



**US Army Corps
of Engineers**
New York District



**Lake Champlain
Basin Program**

**LAKE CHAMPLAIN WATERSHED
ENVIRONMENTAL ASSISTANCE PROGRAM**

**Lake Champlain Basin Program Announcement
In partnership with
The U.S. Army Corps of Engineers**

Invitation for Letters of Request

Watershed Restoration Projects in the Lake Champlain Basin

The Lake Champlain Basin Program (LCBP) is pleased to invite Letters of Request for Watershed Restoration Projects in the Lake Champlain Basin. This program awards US Army Corps of Engineers (USACE) services in lieu of cash awards.

The Invitation for Letters of Request contains instructions for applying to the Lake Champlain Watershed Environmental Assistance Program and information about the program. The Invitation for Letters of Request is available from the LCBP website, <http://www.lcbp.org>, or by calling the Basin Program office at (802) 372-3213 or toll free at (800) 468-LCBP.

Letters of Request may be submitted to the US Army Corps of Engineers, New York District at any time for determination of a project's eligibility. If a project is deemed eligible, a project summary will be developed by the applicant in conjunction with the USACE. The project summary will be submitted to the LCBP for technical review and ranking. Upon ranking and approval by the LCBP Steering Committee and the USACE, and subject to the availability of funds, projects will be selected for implementation.

Lake Champlain Basin Program Invitation for Letters of Request

Released August, 2019

The Lake Champlain Basin Program (LCBP), in partnership with the U.S. Army Corps of Engineers (USACE), is soliciting Letters of Request for watershed restoration projects from local governments for ecosystem restoration, preservation, and protection projects consistent with the *Lake Champlain General Management Plan* authorized under Section 542 of the Water Resources Development Act of 2000.

Background

The Lake Champlain Basin Program

The LCBP is a partnership between state, provincial, and federal government agencies, as well as many local groups, all working together to protect and enhance the environmental integrity and the social and economic benefits of the Lake Champlain Basin. In 1996, the LCBP released the Lake Champlain management plan, *Opportunities for Action: An Evolving Plan for the Future of Lake Champlain*, which was signed by the governors of New York and Vermont. The LCBP released updates to the Plan in 2003, 2010, and 2017, with endorsements from the Province of Québec. This management plan addresses a range of issues from water quality to invasive species to recreation. The highest priorities in the plan address clean water, healthy ecosystems, thriving communities, and an informed and involved public.

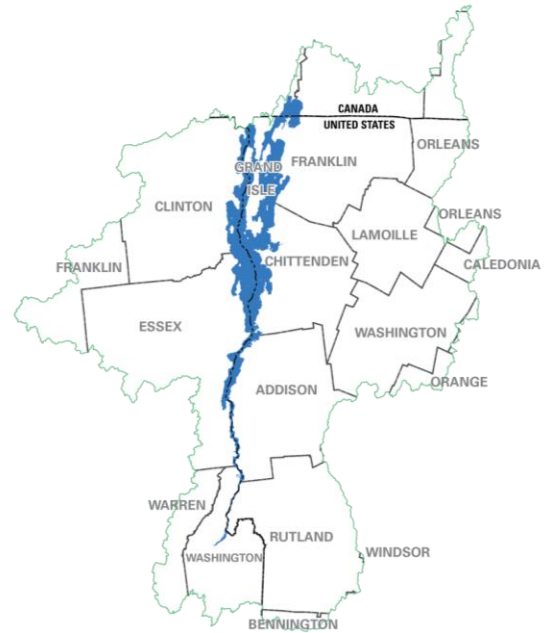
The highest priorities in the Lake Champlain management plan are reducing phosphorus pollution, reducing pollution from toxic substances, and preventing the spread of aquatic invasive species.

Section 542 and the Lake Champlain General Management Plan Assistance Program

This program was created in December 2000, with the passage of Public Law #106-541, the Water Resources Development Act of 2000 (WRDA 2000), which was signed into law by President Clinton. Section 542 of WRDA 2000 authorized the Secretary of the Army to establish a program for providing environmental assistance to non-federal interests in the Lake Champlain watershed. Congress is authorized to appropriate up to \$32 million to carry out this program; appropriated funds will remain available until fully expended.

