2024 CALL FOR APPLICATIONS

319 NONPOINT SOURCE PROJECT PROGRAM

Ninemile Creek Restoration Project – Photo Courtesy of Montana Trout Unlimited

August 2023

Prepared by:
Nonpoint Source and Wetlands Section
Montana Department of Environmental Quality
1520 E. Sixth Avenue
P.O. Box 200901
Helena, MT 59620-0901

Calendar

Date	Event
Monday, 8/7/2023	Issue 2024 Call for Applications
Until Wednesday, 10/4/2023 at 5:00 pm	DEQ will ensure staff availability for answering questions, reviewing draft applications, and providing other assistance.
Friday, 10/6/2023, 5:00 pm	Final, signed applications and all attachments due to DEQ by 5:00 pm
Thursday, 11/2/2023	Agency Review Panel meeting
Friday, 11/17/2023, 5:00 pm	Notice of Intent to Award sent to applicants
11/20/2023 through 1/31/2024	Contract development (DEQ and successful applicants)
August 2024	Funding becomes available

Unanticipated Program Changes

Information in this Call may be subject to change based on unforeseen changes to DEQ and U.S. Environmental Protection Agency (EPA) priorities. If changes become necessary, DEQ will post the changes on the 319 Project Funding website https://deq.mt.gov/water/Programs/nonpoint#accordion1-collapse1

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1.0 – PURPOSE

To reduce and prevent nonpoint source pollution
by
restoring and protecting natural processes and conditions.

2.0 – FUNDING AVAILABILITY

Funding for this program comes from the United States Environmental Protection Agency (EPA) under Section 319(h) of the Federal Clean Water Act (CWA). DEQ anticipates approximately $1,000,000 will be available for this Call, to be distributed in August of 2024. Funding will be dispersed as follows:

- $500k to projects located within the Lower Gallatin Focus Watershed.
- $500k, plus any unallocated funds from the Focus Watershed, to on-the-ground projects and mini-grant programs elsewhere in Montana.
- No single applicant may receive more than $250k.

3.0 – COST SHARE

Applicants are required to meet a minimum 40% non-federal cost share (also known as match) for the project. Match can be from private, state, local, or non-profit sources; contributions from federal sources cannot be counted toward the 40% cost share requirement. Use the following formula to calculate the amount of non-federal match required for your project.

[(319 dollars requested)/.60] – (319 dollars requested) = required non-federal match

Expenses and match incurred by applicants prior to the signing of a contract, and after the expiration date of the contract, CANNOT be submitted for reimbursement or applied as match.

4.0 – SPONSOR ELIGIBILITY

The following entities may be eligible to receive funding:

- Nonprofit organizations having a tax-exempt declaration of 501(c)(3) from the Internal Revenue Service.
- Governmental entities. A governmental entity is a local, state, federal, or tribal organization that has been established and authorized by law.

Applicants must also meet the following minimum qualifications:

- **Have a current UEI number. Unique Entity Identifier.** Each project sponsor is required to have a current UEI number. ***The UEI number replaces the old DUNS number.*** If your organization had a DUNS number, you should have received a notification from the federal government indicating that your DUNS number has been changed to a UEI number. If you did not receive this notification, or if you never had a DUNS number, you will need to go to the federal government's System for Award Management (SAM - https://sam.gov/content/home) to obtain your UEI number.

- Be registered with the federal System for Award Management (SAM). The SAM registration website is https://sam.gov/SAM/.
- Be registered with the Montana Secretary of State. All applicants must be registered with the Montana Secretary of State to do business in the state of Montana. Registration with the Secretary of State may be completed via the following website: https://sosmt.gov/business/start-maintain-grow/
- Have the necessary liability insurance.
- Comply with the Workers Compensation Act.
- Have sufficient technical and managerial resources available to facilitate completion of the project.

5.0 – Project Requirements and Priorities

This 319 Nonpoint Source Project Program Call supports two types of projects:

- On-The-Ground Projects
- Mini-Grant Programs

5.1 – On-The-Ground Project Requirements and Priorities

On-the-ground projects may include planning, design, permitting, construction, effectiveness evaluation, education and outreach, and project administration.

