

## Whole Watershed RFP

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## **Background**



The Whole Watershed Act (SB 969/HB 1165) establishes a highly collaborative, science-based approach to watershed restoration across the state promoting innovative, science-based solutions to waterway restoration efforts. The legislation coordinates existing state funds through a new Whole Watershed Fund supporting a five-year pilot program that targets five Maryland watersheds that best represent the state's diverse land uses, geographies, and impairments.

A direct response to the Chesapeake Bay Program's Scientific and Technical Advisory Committee's Comprehensive Evaluation of System Response (CESR) report, the pilot projects will address multiple restoration and conservation benefits, including water quality, increased public access, wildlife habitat, fisheries improvement, environmental justice and climate resiliency. Selected projects will be overseen by a State Management Team, made up of agency experts, to help find efficiencies in project permitting and funding, and to measure project results.



### SB 969/HB 1165

Establishes the Whole Watershed Restoration Partnership and Fund to accelerate restoration of the Chesapeake and Atlantic Coastal Bays and their watersheds, and creates a State management team to administer the program.



### **Definitions:**

- Within the Whole Watershed Restoration Partnership, the following terms have the meanings indicated:
  - A PROJECT is a collection of restoration and conservation actions coordinated by multiple entities to improve shallow water habitats in a single eight-digit watershed.
  - An ACTION is the installation, restoration, or enhancement of a natural feature, an activity related to the form and function of a natural feature, or a land conservation measure.

    An action includes the planning, design, engineering, drafting of legal instruments, and maintenance necessary to establish these activities.

An OVERBURDENED COMMUNITY means any census tract for which three or more of the following environmental health indicators are above the 75th percentile statewide: Particulate matter (PM) 2.5; Ozone; National Air Toxics Assessment (NATA) diesel PM; NATA cancer risk; NATA respiratory hazard index; Traffic proximity; Lead paint indicator; National Priorities List Superfund site proximity; Risk Management Plan facility proximity; Hazardous waste proximity; Wastewater discharge indicator; Proximity to a Concentrated Animal Feeding Operation (CAFO); Percent of the population lacking broadband coverage; Asthma emergency room discharges; Myocardial infarction discharges; Low-birth-weight infants; Proximity to emitting power plants; Proximity to a Toxic Release Inventory (TRI) facility; Proximity to a brownfields site; Proximity to mining operations; and Proximity to a hazardous waste landfill.

An UNDERSERVED COMMUNITY means any census tract in which, according to the most recent U.S. Census Bureau Survey:

- (i) At least 25% of the residents qualify as low-income;
- (ii) At least 50% of the residents identify as nonwhite; or
- (iii) At least 15% of the residents have limited English proficiency.



### **Solicitation Process:**

- 1. The State Management Team seeks project proposals from project sponsors and watershed teams to review and consider for state investment across multiple fund sources.
- 2. The State Management Team will select up to five (5) watersheds for a concentrated five (5) year focus of technical and financial assistance.
- 3. The State Management Team anticipates local watershed teams to be inclusive of many partners, including community associations, local government(s), landowners, watershed organizations and other non-profit organizations, and private firms engaged in eligible watershed activities, among others. Support of local jurisdictions in the target watershed is a requirement for selection.
- 4. The State Management Team seeks proposals that can demonstrate the ability to match state investment in a 1:1 manner as required by the Whole Watershed Fund.





## Commitment to Environmental Justice

■ The state recognizes the historical impacts of environmental racism. Not only is diversity necessary for a healthy and thriving ecosystem, it is important to center Black, Indigenous, and People of Color (BIPOC) communities who are disenfranchised and disproportionately impacted by climate change. In order to address environmental justice, the state management team is committed to diversity, equity, inclusion, and justice (DEIJ) throughout our grantmaking processes.

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Maryland commits to fostering a culture and workforce that is inclusive, equitable, and representative of the State's diversity. We are committed to increasing accessibility to our public lands, waterways, and natural resources for all communities to enjoy. By engaging and understanding communities that have historically been left behind, we strive to address and remove systematic barriers that perpetuate environmental injustices. Through this work, we celebrate these values within nature, our partnerships, and the communities we serve.

Proposals that are outcome-driven to protect and restore shallow water habitats, while addressing the needs of historically underserved, overburdened, and BIPOC communities are highly desired. Applicants are encouraged to consider the "Guiding Questions for Evaluating Equity Concerns and Impacts in Decision-Making" section on page 37 of the Maryland Climate Adaptation and Resilience Framework Recommendations: 2021 - 2030 report.



