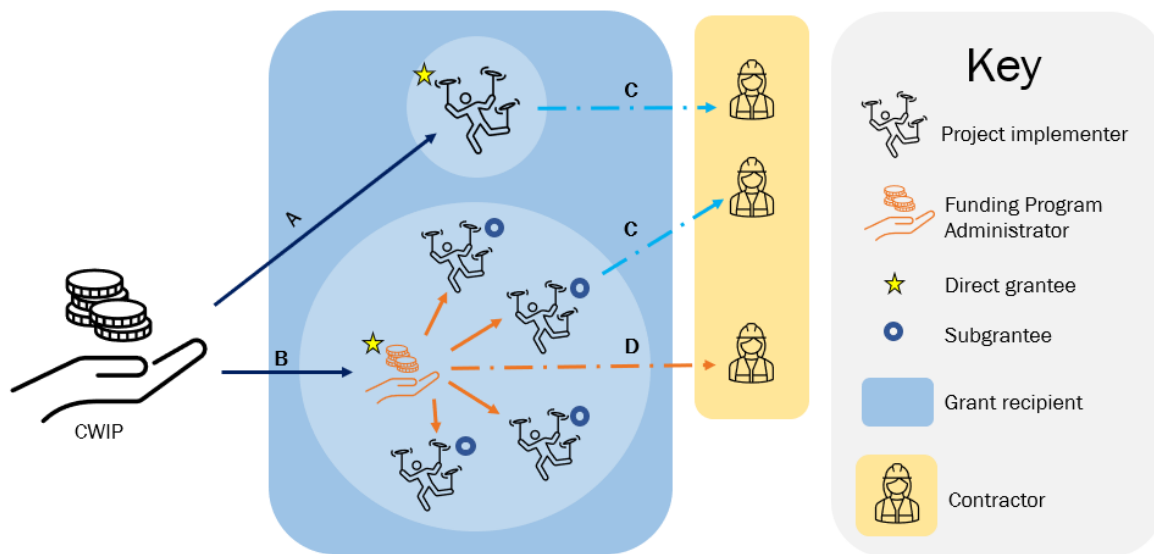


Figure 1D. Depiction of CWIP funding relationships

All CWIP Funding Programs that this Funding Policy applies to are grant programs. Figure 1D demonstrates two of the main grant funding relationships CWIP manages. Traditionally, under the Ecosystem Restoration Program, CWIP managed numerous individual grant agreements with project implementers<sup>68</sup> as the direct grantee. This is denoted by line “A” in Figure 1D. CWIP is unlikely to directly award individual grant agreements with project implementers in the future.

With few exceptions, CWIP is transitioning to use more “Funding Program Administrators”<sup>69</sup> for project development, design, and implementation funding programs. This is denoted by line “B” in Figure 1D. Using Funding Program Administrators increases capacity to scale up the number of clean water projects funded, by recruiting technical and administrative expertise from external partners. This transition is partially mandated under Act 76 of 2019 which established regional Clean Water Service Providers, and partially in response to capacity needs to maintain efficiencies in grant agreement executions.

The term “grant recipient” applies both to entities that hold a grant award directly with DEC (“direct grantee”) as well as to entities that hold a subgrant with Funding Program Administrators (“subgrantee”). Grant recipients carry associated grantee responsibilities. According to the Vermont Agency of Administration, a grantee is responsible for performing the services or activities described in the grant agreement and meeting all performance measures within the timeframe designated by the award. It must ensure that when performing those services or activities, it complies with all of the requirements of the grant agreement. A grantee should have a system for managing the grant activities and must be able to demonstrate that the funds were spent on allowable activities and in accordance with grant requirements. A grantee will produce programmatic and financial reports as required by the

<sup>68</sup> Project implementers are understood to be the entities that directly oversee or manage clean water project work.

<sup>69</sup> Funding Program Administrators may also be called block grantees, block grant administrators, or pass-through entities. For the purposes of this Funding Policy the term “Funding Program Administrator” also applies to Clean Water Service Providers unless clearly distinguished from them.

grant agreement and provide supporting documentation if required.<sup>70</sup> CWIP Grant recipient responsibilities are enumerated in the [Grant Recipient Responsibilities and Guidance](#) section of the Funding Policy. Figure 1D contemplates most project implementers to be grant recipients because of their responsibilities in ensuring compliance with CWIP Funding Policy terms, completion of standard performance measures, and required tracking and reporting obligations.

Contractors and subcontractors, in contrast to grant recipients, are generally not responsible for compliance with CWIP program requirements beyond those included in the contracting language. According to the Vermont Agency of Administration, contracts are normally used to acquire specific, clearly defined services and/or products from entities or individuals that provide a similar set of services for profit in a competitive environment. Project implementers very often subcontract with entities to perform specific duties within the scope of their subgrant agreement. This is denoted by lines “C” in Figure 1D.

