

## CHAPTER Env-Wq 2000 COASTAL PROGRAM GRANT RULES

### PART Env-Wq 2001 PURPOSE AND APPLICABILITY

Env-Wq 2001.01 Purpose. The purpose of these rules is to establish the procedures for applying for coastal program grants and the criteria for evaluating the applications.

Env-Wq 2001.02 Applicability. These rules shall apply to any applicant for funding under the coastal program.

### PART Env-Wq 2002 DEFINITIONS

Env-Wq 2002.01 “Coastal zone” means the geographic boundary of the New Hampshire coastal program, which comprises the jurisdictional areas of the state’s 17 coastal municipalities and the state’s off-shore territorial waters.

Env-Wq 2002.02 “Department” means the department of environmental services.

Env-Wq 2002.03 “Grant cycle” means one round of applications for funding.

Env-Wq 2002.04 “New Hampshire coastal program (NHCP)” means New Hampshire’s coastal management program approved by NOAA under the federal Coastal Zone Management Act (CZMA), 16 U.S.C. §§1451-1465, to enhance overall coastal resource management.

Env-Wq 2002.05 “Office of Ocean and Coastal Resource Management (OCRM)” means the federal office within the NOAA National Ocean Service that interprets the CZMA.

Env-Wq 2002.06 “Practicable” means available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Env-Wq 2002.07 “Section 306A project checklist” means the document provided by the OCRM as part of its construction and acquisition requirements to be used in the coastal grant program.

### PART Env-Wq 2003 LIMITATIONS ON GRANT DISTRIBUTION

Env-Wq 2003.01 Allocation to Coastal States. In accordance with the CZMA, funds are appropriated annually by Congress to OCRM to distribute to coastal states with approved management programs. This chapter shall apply only to that portion of the New Hampshire coastal grant which is passed through to applicants for project development and implementation.

Env-Wq 2003.02 Funding Limits.

(a) A maximum of \$50,000 financial assistance shall be awarded to any applicant in any grant cycle.

(b) Each applicant shall submit no more than one application in any grant cycle.

(c) Applications submitted by departments or divisions within a larger governmental or educational entity shall be considered as separate applications. However, no single governmental or educational entity shall receive more than 50% of the total available grant funds per grant cycle.

Env-Wq 2003.03 Matching Fund Requirements. Grantees shall provide a non-federal funding match which, at a minimum, equals the grant request, either with cash or in-kind services, unless at the time of the grant request the federal matching requirement has been met.

Env-Wq 2003.04 Eligible Applicants. The following entities shall be eligible to apply for a grant under this chapter:

- (a) Any municipality, school district, regional planning agency (RPA), or county government within or partially within the state's coastal zone;
- (b) Academic institutions of higher education or individual departments thereof;
- (c) Any state agency; or
- (d) Any tax exempt, non-profit organization as certified by the United States Internal Revenue Service.

#### PART Env-Wq 2004 GRANT APPLICATION PROCESS

Env-Wq 2004.01 Formal Procedure. Applicants shall apply for coastal program funds through a formal application procedure. Project applications shall contain the information required in either Env-Wq 2004.04 or Env-Wq 2004.06, as appropriate, in order to be considered for selection.

Env-Wq 2004.02 Hearing Requirement for Municipalities. If required by RSA 31:95-b, a municipal applicant shall conduct a public hearing in accordance with that section. If a hearing is held, the municipality shall provide written minutes of the hearing or town meeting in the application materials.

Env-Wq 2004.03 Planning/Management Grants.

(a) Eligible planning or management activities shall include the following:

- (1) Preliminary engineering reports and construction cost estimates;
- (2) Feasibility studies;
- (3) Ordinance development;
- (4) Hydrologic studies;
- (5) Resource planning and management studies;
- (6) Mapping of natural resources and land use;
- (7) Invasive species control;
- (8) Resource monitoring, research, and evaluation; and
- (9) Education and outreach.

(b) In order to be eligible for a planning/management grant, projects shall meet each of the following minimum requirements:

- (1) Projects shall be located within the coastal zone, or outside the coastal zone when shown to directly affect the coastal zone; and
- (2) Projects shall not be dependent upon the need to complete other related work for which there is no certainty of completion.

