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Federal Clean Water Act Section 319 Grant Federal Fiscal Year 2022: Watershed Project Implementation

Notice of Solicitation for Applications (SFA)

Nonpoint source pollution is the leading cause of water quality degradation in the United States and poses a substantial problem for the health of New Mexico's streams, rivers, and lakes. To address this problem, funds are available under Section 319(h) of the Federal Clean Water Act (CWA) through a competitive project selection process.

The New Mexico Environment Department (NMED) Surface Water Quality Bureau (SWQB) is now accepting applications for grants for on-the-ground projects to produce measurable improvement in water quality by 2024 and in the longer term. Projects must implement portions of completed watershed-based plans (WBPs), wetlands action plans (WAPs), or post-fire rehabilitation plans. Projects may implement more than one of these types of plans. Projects that implement WBPs must address specific, impaired waters identified in the *2020-2022 State of New Mexico CWA §303(d)/§305(b) Integrated Report* available at <https://www.env.nm.gov/surface-water-quality/303d-305b>. Projects that implement WAPs must address specific threats to wetlands or wetland restoration priorities identified in WAPs. Projects that implement post-fire rehabilitation plans must address pollutants originating from a burned area in the watershed of one or more streams with a coldwater or cool water aquatic life designated use and a fire severity outside the natural range of variability for the affected forest types. In addition to implementation activities, projects identified through this solicitation may include tasks to revise, update, or supplement existing WBPs or WAPs.

WBPs are listed at <https://www.env.nm.gov/surface-water-quality/accepted-wbp> and WAPs are listed at <https://www.env.nm.gov/surface-water-quality/wap>.

Applications are due no later than 5:00 pm Mountain Standard Time on January 21, 2021. The applicant should check the Surface Water Quality Bureau website <https://www.env.nm.gov/surface-water-quality/funding-sources> for the most recent updates to this SFA, including questions and answers, and addendums.

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Attachment A: Application Form - <https://www.env.nm.gov/surface-water-quality/funding-sources>

Attachment B: Sample Agreement - <https://www.env.nm.gov/surface-water-quality/funding-sources>

1. Program overview

NMED's Section 319 grant program is seeking applications for grants for on-the-ground projects to implement watershed-based plans (WBPs), wetlands action plans (WAPs), and post-fire rehabilitation plans to reduce nonpoint source (NPS) pollution in New Mexico's streams, rivers, and lakes and to protect and restore wetlands.

2. Funding

Funding for selected projects will be provided through Federal Clean Water Act Section 319 grant funds. NMED anticipates that approximately \$900,000 in Federal funds will be available to support projects identified through this solicitation, contingent upon Congressional appropriation. Project terms of three years or less are preferred. Project terms are not expected to exceed four years.

Match requirements

Grantees are required to contribute at least 40% of the total project cost as a cash or in-kind match. The grant award may cover no more than 60% of the total project cost. For example, if the total project cost is \$100,000, the maximum amount of grant funds the project could receive would be \$60,000; the grantee must provide a match of at least \$40,000.

Examples of acceptable match include hourly salaries of personnel paid from non-federal sources, a projection of the fair market value of time donated to project-related activities (e.g.; writers, youth group volunteers, environmental organizations, etc.), fair market value for utilization of privately-owned equipment, etc.

Note: *salaries and equipment derived from federal funds cannot be used to meet match requirements.*

3. Eligibility

Those eligible for funding include: citizen watershed groups, non-profit organizations, for-profit organizations, individuals, and federal, state and local agencies (including those of Indian Nations, Pueblos, and Tribes). Eligible projects must be in the areas covered by watershed-based plans accepted by the U.S. Environmental Protection Agency (EPA) available at <https://www.env.nm.gov/surface-water-quality/accepted-wbp>, wetlands action plans available through the mapping interface at <https://gis.web.env.nm.gov/oem/?map=swqb>, or post-fire rehabilitation plans which the applicant will provide and/or develop in cooperation with NMED. NMED expects that some post-fire rehabilitation plans, particularly Forest Service Burned Area Emergency Rehabilitation (BAER) plans, only cover activities in the first year after the fire, or only include activities which are already fully funded. In these cases, NMED may choose to work with the applicant to develop a project work plan that includes minimum elements for "Alternatives to Nine-Element Watershed-based Plans" listed in EPA's *Nonpoint Source Program and Grants Guidelines for States and Territories* (available at <https://www.epa.gov/nps/319-grant-current-guidance>). Applicants should describe any shortcomings in their WBP, WAP, or post-fire rehabilitation plans in the "Planning Feedback" section of the application form.

4. Priority points

Applicants may receive priority points for one or both of two program considerations: whether the project is within a Conservation Opportunity Area (COA), and whether the project is to address post-fire impacts.

Projects at least partly within COAs defined by the New Mexico Department of Game and Fish will receive full points for Conservation Opportunity. COAs are geographic areas considered to have superior potential for conserving Species of Greatest Conservation Need. More information on COAs, including a mapping tool, is available at <https://www.nmert.org>. Projects not within COAs will receive zero points for Conservation Opportunity.