### **Climate Consideration:**

Maryland Department of Natural Resources Policy 2010:11, "<u>Building Resilience to Climate Change</u>," established that the Department will make sound investments in land and facilities and manage its assets and natural resources to better understand, mitigate, and adapt to climate change.

The state management team expects applicants to appropriately integrate climate resilience, adaptation and sustainability considerations into their proposed projects. Successful applications will utilize climate tools and resources in their proposals that may include the following key authoritative resources, as appropriate, based on the project type and location:

- Maryland Next Generation Adaptation Plan
- Guidance for Using Maryland's 2023 Sea Level Rise Projections
- Projected Intensity-Duration-Frequency (IDF) Curve Data Tool for the Chesapeake Bay Watershed and Virginia
- For proposals that will address flood hazards, applicants are encouraged to use the <u>MyCoast:</u> <u>Maryland</u> tool to document current impacts and changes over time.





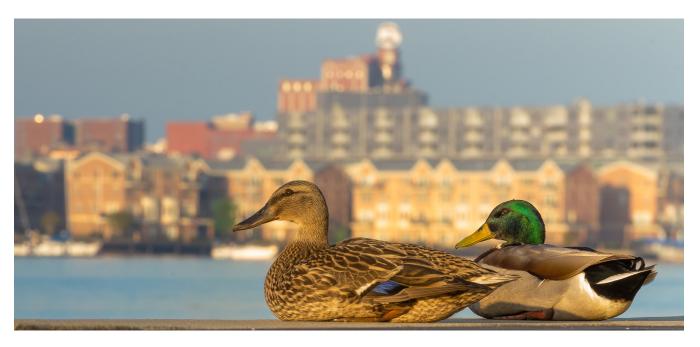
### Watershed Criteria:

- The purpose of the Whole Watershed Restoration Partnership is to accelerate restoration of the Chesapeake and Atlantic Coastal Bays and their watersheds by equitably focusing assistance on actions and areas that are:
  - 1. cost-effective;
  - 2. likely to demonstrate a rapid systemic response to restoration activity, including rapid delisting of impaired streams identified under § 303(d) of the federal clean water act; and
  - 3. supported by the local government

The State Management Team anticipates that project sponsors will assess their <u>Maryland 8-digit</u> <u>watersheds</u> ("project") for the best fit suite of best management practices ("actions") to propose. The State Management Team is responsible for selecting up to five (5) candidate watersheds, with a goal to select:

- 1. One predominantly urban area
- 2. One predominantly suburban area
- 3. Two reducing runoff in a predominantly agricultural area
- 4. One with a collaborative effort with an adjoining state

At least Two (2) of the above Five (5) watersheds / projects must be located within and provide benefit to overburdened or underserved communities.



The State Management Team will evaluate proposals based on their ability and potential to meet the following criteria:

- 1. Whether the project is located in a watershed in which habitat restoration and pollution reduction will result in:
  - a. the greatest improvements to shallow water habitat and living resources;
  - b. rapid de-listing of impaired streams identified under § 303(d) of the federal clean water act and published in the department of the environment's triennial review of water quality standards; or
  - c. rapidly-improving conditions in the local ecosystem;
- 2. The project emphasizes actions that are expected to provide the greatest, most cost-effective, and measurable amount of pollution reduction;
  - a. supports land use policies, conservation programs, and restoration protocols at the local level that will sustain project actions and outcomes;
  - b. has documented interest from a group of affected property owners to allow restoration or conservation actions on their property;
  - c. minimizes the loss of trees and other natural habitats;
- 3. In addition to land-based habitat restoration and water quality improvement, it demonstrates opportunities to implement actions that:
  - a. reduce environmental disparities experienced by overburdened or underserved communities;
  - b. demonstrate opportunities to foster innovation in restoration science or practices;
  - c. create partnership opportunities among nonprofit and for-profit organizations, community organizations, all levels of government, and scientists.
  - d. anticipate benefits related to:
    - i. the creation or restoration of wildlife habitat, riparian buffers, and wetland restoration;
    - ii. the restoration of aquatic resources, such as fresh water mussels, fish passage, or oyster reefs;
    - iii. carbon sequestration;
    - iv. climate change mitigation, adaptation, or resilience;
    - v. local employment opportunities;
    - vi. improving and protecting public health; and
    - vii. recreational opportunities and public access to waterways and natural habitats.