Minimum Funding Request (per applicant): $10,000

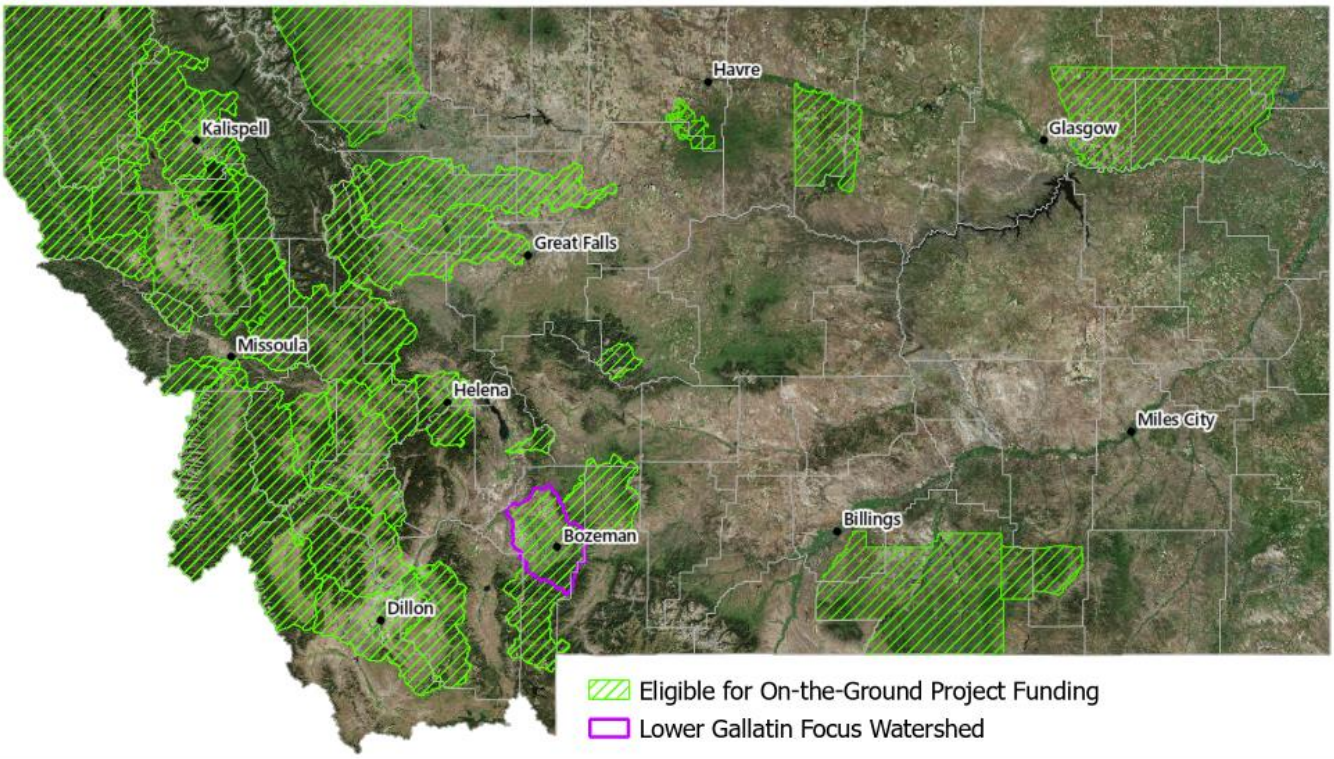
Maximum Funding Request (per applicant): $250,000

Time For Completion: 3 years from the signing of a contract with DEQ

Eligibility

These projects must meet all the eligibility requirements listed below to qualify for funding.

- Projects must implement activities or practices identified in a DEQ-accepted Watershed Restoration Plan (WRP) ***or an EPA-approved Tribal nonpoint source plan***. If you do not have a DEQ-accepted WRP or an EPA-approved Tribal nonpoint source plan by the application deadline, you must submit a draft prior to applying for funding. DEQ staff will review the draft and estimate the likelihood of it being ready prior to January 31, 2024. See DEQ's interactive Watershed Plan Viewer map for information on existing WRPs. All the land-owning Montana Tribes currently have an EPA-approved nonpoint source plan (per personal communication from EPA, Region 8). The map below reflects areas where these plans currently exist but does not identify the specific recommendations found in each plan.