Env-Wq 2004.04 Planning/Management Grant Applications. The applicant for a planning/management grant shall provide the following:

- (a) A concise narrative statement which describes:
  - (1) The proposed activity;
  - (2) Whether it is a stand alone project or part of a larger project;

- (3) Why the project is necessary; and
- (4) What the outcome of the project will be;
- (b) A map with the project location clearly delineated;
- (c) A schedule containing estimated dates for the completion of specific project tasks;
- (d) A budget that:
  - (1) Details all costs and sources of funding associated with proposed project activities, as well as a description of the source(s) of funding for the matching share; and
  - (2) Complies with the following:
    - a. Not more than 35% of total project costs shall be allowed as overhead or indirect costs; and
    - b. Budgeted amounts for volunteer services, if used as match, shall be detailed; and
- (e) A description of how the proposal addresses or does not address each of the selection criteria specified in Env-Wq 2006.03 through Env-Wq 2006.11.

Env-Wq 2004.05 Construction/Acquisition Grants.

- (a) Construction, acquisition, and other projects shall include the following:
  - (1) Acquisition of interests in land, including but not limited to the fee, an easement, or a right-of-way;
  - (2) Construction projects;
  - (3) Habitat restoration;
  - (4) Shoreline rehabilitation and modification to increase or improve public access;
  - (5) Final engineering designs or specifications; and
  - (6) Educational, interpretive, and management activities.
- (b) In order to be eligible for construction/acquisition grants, projects shall meet each of the minimum requirements for planning/management applications contained in Env-Wq 2004.03(b), and each of the following requirements, as applicable to the project:
  - (1) Completed projects shall be accessible for use by the general public, including persons with disabilities;
  - (2) Construction projects shall be sited on public land, leased land, or land for which an easement has been obtained; and
  - (3) An easement or lease shall be for the life of the constructed project.

Env-Wq 2004.06 Construction/Acquisition Grant Applications. The applicant for a construction/acquisition grant shall provide the following:

- (a) A concise narrative statement which describes:
  - (1) Each activity proposed as part of the project;

- (2) Whether it is a stand alone project or is part of a larger project;
  - (3) The location of the project;
  - (4) Materials to be used;
  - (5) Why the project is necessary; and
  - (6) What the end outcome of the project will be;
- (b) A map with the exact project location and its relationship to other surrounding features clearly delineated;
- (c) A detailed site plan showing the relationship of the project to other facilities and significant natural features, including but not limited to slope, access points, wetlands, and dunes;
- (d) If the project is a public access project, a description of the signage proposed to identify its availability to the public;
- (e) A schedule containing estimated dates for the completion of specific project tasks;
- (f) A budget that:
- (1) Details all costs and sources of funding associated with proposed project activities, as well as a description of source of funding for the matching share; and
  - (2) Complies with the following:
    - a. Not more than 35% of total project costs shall be allowed as overhead or indirect costs; and
    - b. Budgeted amounts for volunteer services, if used as match, shall be detailed;
- (g) For projects where the architectural and engineering plans are final, a statement as to the source of funds for the subsequent construction project;
- (h) A title opinion, certification, affidavit, or title insurance showing public ownership or control of land for projects involving acquisition or construction, signed by a licensed attorney or authorized state or local government official;
- (i) A section 306A project checklist to provide detailed information on potential environmental impacts;
- (j) For construction projects, a letter from the state historic preservation officer clearing the project for historic preservation purposes;
- (k) A list of all necessary local, state, and federal permits or a statement on the section 306A project checklist that no permits are needed for the proposed project; and
- (l) A description of how the proposal addresses or does not address each of the selection criteria specified in Env-Wq 2006.03 through Env-Wq 2006.11.

Env-Wq 2004.07 Multi-Phase Projects.

- (a) Multi-phase projects shall be eligible for funding under this program, provided they meet all other requirements of these rules.
- (b) The award of a grant for one phase of a multi-phase project shall not guarantee that subsequent phases will be funded.

- (c) Each phase of a project shall be:
  - (1) Completed within one grant cycle; and
  - (2) Able to stand alone as a project.

Env-Wq 2004.08 Ineligible Activities. The following activities shall not be eligible for funding through the NHCP:

- (a) Activities that do not fall within the coastal zone, except as provided for in Env-Wq 2004.03(b)(1);
- (b) Activities that are planned for privately-owned land, except those which will be on privately-owned land with public control through easement, right-of-way, or long-term lease; and
- (c) Activities that otherwise are ineligible under CZMA statutes and OCRM rules.

#### PART Env-Wq 2005 PROCEDURES FOR ADMINISTRATION OF FUNDS BY GRANTEE

##### Env-Wq 2005.01 Documentation.

- (a) Grantees shall document all project activity costs and associated costs.
- (b) Documentation shall be available for review by the department or OCRM.
- (c) Grantees shall retain documentation for a period of 3 years after project completion for audit purposes.