## **Submission Requirements:**

How to Apply

The Whole Watershed Restoration Partnership seeks proposals from robust local watershed teams that are actively working toward watershed goals. While teams may be recently established and undergoing watershed assessment and community engagement at the time of proposal submission, the state management team expects demonstrated commitment from the partners to ensure successful implementation.

After watersheds are chosen in spring 2025, the state management team will develop 5 year implementation and financial plans for each Maryland 8-digit watershed in collaboration with the local watershed teams and project sponsors. For consideration, applicants must <u>submit an</u> application, and proposals must include:

#### Watershed Partnership

- 1. A letter on official letterhead from the project sponsor who will be the key partner responsible for the overall project coordination, implementation and financial management.
  - a. Must demonstrate ability and experience with watershed implementation activities and management of financials.
- 2. A list of all project partners, and when available, affected landowners, accompanied by a letter of support, and evidence of support from landowners willing to allow restoration actions on their property.
  - a. Letter of support should detail organizational role and include specific technical and financial contributions
  - b. Local government(s) letter of support should include staff contacts dedicated to the effort
    - Local governments should detail supportive policies and any development plans that could impact areas of focus to ensure the actions implemented within the Whole Watershed Program are protected from future impacts.
      - Examples include, comprehensive plans to protect the watershed/ catchment area from future impacts, protective zoning policies and codes/ ordinances



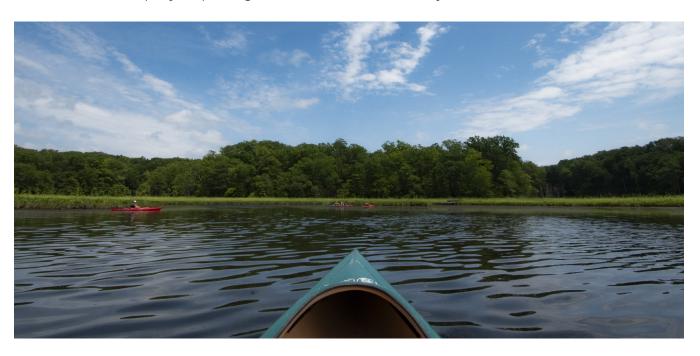
- C. Affected landowners must demonstrate willingness to implement actions (conservation and/or best management practice implementation) on their property. If available, provide letters of support from affected landowners at time of application. If letters of support are not available at time of application, the applicant is required to provide a landowner outreach plan to secure letters of support, as well as evidence of landowner willingness to participate. Landowner letters of support will be a requirement of the implementation and finance plan.
- D. For projects on agricultural lands, the applicant should include evidence of support from the local Soil Conservation District with a letter of support listing them as a partner.
- 3. A Community engagement plan with partner roles identified, that meets the following requirements:
  - a. Whole Watershed project sponsors are required to host at least 4 community meetings a year that include representation from each local government endorsing the project.
  - b. Public comment and opportunities for collaborative input on the preliminary design of each action proposed by the project.
  - c. Engage with a wide diversity of partners of various backgrounds to include (BIPOC communities, faith based organizations, public health organizations, people with disabilities, climate justice organizations, Spanish and non-English speaking communities, etc.).
  - d. Describes how the project serves overburdened and/or underserved communities.
  - e. Describes how overburdened and/or underserved communities will be involved in the planning of project actions.
  - f. Whole Watershed project sponsors will be required to partner with, and financially compensate, community liaisons. Proposals should include letters of support from identified community liaisons. If individuals are not identified, discuss how the team will identify community liaisons.
- 4. A Partner engagement plan detailing how opportunities will be created across nonprofit, for profit, all levels of government and scientists.





#### **Watershed Actions**

- 1. A list of planned best management practices and opportunities being vetted that include land-based habitat restoration and water quality benefits, along with how those practices and opportunities are expected to produce at least 5 of the following 7 prioritized benefits:
  - a. the creation or restoration of wildlife habitat, riparian buffers, and wetland restoration:
  - b. the restoration of aquatic resources, such as fresh water mussels, fish passage, or oyster reefs;
  - c. carbon sequestration;
  - d. climate change mitigation, adaptation, or resilience;
  - e. local employment opportunities;
  - f. improving and protecting public health; and
  - g. recreational opportunities and public access to waterways and natural habitats.
- 2. Provide a proposed method for ensuring the actions result in the anticipated benefit. List specific tools, modeling or data to be utilized.
- 3. A detailed description of how the suite of planned actions will result in:
  - a. the greatest improvements to shallow water habitat and living resources, compared to other alternatives;
  - b. rapid de-listing of impaired streams identified under § 303(d) of the federal clean water act and published in the department of the environment's triennial review of water quality standards; or
  - c. rapidly-improving conditions in the local ecosystem.