Projects will receive full priority points for addressing wildfire impacts provided all the following are true:

- The fire occurred in 2019 or 2020.
- The fire occurred outside the range of natural variability for affected forest types. The evaluation committee will determine whether a wildfire occurred outside the range of natural variability in consultation with forest ecology and hydrology specialists.
- The burned area is at least partly in the watershed of one or more waters with a coldwater or cool water aquatic life designated use.
- The burn area is 5,000 acres or more, as determined by the agency which managed the wildfire.

Projects that don't address such impacts will receive zero points for addressing wildfire impacts.

5. Application review process

Applications received by the deadline will be reviewed using a three-phase process. Late applications will not be considered for review.

Phase I – Minimum requirements review

The SWQB will determine if eligibility requirements are met. Any application found to be ineligible will be eliminated from further evaluation.

Minimum requirements:

- Complete application: Application form submitted via email as Microsoft Word or Adobe PDF document.
- Eligible applicant (eligibility includes ability to provide sufficient match).
- Eligible project (a project that implements elements of a WBP, WAP, and/or post-fire rehabilitation).

Phase II – Evaluate applications

Only those applications found to pass Phase I will be considered in Phase II. The SWQB may request clarification from one or more applicants. The clarifications will be made in writing for evaluation purposes. The response to the request for clarification will be considered along with the original application for application scoring.

An Evaluation Committee will review and score project applications. Reviewers will evaluate applications using the evaluation criteria found in the grant application form.

Phase III – Select finalist(s)

After scoring, applications are ranked and selected based on their rank and available funding.

Notification

The SWQB anticipates all applicants will be notified of award within approximately sixty days of the application due date. Scores and comments on the applications will be provided on the SWQB website at <https://www.env.nm.gov/surface-water-quality/funding-sources>.

Successful applicants will be invited to enter into a Sub-Grant Agreement with NMED, following the format in the Sample Agreement (Attachment B and <https://www.env.nm.gov/surface-water-quality/funding-sources>). NMED staff will work with selected applicants to adapt their applications into project work plans which will be attached to their sub-grant agreements. Project work plans are subject to approval by U.S. EPA, and sub-grant agreements are subject to approval by NMED. **NMED anticipates work may begin in July 2021.**

6. Application instructions

Responses to application questions must be typed, following format and page limits specified in the grant application form (**Attachment A: Application Form**, available at <https://www.env.nm.gov/surface-water-quality/funding-sources>).

7. Application submission

Applications must be received electronically by the SWQB no later than **5:00 pm Mountain Standard Time on January 21, 2021**. Email applications to SWQB's Watershed Protection Section (WPS) Program Manager at Abraham.Franklin@state.nm.us with the subject line: **"FY22 Implementation Grant Application."**

The email properties header will reflect the date and time submissions are received. Application submissions received after the deadline will not be considered eligible. NMED is not responsible for any errors or delays caused by technology-related issues, even if they are caused by NMED.

Applications submitted via any other method, including but not limited to fax, mail, in-person deliveries, will not be accepted.

8. Application questions

Applicants may request to be added to the grant application distribution list. Applicants who have questions regarding this solicitation must email questions to Abraham.Franklin@state.nm.us, subject line: **"FY22 Implementation Grant Application Questions,"** no later than **11:59 pm Mountain Standard Time on January 10, 2021**.

A final list of all questions and answers during the open Q & A period will be sent to the distribution list and posted on the SWQB website <https://www.env.nm.gov/surface-water-quality/funding-sources> by **11:59 PM Mountain Standard Time on January 14, 2021**. It is the applicant's responsibility to check the SWQB website for the most recent updates, including questions and answers and addendums.

NMED-SWQB personnel are not authorized to discuss this SFA with applicants. Contact regarding this SFA with any NMED-SWQB personnel except as described above may result in disqualification.

NMED does not discriminate on the basis of race, color, national origin, disability, age or sex in the administration of its programs or activities, as required by applicable laws and regulations. NMED is responsible for coordination of compliance efforts and receipt of inquiries concerning non-discrimination requirements implemented by 40 C.F.R. Part 7, including Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975, Title IX of the Education Amendments of 1972, and Section 13 of the Federal Water Pollution Control Act Amendments of 1972. If you have any questions about this notice or any of NMED's non-discrimination programs, policies or procedures, you may contact:

Non-Discrimination Coordinator
New Mexico Environment Department
1190 St. Francis Dr., Suite N4050
P.O. Box 5469
Santa Fe, NM 87502
(505) 827-2855
nd.coordinator@state.nm.us

If you believe that you have been discriminated against with respect to a NMED program or activity, you may contact the Non-Discrimination Coordinator identified above or visit our website at www.env.nm.gov/non-employee-discrimination-complaint-page to learn how and where to file a complaint of discrimination.