Env-Wq 2005.02 Compliance By Grantee With All Applicable Requirements. In performance of the project activities, the grantee shall comply, and require each contractor and sub-contractor to comply with:

- (a) All statutes and rules governing the administration of the NHCP;
- (b) All applicable requirements of any federal, state, county, or municipal authorities; and
- (c) Any lawful directive of any public officer relative to the performance of project activities.

#### PART Env-Wq 2006 CRITERIA AND PROCEDURES FOR EVALUATING & APPROVING APPLICATIONS

##### Env-Wq 2006.01 Phase 1: Evaluating Applications Before Selection Process Begins.

- (a) The department shall review each project application to determine whether the application meets the minimum requirements specified in Env-Wq 2004.03 or Env-Wq 2004.05.
- (b) If the application meets the minimum requirements, the department shall score the application as specified in Env-Wq 2006.02.
- (c) If the application does not meet the minimum requirements, the department shall notify the applicant that the application has been rejected.

##### Env-Wq 2006.02 Phase 2: Project Selection Process.

- (a) Each application that meets the eligibility requirements shall be evaluated and scored based on the criteria contained in Env-Wq 2006.03 through Env-Wq 2006.11.
- (b) Eligible activities as identified in Env-Wq 2004.03 or Env-Wq 2004.05 shall be evaluated on the

basis of the likely impact of the proposed project as if it had been implemented.

(c) A minimum score of 26 points shall be required for the NHCP to recommend the project to OCRM for final approval.

Env-Wq 2006.03 Scoring Based on Benefits to Focus Area.

(a) Each application shall be scored based on the anticipated benefit of the proposed project in one of the following NHCP project focus areas:

- (1) Restoration of coastal habitats;
- (2) Water quality and stormwater management;
- (3) Land conservation;
- (4) Climate change adaptation and coastal hazards; or
- (5) Ocean and estuarine resources.

(b) The NHCP shall determine whether a project:

- (1) Directly addresses one of the 5 focus areas set forth in (a), above, and, if so, whether the project directly qualifies as a high or medium priority project based on the criteria set forth in (d) or (e), below;
- (2) Indirectly addresses one of the 5 focus areas set forth in (a), above; or
- (3) Does not directly or indirectly address one of the 5 focus areas set forth in (a), above, but is otherwise eligible for funding pursuant to Env-Wq 2004.03 through 2004.08.

(c) The following types of projects that directly address one of the 5 focus areas shall qualify as high priority projects and receive 10 points:

(1) Restoration projects that:

- a. Result in restoration of tidal and non-tidal coastal habitats, including, rivers, streams, and floodplains; or
- b. Facilitate the control of invasive species;

(2) Water quality and stormwater management projects that:

- a. Implement low impact development technologies and practices;
- b. Create and promulgate water quality and stormwater ordinances; or
- c. Monitor the effectiveness of water quality enhancement activities;

(3) Land conservation projects that:

- a. Conserve coastal lands, including but not limited to buffers around tidal waters, tributary rivers, and tributary streams;
- b. Protect floodplains;
- c. Provide or increase public access to coastal resources; or
- d. Conserve unique natural areas and habitats;

- (4) Projects that promote climate change adaptation and mitigation of coastal hazards by:
  - a. Planning and modeling for sea level rise;
  - b. Implementing actions to protect coastal infrastructure and resources; or
  - c. Promulgating local regulations; or
- (5) Projects that protect ocean and estuarine resources, including but not limited to:
  - a. Renewable energy siting research projects;
  - b. Dredged material management projects;
  - c. Development of offshore data sources such as bathymetry, benthic habitat and human uses; and
  - d. Projects that implement innovative or regional approaches to offshore issues.

(d) The following types of projects that directly address one of the 5 focus areas shall qualify as medium priority projects and receive 6 points:

- (1) Feasibility studies, monitoring activities, and outreach associated with coastal habitat restoration;
- (2) Research, ambient water quality monitoring, and outreach about the importance of good water quality;
- (3) Land conservation outreach, planning, and stewardship;
- (4) Research and outreach pertaining to climate change adaptation and coastal hazards; or
- (5) Marine debris removal and prevention, and outreach on ocean and estuarine resources.

(e) A project that indirectly addresses one of the 5 focus areas shall receive 4 points.

(f) A project that does not directly or indirectly address one of the 5 focus areas but is otherwise eligible for funding pursuant to Env-Wq 2004.03 through Env-Wq 2004.08 shall receive 2 points.