- 4. An inventory of planned and potential actions the project intends to pursue within one Maryland 8 digit watershed, including:
  - a. Location, when available; and
  - b. references to prior plans, studies, or strategies that are informing action type and location.
  - c. the actions that the project sponsor is proposing for state support, including:
    - i. Specific sector
    - ii. Specific practice
    - iii. Current status and required steps (i.e. outreach, capacity building, design, permitting, construction, etc).
- 5. An inventory of current monitoring data (if available) and a monitoring plan for proposed activities to include existing resources
  - a. Monitoring considerations to discuss:
    - i. Is pre-existing or baseline data available to allow for post project evaluation?
    - ii. Provide sufficient time to document pre and post conditions
    - iii. Provide proposed monitoring frequency and methods to ensure sufficient statistical power that will detect modest improvements.
    - iv. Ensure resources potentially at risk are known and monitored.
  - b. For the agriculturally dominated watersheds, and potentially the agriculturally portion within the suburban dominated watershed, the intent of the Whole Watershed Act State Management Team (state agencies) is to partner with the Foundation for Food and Agriculture Research (FFAR) on monitoring and research. Selected project sponsors will work with FFAR and the State Management Team to issue a Request for Applications for university scientists to monitor project actions within the Whole Watershed implementation area.





### Watershed Budget

#### The Whole Watershed Fund requires a 1:1 match

- 1. A budget narrative that details the project sponsor and team's experience securing state, federal, local and private funds; funds in hand, funds requested from the Whole Watershed Fund, deficit and options for securing funding.
- 2. Detail the amount (\$) requested by category and by each year (up to 5 years). For Whole Watershed Fund requests, eligible categories will depend on the funding source and action proposed. Please review the individual eligibility requirements of each program within the Whole Watershed Fund (links to each program provided below in "State Fund Source" subsection).

| Partner | Category<br>(personnel,<br>implementation,<br>community<br>outreach,<br>indirect, etc.) | Whole<br>Watershed Fund<br>Contribution<br>Request (\$) | Partner<br>Contribution/<br>Cash in hand (\$) | Deficit (\$) |
|---------|---|---|---|--------------|
|         |   |   |   |              |
|         |   |   |   |              |
|         |   |   |   |              |

For each line item above, indicate the funding mechanism requested from the Whole Watershed Fund: reimbursable grant, pay-for-performance contract, upfront lump sum, etc.

Note: There may be additional bid or procurement requirements based on fund source.





### **State Fund Sources:**







The Whole Watershed Fund is composed of different state fund sources across multiple agencies focused on environmental restoration and protection. While the state management team encourages watershed teams to consider a suite of watershed actions that is all encompassing of restoration and conservation activities, the actions and the issuance of awards (block, reimbursement, advancement, etc.), funded by the state may be limited by funds source eligibility (see programs described below); however, other actions can and should be considered with available match funding to include as the larger suite of impactful actions.

After watershed selection, the state management team will work with the watershed teams to develop a financial plan that best matches fund sources with planned eligible actions; however, teams should be familiar with fund source requirements to best understand eligible actions. This understanding will help watershed teams with match funding identification and gaps.

### Maryland Department of Agriculture

Maryland Agricultural Cost Share Program: The Maryland Agricultural Water Quality Cost-Share (MACS) Program provides farmers with grants to cover up to 100 percent of the cost to install conservation measures known as best management practices on their farms to prevent soil erosion, manage nutrients and safeguard water quality in streams, rivers and the Chesapeake Bay.

<u>Maryland Agricultural Land Preservation Foundation (MALPF)</u>: MALPF purchases agricultural preservation easements that forever restrict development on prime farmland and woodland.

#### MDA Contacts:

Elizabeth Hoffman <u>elizabeth.hoffman@maryland.gov</u> Jason Keppler <u>jason.keppler@maryland.gov</u>





### **Maryland Department of the Environment**

<u>Bay Restoration Fund:</u> The Bay Restoration Fund ensures Maryland will achieve the nutrient reductions necessary to restore the Chesapeake Bay and fulfill Maryland's commitment to the Chesapeake 2014 Agreement.

Clean Commerce Act: The Clean Water Commerce Act provides an opportunity for private sector investments to efficiently reduce sediment and nutrient pollution entering Chesapeake Bay. The State is able to purchase these pollution reductions using the Bay Restoration Fund.