- All projects must reduce or prevent nonpoint source pollution by restoring and protecting natural processes and conditions.
- Projects must address impairments identified on Montana's 2020 List of Impaired Waters. In some instances, projects on streams that are not listed as impaired may be acceptable. These projects must reduce pollutant loading to an impaired downstream receiving water OR protect existing uses from becoming impaired. This requirement applies to both non-tribal and Tribal lands. The State of Montana does not have authority to make impairment determinations on Tribal lands. Therefore, to be eligible, a project on Tribal lands would need to reduce or prevent nonpoint source pollution in a stream or lake that flows into or is connected to a stream or lake off of Tribal lands in which DEQ has identified an impairment. ***HEALTHY WATERSHED EXCEPTION***: In most instances, on-the-ground projects must address identified impairments. However, in some instances, EPA allows 319 funding to be used for projects that protect watersheds that are currently healthy. Please contact Mark Ockey at 406-465-0039 or mockey@mt.gov if you are interested in taking advantage of this limited opportunity.
- Projects must implement actions consistent with recommendations in the 2017 Montana Nonpoint Source Management Plan (http://deq.mt.gov/Portals/112/Water/WPB/Nonpoint/Publications/Annual%20Reports/2017NPSManagementPlanFinal.pdf).
- Applicants must complete the **2024 On-the-Ground Project Application Form,** and where necessary, the 2024 Supplemental Project Form.

Ineligible Activities (applicable to on-the-ground project funding only)

The following activities are NOT eligible for on-the-ground project funding:

- Development of a Watershed Restoration Plan.
- Activities required as a condition of a point source (MDPES) discharge permit.
- Watershed characterization studies.

- Pollutant source identification.
- Water quality monitoring, except for monitoring the effectiveness of funded projects.
- Statewide education and outreach campaigns.
- Projects whose primary purpose is to protect infrastructure from stream channel migration.
- Use of non-native plant species in restoration projects.
- Rip-rap, except in instances where it is necessary to protect a new bridge or culvert designed to restore aquatic organism passage or improve natural stream processes.
- Projects designed to address violations of state and federal law (e.g., projects that stem from a 310 violation or an Army Corps violation).
- Projects that result in a net loss of wetlands or wetland function.

Minimum Design Standards

All restoration activities and management practices must meet the following minimum design standards.

- Projects must restore and maintain natural conditions and processes.
- Only native, site-appropriate plant species may be used for revegetation.
- Projects involving riparian or wetland buffer creation must have a minimum buffer width of 35 feet, as measured from the ordinary high water mark. If the buffer must be less than 35 feet in some places to accommodate bridges, water gaps or other infrastructure, the buffer should be made proportionately wider in other areas.
- Projects must allow for the continued existence and future colonization of beaver.
- Revegetation efforts must include browse protection where necessary.
- Projects addressing stream flow through improved water use efficiency must include reasonable assurance that unused water will remain in the stream (e.g., through a change of use to instream flow, or a signed commitment from the water right holder).
- Projects must not result in a net loss of wetlands or wetland function.
- Projects involving grazing management (e.g., riparian fencing, creation of riparian pastures) must include a grazing management plan as a task deliverable.

Minimum Monitoring Requirements

Projects that include implementation of on-the-ground practices will be subject to the following minimum monitoring requirements:

- Pre- and post-construction photo point monitoring consistent with the "Oregon Watershed Enhancement Board Guide to Photo Monitoring" methodologies, or a similar published photo point monitoring method accepted by DEQ. The U.S. Forest Service provides additional photo point monitoring guidance in the "United Stated Forest Service Photo Point Monitoring Handbook".
- Revegetation mortality monitoring.
- Estimating the nitrogen, phosphorus, and sediment load reductions achieved as a result of implementing the project (where applicable).

Operation and Maintenance Requirements

If the project includes implementation of on-the-ground practices, the applicant will be required to enter into a signed agreement with the landowner prior to beginning construction. DEQ does not specify a format for this agreement, only that it must include the following minimum elements:

- Contractor and DEQ staff may access the project site, at reasonable times and with prior notification, for the purposes of project planning, implementation, and post-implementation monitoring.