Env-Wq 2006.04 Scoring Based on Completeness and Clarity. Each application shall be scored on its completeness and clarity as follows:

(a) An application shall be scored on its executive summary as follows:

- (1) An application that includes a clear and descriptive executive summary shall receive one point; and
- (2) An application that fails to include a clear and descriptive executive summary shall receive no points;

(b) An application shall be scored on how well it describes the purpose, objectives, and need for the proposed project as follows:

- (1) An application in which the purpose, objectives, and need for the proposed project are clearly presented and which demonstrates direct applicability to NHCP focus areas shall receive 4 points;

- (2) An application in which the purpose, objectives, and need for the proposed project are not clearly described or which demonstrates indirect applicability to NHCP focus areas shall receive 2 points; and
  - (3) An application in which the purpose, objectives and need for the proposed project are not clearly presented or which demonstrates no applicability to NHCP focus areas shall receive no points;
- (c) An application shall be scored on how well it describes project tasks as follows:
- (1) An application in which project tasks are practicable and clearly described, and which identifies who will complete each portion of the proposed work, shall receive 2 points; and
  - (2) An application in which project tasks are not practicable, or clearly described, or which does not identify who will complete each portion of the proposed work, shall receive no points;
- (d) An application shall be scored on its inclusion of a project schedule as follows:
- (1) An application that includes a clear implementation plan with dates for completion of project milestones that are achievable within the allotted time period shall receive 2 points; and
  - (2) An application that does not include a clear implementation plan with dates for completion of project milestones that are achievable within the allotted time period shall receive no points;
- (e) An application shall be scored on its inclusion of a budget and matching fund justification as follows:
- (1) An application in which the budget and matching fund justification are complete and practicable based on the stated objectives, tasks, and time frame shall receive 3 points; and
  - (2) An application in which the budget and matching fund justification are not complete and practicable based on the stated objectives, tasks, and time frames shall receive no points;
- (f) An application shall be scored on how well it describes anticipated project outcomes as follows:
- (1) An application that describes specific, tangible results that are consistent with the project objectives shall receive 3 points; and
  - (2) An application that does not describe specific, tangible results that are consistent with the project objectives shall receive no points;
- (g) An application shall be scored on how well it measures success as follows:
- (1) An application that includes an assessment strategy that will effectively measure results and completion of the project objectives shall receive 2 points; and
  - (2) An application that does not include an assessment strategy that will effectively measure results and completion of the project objectives shall receive no points; and
- (h) An application shall be scored on its inclusion of all submission requirements as follows:
- (1) An application that includes all application submission requirements set forth in Env-Wq 2004.04 or Env-Wq 2004.06, as applicable, shall receive 2 points; and
  - (2) An application that does not include all application submission requirements set forth in Env-Wq 2004.04 or Env-Wq 2004.06, as applicable, shall receive no points.

Env-Wq 2006.05 Scoring Based on Consistency with Needs. Each application shall be scored on the project's consistency with the needs identified in federal, state, regional, or local plans or studies as follows:

- (a) A project need that is specifically identified by one or more federal, state, regional, or local plans or studies shall receive 3 points;
- (b) A project need that is generally supported in concept by 2 or more federal, state, regional, or local plans or studies shall receive 2 points;
- (c) A project need that is generally supported in concept by one federal, state, regional, or local plan or study shall receive one point; and
- (d) A project that has no documented need shall receive no points.

Env-Wq 2006.06 Scoring Based on Volunteer Involvement. Each application shall be scored on the project's inclusion of volunteer involvement as follows:

- (a) A project in which volunteers will contribute more than 50 percent of the time and effort for the project shall receive 2 points;
- (b) A project in which volunteers will contribute some but less than 50 percent of the time and effort for the project shall receive one point; and
- (c) A project in which there is no volunteer involvement shall receive no points.

Env-Wq 2006.07 Scoring Based on Increase in Understanding. Each application shall be scored on how the project will increase the understanding of coastal issues and lead to behavior change that will positively impact the coast as follows:

- (a) A project in which the primary purpose is outreach and education, with clearly defined target audiences and strategies to reach those audiences, and that incorporates direct hands-on outreach and education, such as trainings, field events, and workshops, shall receive 3 points;
- (b) A project with clearly defined target audiences and strategies to reach those audiences, that incorporates indirect outreach and education, such as brochures, Internet materials and web sites, mass media campaigns, and interpretive kiosks and/or signage, shall receive 2 points;
- (c) A project that does not define target audiences and outreach strategies, but incorporates an indirect education and outreach component shall receive one point; and
- (d) A project that does not incorporate an outreach and education component shall receive no points.