#### MDE Contacts:

Jim George jim.george@maryland.gov Gregorio Sandi gregorio.sandi@maryland.gov

### **Maryland Department of Natural Resources**

<u>Chesapeake and Atlantic Coastal Bays Trust Fund:</u> The Chesapeake and Atlantic Coastal Bays Trust Fund (Trust Fund) allows Maryland to accelerate Bay restoration by focusing limited financial resources on the most efficient, cost-effective non-point source pollution control projects.

Waterway Improvement Fund (Monitoring): Newly authorized use for watershed monitoring efforts.

#### **DNR Contacts:**

Sarah Lane <u>sarah.lane@maryland.gov</u>





# **Funding Availability:**

The Whole Watershed Fund requires a one-to-one match on all identified state fund sources. Therefore, the total funding available will be determined based on watershed action fund eligibility and available federal, local and private resources. The state management team will not credit actions in a watershed that were implemented prior to July 1, 2025 as match in this effort.

The fund does allocate \$20,000 to each watershed sponsor per year for five years to manage the watershed effort. These funds should be used to enhance community outreach and engagement activities to ensure robust, meaningful impact for local communities and residents. Other operating funds necessary to manage the five year program will be determined during the drafting of the implementation and finance plans post award.

#### **Project Proposal and Submission Process**

- 1. Complete a Whole Watershed Application for each Maryland 8-digit watershed
- 2. Sign and date the transmittal letter
- 3. Assemble all accompanying documents

Applications are due by 11:59 pm on Tuesday, December 3, 2024.



## **Whole Watershed Timeline:**

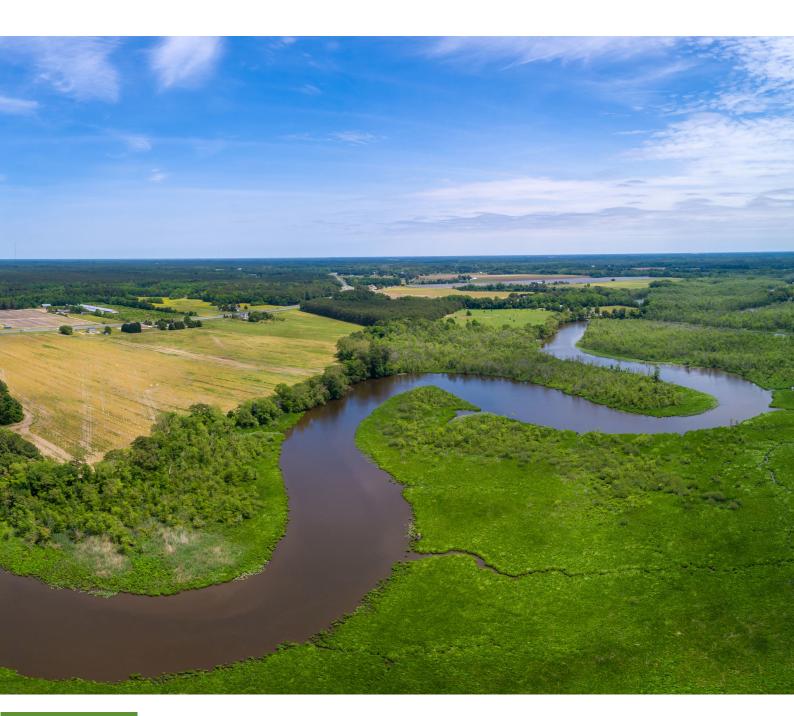
| October 1, 2024          | RFP Issued  |
|--------------------------|---|
| December 3, 2024         | Proposals Due by 11:59 pm                                   |
| January - February, 2025 | State Review & Project Sponsor Meet-<br>ings                |
| March 1, 2025            | Announce Watersheds   |
| March 1 - June 30, 2025  | Develop Implementation and Fi-<br>nance Plans for watershed |





# **Submission Guidelines:**

All proposals must be submitted by 11:59 pm on Tuesday, December 3, 2024. **Application can be submitted here.** 



### **Selection Process:**

The state management team will work with state agency and third party experts to evaluate each watershed proposal based on the watershed criteria, suite of watershed actions and opportunities, partnership viability and likelihood of success, among other considerations. Up to five (5) watersheds will be selected for a five (5) year state commitment of funding and technical assistance based on watershed match and fund availability.

## Cancellation of the solicitation:

The state reserves the right to cancel this solicitation at any time.