- Appropriate operation and maintenance of all structures, vegetation, and management measures for the life of the project (typically 10 years).
- If grazing will be allowed within the project area, a sustainable management plan for livestock grazing, designed to protect and enhance riparian function.

Education and Outreach Requirements

DEQ recognizes the importance of ongoing education and outreach efforts to sustaining local efforts to reduce nonpoint source pollution. Each application for on-the-ground project funding must include an education and outreach task. Up to $5,000 in 319 funding may be allocated to this task. In selecting education and outreach activities, applicants should carefully consider the following, multi-part question:

"Will the proposed education and outreach activities target, reach, and motivate an audience capable of taking actions to reduce or prevent nonpoint source pollution?"

Reporting Requirements

319 funding applied to project administration must not exceed 10% of the total amount of 319 funding requested, or $12,000, whichever is lower. Project administration includes normal business expenses associated with completion of the project, regular communication with DEQ, and completion of the following reporting:

- Mid-Year Reports: Due June 15th of each year the Contract is in effect.
- Annual Reports: Due December 15th of each year the Contract is in effect.
- Interim Reports: Due whenever reimbursement is requested outside of the normal Mid-Year, Annual and Final reporting periods while the Contract is in effect.
- Draft Final Report: Due for DEQ review and comment at least 15 days prior to the contract expiration date. The Final Report is a standalone document describing all contract activities and containing copies of all contract deliverables (even if the deliverables were previously submitted).
- Final Report: Due on or before the contract expiration date; must address all DEQ comments from previous drafts.
- Billing Statements: Submitted with each Mid-Year, Interim, Annual, or Final Report.
- Exception to the Reporting Schedule: The Final Report and associated Billing Statement will replace the last required Mid-Year or Annual Report.

On-The-Ground Project Priorities

The purpose of the 319 Grant program is *to reduce and prevent nonpoint source pollution by restoring natural processes and conditions.* The on-the-ground project scoring sheet (Attachment A-1) is designed to give preference to projects that are best suited for achieving this purpose. The scoring sheet reflects the priorities outlined below.

Impact

- Will the project advance efforts to reduce or prevent nonpoint source pollution?
- Will the project restore natural, self-perpetuating, stream, lake, and wetland processes?
- Will the project build local capacity and interest for addressing nonpoint source pollution?

Sustainability

- Will the project address the primary sources and root causes of nonpoint source pollution?
- Will the benefits of the project be self-sustaining?
- Are the landowners (for on-the-ground projects) invested in the project?
- Are appropriate project partners involved and invested in the project?

- What mechanisms will be in place to protect the water quality benefits achieved by the project?

Readiness

- Does the project timeline seem reasonable?
- Does the project budget seem reasonable?
- Are nonpoint source goals well-defined and measurable?
- Have potential implementation roadblocks been anticipated and accounted for?
- Have potentially applicable permitting entities been identified and consulted?
- Does the project sponsor have sufficient technical and administrative capacity to complete the project?

Need

- Is the project an appropriate next step for reducing or preventing nonpoint source pollution?
- Does the project include appropriate levels of landowner and partner involvement, including, where reasonable, contributions of time, money, and/or other resources?
- Will the project address an imminent threat to water quality?
- Will the project benefit or engage economic or socially disadvantaged populations (e.g., minority populations, tribal nations, people with disabilities, low-income communities, at-risk youth)?
- Will the project have any of the following ancillary benefits?
    - Improve or create public access to a clean and healthy environment.
    - Improve climate change resilience for communities, native plants, wildlife, or ecosystems.
    - Restore or protect cool, late-season stream flow.
    - Benefit downstream communities and natural systems.
    - Protect a drinking water source for humans.

Education and Outreach

- Will education and outreach efforts target, reach, and motivate an audience capable of taking actions to reduce or prevent nonpoint source pollution?

5.2 – Mini-Grant Program Requirements and Priorities

DEQ intends to fund up to 3 mini-grant or sub-award programs to provide small grants for education and outreach, local conservation organization capacity building, and small on-the-ground restoration projects. Mini-grant programs benefit from being nimble, providing quick access to funds to address small but abundant nonpoint source pollution problems. Well-designed application and reporting procedures, and excellent communication between applicants, applicants and funding entities are essential to keep the programs running smoothly. Ongoing program evaluation and adaptive management keeps the program relevant and encourages participation from funders and other project partners.