Lake Champlain Watershed Environmental Assistance Program

The goal of the Lake Champlain Watershed Environmental Assistance Program is to provide assistance with planning, designing and implementation of large-scale projects that protect and enhance water quality, water supply, ecosystem integrity and other water related issues within the watershed. It defines the Lake Champlain watershed as the land areas within Addison, Bennington, Caledonia, Chittenden, Franklin, Grand Isle, Lamoille, Orange, Orleans, Rutland, and Washington Counties in the State of Vermont; the land areas that drain into Lake Champlain and that are located within Essex, Clinton, Franklin, Warren, and Washington Counties in the State of New York; and the near-shore areas of Lake Champlain within the counties referenced.



U.S. Army Corps of Engineers - Lake Champlain Basin Program Partnership

The LCBP is the administrative partner of the USACE to implement this program under the terms of the General Management Plan. The LCBP has issued this Invitation for Letters of Request to be submitted to the USACE NY District. The USACE NY District will work with eligible applicants to develop and submit a project summary to the LCBP. The LCBP will screen, rank and recommend projects to the USACE for implementation, based on the potential for success and ability to address the priority areas of concern identified in *Opportunities for Action*. The USACE will select projects among those highest ranked for implementation, upon approval and subject to the availability of funds. Selected projects will be eligible for partnership with USACE through a Design Agreement (DA) for studies or design assistance or through a Project Partnership Agreement (PPA) between the project applicant and USACE for design and construction assistance. Please note that this award is for USACE services; project applicants will not receive grant funding in this program.

Letters of Request may be submitted to the USACE, NY District at any time. Project summaries will be periodically reviewed by the LCBP. LCBP reviews will normally take place at least twice a year, in the fall and spring. Selection of projects for implementation may occur throughout the year, subject to the availability of funding.

Assistance Program Goals

The goals of this program are to provide assistance with planning, designing and implementation of projects that contribute to the protection and enhancement of water quality, water supply, ecosystem integrity and other water related issues; while preserving and enhancing the economic and social character of the communities within the watershed. The emphasis of this Invitation for Letters of Request is on water quality protection for projects too large to be funded at the local municipal or state level.

Under this Invitation for Letters of Request, the USACE will assist successful applicants by facilitating restoration projects in the following categories:

- River Corridor Management
- Non-Point Source pollution prevention
- Invasive species prevention
- Land Use Mapping
- Other water quality initiatives detailed in *Opportunities for Action, An Evolving Plan for the Future of the Lake Champlain Basin, 2017*, and consistent with the *Lake Champlain General Management Plan* developed under Section 542. Both of these plans are available from the LCBP and online at www.lcbp.org

Application Instructions

Applicants may request assistance for a variety of project types, e.g. planning studies, designs, construction of existing designs, etc. If you are requesting that the Corps construct existing designs, please be aware that designs must meet Corps standards. Refer to <http://www.nan.usace.army.mil/business/buslinks/contract/ae/index.htm> for examples of design plans that the Corps uses during the construction phases of a project. Applicants are encouraged to attend the pre-application workshop described on page 9 of this Invitation.

Eligible Applicants

Any municipal entity, state or interstate agency, Native American nation, or qualifying non-profit organization proposing work within the Lake Champlain Watershed is eligible to respond to this Invitation for Letters of Request. Municipal entities are defined as any county, city, town, village, or an entity designated to act on their behalf such as a county Soil and Water Conservation District (NY), Natural Resource Conservation District (VT)

or a Regional Planning Commission. Two or more eligible entities may submit a joint application for inter-municipal proposals. If an applicant is selected and partners with the USACE, they will be referred to as the non-federal sponsor or partner.

Sponsors must have the legal and financial capability to fulfill the requirements of cost sharing and local cooperation. The sponsor must generally agree to the following:

- Provide without cost to the United States, all lands, easements, rights-of-way, relocations and disposal areas (LERRDs) necessary for construction, operation, and maintenance of a project, including provision of all necessary access routes and utility relocations.
- Provide cash or work-in-kind contributions to meet the cost-share requirements described below in the *Cost Sharing and Project Budgets* section.
- Comply with provisions of pertinent federal laws (e.g. the National Environmental Policy Act, Endangered Species Act, Clean Water Act, etc.)
- Work with the USACE to obtain permits, state and otherwise.
- The completed project must be maintained and operated without cost to the United States (i.e. operations and maintenance are the non-federal sponsors' responsibility at 100% non-federal expense).

All Letters of Request must be submitted to the USACE and evaluated and processed according to the provisions described in this Invitation for Letters of Request.