Env-Wq 2006.08 Scoring Based on Opportunities for Cooperation. Each application shall be scored on whether the project will improve opportunities for multi-entity cooperation on coastal resource planning and management efforts as follows:

- (a) A project that involves cooperation between 4 or more coastal stakeholders, where stakeholders are identified as any entity that is eligible to receive grant funding pursuant to Env-Wq 2003.04, shall receive 3 points;
- (b) A project that involves cooperation between 2 or 3 coastal stakeholders shall receive 2 points; and
- (c) A project that does not involve multi-entity cooperation shall receive no points.

Env-Wq 2006.09 Scoring Based on Receipt of Prior Grants and Past Performance.

- (a) Each application shall be scored on whether the applicant is a new applicant to the NHCP as

follows:

- (1) A project proposed by an applicant that has not received NHCP grant funding in the 10 years immediately prior to the current grant round shall receive 4 points; and
  - (2) A project proposed by an applicant that has received NHCP grant funding in the 10 years immediately prior to the current grant round shall receive no points.
- (b) For projects proposed by applicants who have received NHCP funding in the 10 years immediately prior to the current grant round, the application shall be scored on the previous performance of the applicant as follows:
- (1) A project shall receive 4 points if all the following apply:
    - a. Work products were complete and finished on time;
    - b. Interim reports were clear and descriptive and submitted on time; and
    - c. Invoices were submitted on time and were error-free;
  - (2) A project shall receive 2 points if one of the following circumstances occurred:
    - a. Work products were complete but finished late;
    - b. Interim reports were not clear and descriptive or were submitted late; or
    - c. Invoices were submitted late or contained multiple errors;
  - (3) A project shall receive one point if 2 of the following circumstances occurred:
    - a. Work products were incomplete or finished late;
    - b. Interim reports were not clear and descriptive or were submitted late; or
    - c. Invoices were submitted late or contained multiple errors; and
  - (4) A project shall receive no points if all of the following circumstances occurred:
    - a. Work products were incomplete or finished late;
    - b. Interim reports were not clear and descriptive or were submitted late; and
    - c. Invoices were submitted late or contained multiple errors.

Env-Wq 2006.10 Scoring Based on Support for the Project. Each application shall be scored on whether the project has documented support, as follows:

- (a) To receive 3 points, a project shall be supported by 3 affected communities, groups, or organizations submitting a letter that:
  - (1) Specifically identifies the proposed project; and
  - (2) Is dated within one year prior to the grant application;
- (b) To receive 2 points, a project shall be supported by 2 affected communities, groups, or organizations submitting a letter that:
  - (1) Specifically identifies the proposed project; and
  - (2) Is dated within one year prior to the grant application;

(c) To receive one point, a project shall be supported by one affected community, group, or organization submitting a letter that:

- (1) Specifically identifies the proposed project; and
- (2) Is dated within one year prior to the grant application; and

(d) A project that does not qualify for points under (1), (2), or (3), above, shall receive no points.

Env-Wq 2006.11 Scoring Based on Excess Match. Each project shall be scored on its inclusion of matching funds or in-kind services in excess of the required match amount, as follows:

(a) A project for which the applicant will provide \$50,000 or more in excess non-federal matching funds shall receive 6 points;

(b) A project for which the applicant will provide at least \$40,000 but less than \$50,000 in excess non-federal matching funds shall receive 5 points;

(c) A project for which the applicant will provide at least \$30,000 but less than \$40,000 in excess non-federal matching funds shall receive 4 points;

(d) A project for which the applicant will provide at least \$20,000, but less than \$30,000 in excess non-federal matching funds shall receive 3 points;

(e) A project for which the applicant will provide at least \$10,000, but less than \$20,000 in excess non-federal matching funds shall receive 2 points;

(f) A project for which the applicant will provide at least \$5,000 but less than \$10,000 in excess non-federal matching funds shall receive one point; and

(g) A project for which the applicant will provide less than \$5,000 in excess non-federal matching funds shall receive no points.

Env-Wq 2006.12 Phase 3: Recommendation to OCRM.

(a) After all eligible projects have been scored, the department shall recommend those projects which best meet the selection criteria, as demonstrated by the total number of points, to OCRM for funding.

(b) In accordance with grant conditions of NOAA, OCRM shall have final approval authority for all projects.

**APPENDIX**

<b>Rule Section(s)</b>	<b>State Statute(s) Implemented</b>	<b>Federal Statute/Regulation(s) Implemented</b>
Env-Wq 2000 (see also specific section below)	RSA 4-C:1, II(i); RSA 21-O:3, IV	16 USC 1455; 15 CFR 24
Env-Wq 2004.02	RSA 31:95-b	