Minimum Funding Request (per applicant): $30,000

Maximum Funding Request (per applicant): $60,000

Time For Completion: 3 years from the signing of a contract with DEQ

Eligibility

These projects must meet all the eligibility requirements listed below to qualify for funding.

- Mini-grant programs must have a multi-county focus.

- *Unlike the "On-The-Ground" projects, there is no requirement that mini-grants be used solely to implement DEQ-accepted Watershed Restoration Plans (WRPs) or EPA-approved Tribal nonpoint source plans.*
- Activities must still address impairments identified on Montana's 2020 List of Impaired Waters. In some instances, projects on streams that are not listed as impaired may be acceptable. These projects must reduce pollutant loading to an impaired, downstream receiving water OR protect existing uses from becoming impaired. This requirement applies to both non-tribal and Tribal lands. The State of Montana does not have authority to make impairment determinations on Tribal lands. Therefore, to be eligible, a project on Tribal lands would need to reduce or prevent nonpoint source pollution in a stream or lake that flows into or is connected to a stream or lake off Tribal lands in which DEQ has identified an impairment.
- Activities should reduce or prevent nonpoint source pollution by restoring and protecting natural processes and conditions or increase local capacity to do so.
- Projects must implement actions consistent with recommendations in the 2017 Montana Nonpoint Source Management Plan (http://deq.mt.gov/Portals/112/Water/WPB/Nonpoint/Publications/Annual%20Reports/2017NPSManagementPlanFinal.pdf).
- A competitive process must be used to distribute mini-grant funds.
- Applicants must complete the **2024 Mini-Grant Program Application Form**.

Ineligible Activities (applicable to mini-grant programs and projects)

The following activities are NOT eligible for mini-grant program funding:

- Development of a Watershed Restoration Plan.
- Activities required as a condition of a point source (MDPES) discharge permit.
- Watershed characterization studies.
- Pollutant source identification.
- Water quality monitoring, except for monitoring the effectiveness of funded projects.
- Statewide education and outreach campaigns.
- Projects whose primary purpose is to protect infrastructure from stream channel migration.
- Use of non-native plant species in restoration projects.
- Rip-rap, except in instances where it is necessary to protect a new bridge or culvert designed to restore aquatic organism passage or improve natural stream processes.
- Projects designed to address violations of state and federal law (e.g., projects that stem from a 310 violation or an Army Corps violation).
- Projects that result in a net loss of wetlands or wetland function.

Minimum Design Standards for On-The-Ground Mini-Grant Projects

All on-the-ground projects funded by mini-grants must meet the following minimum design standards.

- Projects must restore and maintain natural conditions and processes.
- Only native, site-appropriate plant species may be used for revegetation.
- Projects involving riparian or wetland buffer creation must have a minimum buffer width of 35 feet, as measured from the ordinary high water mark. If the buffer must be less than 35 feet in some places to accommodate bridges, water gaps or other infrastructure, the buffer should be made proportionately wider in other areas.
- Projects must allow for the continued existence and future colonization of beaver.
- Revegetation efforts must include browse protection where necessary.

- Projects addressing stream flow through improved water use efficiency must include reasonable assurance that unused water will remain in the stream (e.g., through a change of use to instream flow, or a signed commitment from the water right holder).
- Projects must not result in a net loss of wetlands or wetland function.
- Projects involving grazing management (e.g., riparian fencing, creation of riparian pastures) must include a grazing management plan as a task deliverable.

Minimum Monitoring Requirements

For projects that don't include implementation of on-the-ground practices (e.g., education and outreach, capacity building, etc.), applicants must develop and implement a method for estimating the effectiveness of the project in furthering efforts to reduce nonpoint source pollution. DEQ staff may be able to help you identify appropriate effectiveness evaluation tools. Please contact Mark Ockey at 406-465-0039 or mockey@mt.gov.

Generally speaking, projects that include implementation of on-the-ground practices will be subject to the following minimum monitoring requirements. In some instances, adaptation may be necessary.