Applicant Project Goals

Projects which address the following priority areas of concern will be a high priority for the US Federal fiscal year 2019 Lake Champlain Environmental Assistance Program. The emphasis for the program is on water quality protection for projects too large to be funded at the local level, particularly for the priorities identified below:

- Clean water, focused on water quality monitoring, understanding the risk of toxic pollutants, and reducing nutrient inputs to water bodies,
- Healthy ecosystems, focused on habitat restoration, protection of native species and aquatic invasive species spread prevention,
- Thriving communities, focused on community involvement in stewardship of natural and cultural resources in the basin, and
- An informed and involved public, which involves education and outreach, communication with students, media, educators, and children, and scientific literacy as they pertain to ecosystem restoration and water quality improvement for the watershed.

Details on these and other priority areas of concern can be found online at www.lcbp.org.

Application Submission

The application process, formatting and organization requirements are detailed below. An applicant may submit Letters of Request for more than one project. *If proposed projects involve existing designs, one copy of the project design plans should be submitted with the Letter of Request.*

Letters of Request should be sent to:

District Engineer
U.S. Army Corps of Engineers, New York District
ATTN: Planning Division
26 Federal Plaza, 21st Floor
New York, NY 10278

You may scan and submit a Letter of Request electronically; however, it must be on official letterhead and signed. Electronic submittals may be sent to Daria Mazey at daria.s.mazey@usace.army.mil. For general questions on this program, please consult the LCBP website www.lcbp.org or contact Meg Modley Gilbertson at (800) 468-5227 (from NY or VT) or (802) 372-3213, or email mmodley@lcbp.org. Questions may also be directed to Daria Mazey at the USACE at (917) 790-8031.

Application Procedure

1. Submit a Letter of Request to the USACE (see below for detailed instructions). The USACE will determine if a project is eligible to receive assistance through this program and will so inform the applicant.
2. If a project is deemed eligible, the USACE will work with the applicant to complete a project summary.
3. The project summary will be submitted to LCBP for review and ranking. LCBP will provide recommendations to the USACE based on this review.
4. Upon approval and subject to the availability of federal funds, the USACE will proceed with project implementation for the highest-ranking projects. The USACE will select projects based on LCBP's recommendations, availability of federal and non-federal funds, and other factors, as appropriate.
5. Upon selection, the USACE will proceed with development of a Project Management Plan and will negotiate a Design Agreement or a Project Partnership Agreement with the applicant, depending on whether or not the project will include construction.
6. Project summaries of projects not selected for implementation will be maintained and periodically screened and prioritized by the LCBP for a period not to exceed three years.

Letter of Request Requirements

Letters of Request must be submitted according to the detailed instructions in Attachment A and format in Attachment B.

Project Evaluation and Selection Criteria

Projects which address the priority areas of concern (Page 4) will be a high priority for the fiscal year 2019 Lake Champlain Environmental Assistance Program. Applications also will be reviewed and ranked according to how well they address the following:

- 1) Demonstration of *Effectiveness* - Project objectives should effectively address one or more of the priorities identified in *Opportunities for Action*. The project summary should indicate the extent to which the project will result in tangible benefits or improvements that can be measured.
- 2) Demonstration of *Efficiency* - The merit and feasibility of the proposed methods for carrying out the project in a cost-effective way will be evaluated. USACE support involves a process that is more appropriate for large-scale projects (i.e. multi-year process, studies that cost \$500,000 or more, and construction costs of at least \$1,000,000).
- 3) Demonstration of *Acceptability* - A project should be acceptable to any applicable local, State and or Federal resource agency and the applicant should be able to obtain any required permits, titles or easements. Evidence of public support for the plan is encouraged.
- 4) Demonstration of *Completeness* - A project must provide and account for all necessary investments or other actions needed to ensure the realization of the planned restoration outputs. This may require relating the plan to other types of public or private plans if these plans are crucial to the outcome of the restoration objective.
- 5) Demonstration of ability of the local entity to provide the required 35% non-federal match.

Notification of Approval

After the submittal of the Letter of Request, the USACE will contact eligible applicants. The USACE will then work with eligible applicants to complete and submit a project summary to the LCBP for review.

Applicants selected for support will be notified by the LCBP. Selection and notification will occur throughout the year, dependent upon available funding.

After a Project is Selected for Assistance

Prior to submission, all applicants should be familiar with the general process and timeframe for projects that will be implemented via Section 542, the Lake Champlain Watershed Environmental Assistance Program.