Depending on the CWIP Funding Program, the Funding Program Administrators may have the authority to utilize either or both subgrants and subcontracts. Funding Program Administrators are encouraged to use State of Vermont Agency of Administration Guidance<sup>71</sup> to determine the best agreement vehicle based on the substance of the relationship. Direct subcontracting from the Funding Program Administrator to a subcontractor is denoted by line “D” in Figure 1D.

This Funding Policy will use the terms “agreements” or “sub-agreements” when speaking about both grants/subgrants and contracts/subcontracts. See Table 1D below.

<b>Table 1D: Terminology for agreements, grants, and contracts</b>	
<b>Agreements</b>	<b>Sub-agreements</b>
Grants	Subgrants
Contracts	Subcontracts

## **Further Guidance for Three-Acre General Permit and Roads/Stormwater Gully Project Types**

### **Three-Acre General Permit (Under General Permit 3-9050)**

- Three-Acre General Permit projects funded by the state are ineligible to receive payment from impact fees for achieving treatment that exceeds the applicable standards.
- Three-Acre General Permit projects must obtain permit coverage for the full site before construction to be eligible for construction funds through CWIP. (Note: currently schools are the

<sup>70</sup> For more information on grants and contracts please see the Vermont Agency of Administration’s Bulletin 5: [https://aoa.vermont.gov/sites/aoa/files/Bulletins/Bulletin\\_5\\_eff12-26-14.pdf](https://aoa.vermont.gov/sites/aoa/files/Bulletins/Bulletin_5_eff12-26-14.pdf)

<sup>71</sup> For more information on contracts please see the Vermont Agency of Administration’s Bulletin 3.5: <https://aoa.vermont.gov/sites/aoa/files/Bulletins/3point5/3.5Rewrite121619FINAL.pdf>.



only Three-Acre sites eligible for CWIP funding under the Green Schools Initiative.)

- Three-Acre General Permit projects are only located in the Lake Champlain and Lake Memphremagog basins and stormwater-impaired watersheds (i.e., Roaring Brook and the East Branch of Roaring Brook) at this time, with the deadline to obtain permit coverage by the end of 2023.
- Future Three-Acre General Permit sites in other parts of the state are considered non-regulatory projects at this time and are therefore eligible for funding under the Water Quality Enhancement Grant Program.<sup>72</sup>

### **Roads/Stormwater Gully**

DEC needs reasonable assurances that in-gully work will be coupled with addressing the causal stormwater factors upstream/pre-gully so that these public infrastructure investments won't fail at the next big storm event. Upstream/pre-gully stormwater BMPs must be installed either prior to or in tandem with the installation of in-gully BMPs (designs may happen on separate schedules). If the project proponent is proposing to install all practices "in tandem" they must provide a wholistic project budget and timeline that includes all components. The cost of any BMPs not covered by the CWIP grant program's budget request is considered leverage on the project, proof of which must be documented and submitted prior to the release of final invoice payment on the project. Project proponent must also show documentation from DEC Rivers Program that gully channel cannot "otherwise be considered intermittent or perennial streams."

### **DEC's Equipment Purchase Policy**

Any eligible equipment purchased or furnished with CWIP funds under a direct grant agreement from the state is provided on a loan basis only and remains the property of the state. Grant recipients must submit an Equipment Ownership Request / Approval Form, which will be attached to applicable Grant Agreements, to retain the equipment at no later than the end of the agreement term.

When disposing of or replacing retained equipment items with a current per unit fair market value in excess of \$5,000, the grant recipient must also request disposition instructions from DEC. If DEC fails to provide requested disposition instructions within 120 days, these equipment items may be retained by the grant recipient or sold. DEC is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the DEC's percentage of participation in the cost of the original purchase.

Funding Program Administrators may mirror this procedure or develop their own processes to manage equipment ownership and disposition in a manner that ensures sub-grantees commit to using retained

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<sup>72</sup> Sites (outside Lake Champlain and Lake Memphremagog basins and stormwater-impaired watersheds) with 3 acres or more of impervious surface on a single parcel/lot that are unpermitted or permitted under pre-2002 stormwater management standards are anticipated to be future Three-Acre General Permit. Impervious surface can be estimated using ANR Atlas tools. We encourage project proponents to be conservative in their estimates and, when in doubt, overestimate total impervious surface acreage. Stormwater projects on future Three-Acre General Permit sites should only be pursued if considered high priority for the region in an existing plan, and, if pursued to achieve local stormwater management priorities, must meet the applicable Three-Acre General Permit standards to be eligible for Water Quality Enhancement grant funds.

equipment for the same purpose as originally granted. Sub-grantees should discuss disposition processes with the applicable Funding Program Administrator and do not need to request disposition instructions from DEC nor reimburse DEC with sale proceeds.

DEC's Equipment Ownership Request / Approval Form is available on the Grant Applicant and Recipient Resources webpage: <https://dec.vermont.gov/water-investment/cwi/grants/resources>.