

NYS Department of State
Office of Planning, Development and Community Infrastructure
Environmental Protection Fund
Local Waterfront Revitalization Program (EPF LWRP)
2024 – 2025 Request for Applications
RFA #24-LWRP-3

The responses to questions included herein are official responses by the Department of State (DOS) to questions submitted by potential applicants and are hereby incorporated into the Request for Applications RFA #24-LWRP-3 issued on May 13, 2024. In the event of any conflict between the Request for Applications and these responses, the requirements or information contained in these responses will prevail.

DATE POSTED. July 8, 2024

Section X. Contract Requirements, Contract Period is hereby amended to read:

Subject to the continued availability of funds in the budget, the contract period shall not exceed five years from the start of the **contract**. The earliest start date of contracts is April 1, 2024. No extensions are anticipated, however special consideration for extensions due to extreme extenuating circumstances may be granted on a case-by-case basis.

Questions & Answers

- Q1. Where can I access the Local Waterfront Revitalization Program grant application questions?**
- A1. The application questions for the Local Waterfront Revitalization Program are on the Consolidated Funding Application (CFA) website here:
<https://apps.cio.ny.gov/apps/cfa/programQuestions.cfm?programId=684>
- Q2. What tasks are necessary to prepare a Local Waterfront Revitalization Program or Watershed Management Plan, or complete a design and construction project?**
- A2. Generic workplans which describe the tasks necessary to prepare a Local Waterfront Revitalization Program, a Watershed Management Plan including a Nine-Element Plan, or complete a design and construction project are available on the DOS Funding & Bid Opportunities website here: <https://dos.ny.gov/local-waterfront-revitalization-program-24-lwrp-3>.
- Q3. Is there a maximum or minimum State assistance request amount per EPF LWRP application?**
- A3. Yes, see the [Request for Applications](#) (RFA), page 3, Section I. Introduction. The minimum State assistance request for EPF LWRP grant funding per grant application is \$50,000 and the maximum State assistance request is \$2 million.

Q4. Does a grant application submitted by a County need to include a letter or resolution from all eligible municipalities participating in the project?

A4. Yes, see the [RFA](#), page 4, Section III. Eligible Applicants.

Q5. Are there specific requirements for letters of support and to whom should they be addressed?

A5. No, there are no specific requirements for letters of support. Letters of support should be submitted through the CFA portal as an attachment to the grant application. Letters may be addressed to: NYS Secretary of State, c/o Office of Planning, Development and Community Infrastructure, 99 Washington Avenue, Suite 1010, Albany, NY 12231.

Q6. Can a municipality or county apply to EPF LWRP if they have existing open EPF LWRP contracts?

A6. Yes, eligible applicants with open EPF LWRP contracts may submit an EPF LWRP application.

Q7. Can a municipality or county submit more than one grant application to EPF LWRP?

A7. Yes, eligible applicants may submit more than one grant application to EPF LWRP.

Q8. Do projects that include design and/construction work need to have site control at time of application submission?

A8. Yes, see the [RFA](#), page 10, Section V. Requirements for Implementation and Construction Projects. For projects which include any design and/or construction work, the applicant must identify the current legal owner(s) for all properties where improvements will be implemented. Applicants must provide proof with the application that all final design and construction work will be performed on public property or where a permanent public interest, such as an easement (e.g., public access, conservation) has been established prior to the grant application due date.

The applicant must attach proof of site control and/or permanent public interest. If property is owned by:

- the applicant municipality, submit the property deed, current tax roll or property record card.
- a municipality or public entity that is not the applicant, submit the property deed, current tax roll or property record card and a letter of support or resolution from the landowner supporting the project.
- private property owner or not-for-profit, submit the property deed, current tax roll or property record card and executed public access easement, conservation easement, or similar legal instrument establishing permanent public interest in the property.

Applications that do not provide this documentation will be found ineligible and will not be scored. Note: Site control does not need to be established at time of application for planning, feasibility studies, preliminary design (up to 30%) or similar projects which do not include final

design and/or construction work. The Department shall have the sole discretion of determining if a proposed project meets the DOS program expectations for design and/or construction work.

Q9. Would Congestion Mitigation Air Quality (CMAQ) Improvement Program funds administered through NYSDOT be eligible to meet the 25% local match requirement?