Projects will be chosen according to pre-determined criteria (see Project Evaluation and Selection Criteria above). The USACE and non-federal sponsors of the selected project(s) will identify a project scope of work, budget, and schedule that is mutually agreeable. Upon agreement, the USACE and non-federal sponsor will execute a Design Agreement (DA) or Project Partnership Agreement (PPA) for projects involving both Design and Construction. DAs and PPAs are legal agreements between the USACE and the non-federal sponsor (applicant) that provides formal assurances of cooperation by both parties. Upon execution of the DA or PPA, the USACE will receive federal funds to execute the Scope of Work according to the approved project budget and schedule.

Cost Sharing and Project Budgets

Total project costs under Section 542 of WRDA 2000 will be cost-shared at 65% federal and 35% non-federal matching funds. Funding for the non-federal matching share may come from any non-federal funding source, which may include in-kind services or supplies up to 100% of the non-federal share. In-kind services completed prior to PPA approval (i.e., before USACE involvement) may be credited only with specific USACE approval. The balance of the required 35% non-federal matching share must be provided in cash or in-kind services to be made available to the USACE for use in the project immediately after the PPA is executed. The term “in-kind” is defined as those tasks completed by the local sponsor in substitution of a cash contribution and **must be approved by the USACE prior to PPA execution**. The sponsor’s cost share includes a credit for the value of the sponsor’s contribution of lands, easements, rights-of-way, relocations and disposal areas (LERRDs). As described in the ***Eligible Applicants*** section, the sponsor is responsible for acquiring all LERRDs necessary for construction, operation and maintenance of a project, including the provision of all necessary access routes and utility relocations. If the sponsor already owns the real estate required for the project, the value of that real estate will still count toward the non-federal cost share and will reduce the amount of cash or in-kind services that the sponsor needs to contribute.

Proposed project budgets will be reviewed with the understanding that they are the best estimates of the applicant in response to this Invitation for Letters of Request. In preparation of the DA or PPA with successful applicants, the USACE will confer with the applicant and the LCBP to further review project plans, and may require certain design revisions to ensure that the resulting project meets the design standards of the USACE. This review could result in some increase in overall project costs beyond that anticipated by the applicant. Any budget adjustments required to ensure that the proposed project will meet USACE standards will be determined prior to finalization of the DAs/PPAs, based on the full agreement of all parties, and will not be subject to change thereafter, except by mutual consent of the applicant and the USACE.

Expected Timeline to Execute a PPA

Applicants should expect to receive USACE review of their application within approximately 30 days from submitting their request. Once the application is approved, applicants should plan for 2 to 3 additional months for approval from the LCBP. Upon approval at the LCBP applicants should plan for 1-2 months to execute a PPA from the time that a scope of work is mutually agreed upon between USACE and non-federal partner. This includes the time it takes for the applicant's legal team to approve the draft PPA and for the applicant to provide the financial self-certification. If this process is protracted, the timeline will be extended. If sponsors decide to seek in-kind credit for work performed prior to the PPA execution, USACE will need to review and approve the work. The approval process for in-kind credit on pre-existing work can add approximately three additional months to the time it takes to execute a PPA and begin work.

Pre-Application Workshop

A pre-application workshop will be held on 24 September 2019 at 9:30 AM at the Westport Town Hall, 22 Champlain Ave., Westport, NY. This workshop is free of charge and representatives from any eligible organization are encouraged to attend. USACE and LCBP staff will be available to review the application process, types of projects that are typically successful under the Section 542 program, and the typical timeline for 542 projects. The USACE staff also will review other pertinent USACE programs in the Lake Champlain watershed.

Participants in the workshop will have the opportunity to review their project(s) with the USACE and LCBP and ask general process questions. Project-specific questions may require a more detailed response, to be provided subsequent to the workshop. Please RSVP to Kathy Jarvis at kjarvis@lcbp.org or 802-372-3213 if you are interested in participating.

Attachment A Letter of Request Requirements

The Letter of Request must include the following information:

- A. NAME OF PROJECT & LOCATION
- B. NAME OF APPLICANT/SPONSOR. PLEASE INCLUDE CONTACT INFORMATION INCLUDING, PHONE, FAX, ADDRESS, AND EMAIL ADDRESS.
- C. DISCUSSION OF THE NON-FEDERAL SPONSOR INTEREST: Briefly describe the sponsor's level of need and interest.
- D. PROJECT DESCRIPTION
 - Identify the specific location of the project (state, county, town, river or creek, latitude & longitude).
 - Describe the nature and severity of the environmental problem.
 - Identify the studies performed to date, as well as the reports or material utilized in the planning or design of this project (if planning or design has already been performed).
 - Describe the specific problem(s) to be addressed and note the specific action(s) in *Opportunities for Action* that will be addressed by this project.
 - Include an estimated schedule and cost of the project, including design.
 - Briefly describe the known issues that might affect the acceptability of any recommended solutions, from the perspective of local government and/or the public.