A9. No, federal funding may not be used as match for an EPF LWRP grant award. For more information on eligible and ineligible costs, refer to the current [RFA](#) "Section VI. Funding and Budget Guidance" page 11.

Q10. The Village is interested in pursuing funding through the Local Waterfront Revitalization Program. This question is relative to Section VI "FUNDING AND BUDGET GUIDANCE" specifically for the subsection entitled "Local Match" on page 12 of the RFA.

The Village were previously awarded NY Forward grant funding that they would like to use to cover the 25% local match requirement. Are these state funds from the NY Forward program, or any state funding in general, considered an eligible match source for the LWRP program?

A10. NY Forward grant funding may be used as match for an EPF LWRP grant award. State funding sources may be used as match for an EPF LWRP grant award with the exception of other Environmental Protection Fund grant awards (including but not limited to WQIP, BOA, Smart Growth, OPRHP EPF). Costs, including match, must be adequately justified, directly support the project, and must be essential to project completion.

Q11. The RFA for the local waterfront revitalization program says that indirect overhead costs of the municipality are ineligible. Could you clarify whether or not institutions of higher education or sub awardees can include indirect costs in their budgets?

A11. No, indirect overhead costs of grantee subcontractors are not an eligible expense.

Q12. Is it possible to have a multi-county/multi-town LWRP application? The Towns of Genesee Falls (Wyoming County) and Portage (Livingston County) are alongside the Genesee River and are part of Letchworth State Park. Neither town can successfully do an LWRP on its own. There are local, regional, state, and even federal environmental and economic development issues that a Genesee River LWRP would enhance.

Would it be possible to have a joint application by Wyoming County, Livingston County, the Town of Genesee Falls, the Town of Portage, and the Genesee Finger Lakes Regional Planning Council?

A12. Grant applications must be submitted by one eligible applicant:

- A village, town, or city located along New York's coasts or inland waterways as designated pursuant to Executive Law, Article 42.
- A county with the written consent and acting on behalf of one or more eligible villages, towns, or cities.

However, applicants may partner with counties or other organizations on proposed projects.

Any eligible municipality or two or more eligible contiguous municipalities acting jointly to address shared resources may prepare a waterfront revitalization program, however, separate LWRP documents may be required for each municipality. For applications to prepare an LWRP including more than one eligible municipality, a resolution from each eligible municipality which demonstrates their consent and support should be submitted with the application.

Local land use controls including zoning are the basic means for enforcing the provisions of an LWRP and therefore any municipality preparing an LWRP must have appropriate local land use controls required to implement the LWRP at time of LWRP adoption.

Q13. Wyoming County was awarded an LWRP for Silver Lake, encompassing the Village of Perry and the Towns of Castile and Perry. The Silver Lake Outlet flows into the Genesee River. The county developed a scope of work for the RFP for this project. A consultant was chosen, and preliminary work was begun. (Several experienced consultants reviewed the scope of work. At no time was the Genesee River considered for that project.) Upon a recent tour by DOS staff, Wyoming County was instructed that the Genesee River must be a part of the Silver Lake LWRP. This addition was not budgeted by either the county or the consultant. How would the county apply for the additional funds to cover this expense? Would it be possible to apply together with the aforementioned regional endeavor, or would it need to be a stand-alone application?

A13. Wyoming County would need to submit a stand-alone CFA application to request additional funding needed to include the Genesee River waterfront into the LWRP. The scope of work in the application should clearly identify what project components are included in the previously awarded 2022 contract and what components would be funded under the new contract, if awarded.

Q14. Considering the complexity of the two questions above posed by Wyoming County, I believe a discussion would be beneficial. Could we arrange a zoom call at a mutually convenient time to delve into these matters further?

A14. In keeping with DOS grant procurement policy, DOS staff cannot directly address questions on proposed grant applications while the current grant round is open. To ensure fairness and transparency, all questions on grant applications must be submitted through the formal Q&A process and will be answered through posting on the DOS website.

Q15. What is the recommended way to highlight one's application to the Regional Economic Development Council (REDC)?

A15. The REDC program is administered by Empire State development (ESD). The ESD regional offices may be able to offer guidance on how to highlight an application to the REDC. Contact information for each region is available on the ESD website here: <https://esd.ny.gov/regions>.