In General, describe the type of work to be accomplished & the expected results as well as any other relevant information.

Attachment B Sample Letter of Request

District Engineer
U.S. Army Corps of Engineers, New York District
ATTN: Planning Division
26 Federal Plaza, 21st Floor
New York, NY 10278

Dear Sir or Madam:

The purpose of this letter is to seek assistance of the U.S. Army Corps of Engineers under Section 542 of the Water Resources Development Act of 2000, in implementing a critical restoration project on the (*river or creek*) in the vicinity of (*city or town, etc.*).

Briefly:

- *Describe the nature and severity of the environmental problem.*
- *Identify the studies performed to date, as well as the reports or material utilized in the planning or design of this project (if planning or design has already been performed).*
- *Describe the specific problem(s) to be addressed and note the specific action(s) in Opportunities for Action that will be addressed by this project.*
- *Include an estimated schedule and cost of the project, including design.*
- *Describe the known issues that might affect the acceptability of any recommended solutions, from the perspective of local government and/or the public.*

It is understood that the (*non-federal sponsor*) would be able to pay at least 35 percent of the total cost of a project; to provide any land, easements, rights-of-way, and relocations necessary to carry out the project; to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs associated with the project; and pay the minimum cash requirement.

Please contact (*name, address, telephone*) for further information.

Sincerely,
(*Name and title of public official authorized to request study*).

Attachment C

Section 542 Project Example

One example of a recent successful project supported by Section 542 is the Bartlett Brook North project in South Burlington, VT. This project completed design and an Environmental Assessment in 2012 and construction was initiated in July 2016 and construction was completed in September 2017.

Project Information

- Local Sponsor: City of South Burlington, VT
- Project Cost: \$2,271,423 (cost shared 65% federal / 35% non-federal)
- Timeline
 - Letter of Request submitted in January 2008
 - Bartlett Brook application approved in June 2008
 - Sponsor provided Scope of Work in May 2009
 - Project Management Plan signed in November 2009
 - Sponsor's work was approved for in-kind credit by the Assistant Secretary for the Army—Civil Works in January 2012. Note: in-kind credit approval decisions and approval to execute a DA or PPA have been delegated to the North Atlantic Division, which should speed up the approval timeline.
 - PPA executed 26 January 2012
 - Contract awarded on 17 March 2016
 - Notice to Proceed on 13 April 2016
 - Construction initiated on 5 July 2016
 - Construction completion in September 2017

Description of Work

The work is to improve on-site drainage in two suburban areas (Stonehedge & Laurel Hill) which will reduce negative impact of storm water runoff from the developments on downstream receiving waters. The construction work includes drainage swales and grass channels, a bioretention area, infiltration trenches, wetland ponds, and a closed drainage system (larger pipes and catch basins).



Background

The Vermont Agency of Natural Resources determined that Bartlett Brook is not meeting state water quality standards due to impacts from unmanaged stormwater runoff. This watershed is located primarily within the South Burlington City limits. The City of South Burlington had identified five significant projects that would substantially improve the quality of runoff entering these waterways of which two projects in the Stonehedge and Laurel Hill South neighborhoods is being implemented as one project under the Lake Champlain Program authority. The two neighborhoods are in close proximity to each other and are part of one project, the Bartlett Brook North Stormwater Treatment Project.

The Stonehedge neighborhood was constructed beginning in the 1980s and is made up of 202 condominium units. This neighborhood experiences regular flooding, drainage and roadway problems relating to uncontrolled stormwater runoff. This includes flooding, sediment laden discharges, and aging/failing infrastructure. Currently, there is no effective stormwater treatment in place.

Laurel Hill South neighborhood was built 40 years ago, and consists of roughly 140 single family residences on lots of approximately 1/3 acres in size. Since the time it was built, the residents have experienced regular flooding. Lawns and basements are flooded almost annually. Multiple factors contribute to this problem with the main reason being the poor conveyance of stormwater through the existing drainage pipe network.