- Pre- and post-construction photo point monitoring consistent with the "Oregon Watershed Enhancement Board Guide to Photo Monitoring" methodologies, or a similar published photo point monitoring method accepted by DEQ. The U.S. Forest Service provides additional photo point monitoring guidance in the "United Stated Forest Service Photo Point Monitoring Handbook".
- Revegetation mortality monitoring.
- Estimating the nitrogen, phosphorus, and sediment load reductions achieved as a result of implementing the project (where applicable).

Operation and Maintenance Requirements

If the project includes implementation of on-the-ground practices, the applicant will be required to enter into a signed agreement with the landowner prior to beginning construction. DEQ does not specify a format for this agreement, only that it must include the following minimum elements:

- Contractor and DEQ staff may access the project site, at reasonable times and with prior notification, for the purposes of project planning, implementation, and post-implementation monitoring.
- Appropriate operation and maintenance of all structures, vegetation, and management measures for the life of the project (typically 10 years).
- If grazing will be allowed within the project area, a sustainable management plan for livestock grazing, designed to protect and enhance riparian function.

Education and Outreach Requirements

DEQ recognizes the importance of education and outreach efforts to sustaining local efforts to reduce nonpoint source pollution. In selecting education and outreach activities for mini-grant consideration, applicants should carefully consider the following, multi-part question:

"Will the proposed education and outreach activity target, reach, and motivate an audience capable of taking actions to reduce or prevent nonpoint source pollution?"

Reporting Requirements

319 funding applied to project administration must not exceed 10% of the total amount of 319 funding requested. Project administration includes normal business expenses associated with completion of the project, regular communication with DEQ, and completion of the following reporting:

- Mid-Year Reports: Due June 15th of each year the Contract is in effect.

- Annual Reports: Due December 15th of each year the Contract is in effect.
- Interim Reports: Due whenever reimbursement is requested outside of the normal Mid-Year, Annual and Final reporting periods while the Contract is in effect.
- Draft Final Report: Due for DEQ review and comment at least 15 days prior to the contract expiration date. The Final Report is a standalone document describing all contract activities and containing copies of all contract deliverables (even if the deliverables were previously submitted).
- Final Report: Due on or before the contract expiration date; must address all DEQ comments from previous drafts.
- Billing Statements: Submitted with each Mid-Year, Interim, Annual, or Final Report.
- Exception to the Reporting Schedule: The Final Report and associated Billing Statement will replace the last required Mid-Year or Annual Report.

Mini-Grant Project Priorities

Mini-grant projects must be directly tied to reducing and preventing nonpoint source pollution or increasing local capacity, interest, and awareness for addressing nonpoint source pollution. The mini-grant project scoring sheet (Attachment A-2) is designed to give preference to projects that are best suited for achieving this purpose. The scoring sheet reflects the priorities outlined below.

Impact

- Will the project advance efforts to reduce or prevent nonpoint source pollution?
- Will the project promote restoration of natural, self-perpetuating, stream, lake, and wetland processes?
- Will the project build local capacity and interest for addressing nonpoint source pollution?

Sustainability

- Will the project address primary sources and root causes of nonpoint source pollution?
- Will the benefits of the project be self-sustaining?
- Will the project improve local capacity to complete future on-the-ground projects to reduce nonpoint source pollution?
- Are appropriate project partners involved and invested in the project?

Readiness

- Is the target audience for the mini-grants clearly defined?
- Is the target audience interested in participating in the program?
- Does the project include appropriate levels of partner involvement, including, where reasonable, contributions of time, money, and/or other resources?
- Does the project timeline seem reasonable?
- Does the project budget seem reasonable?
- Are nonpoint source goals well-defined and measurable?
- Have potential implementation roadblocks been anticipated and accounted for?
- Does the applicant have sufficient technical and administrative capacity to complete the project?
- If this is an ongoing program, have problems identified in past iterations been adequately identified and resolved?

Need

- Will the project fill an existing gap in funding, capacity, or education?
- Is the proposed mini-grant program duplicative of other programs?

- Will the project benefit or engage economic or socially disadvantaged populations (e.g., minority populations, tribal nations, people with disabilities, low-income communities, at-risk youth)?
- Will the project have any of the following additional benefits?
    - Improve or create public access to a clean and healthy environment.
    - Improve climate change resilience for communities, native plants, wildlife, or ecosystems.
    - Restore or protect cool, late-season stream flow.
    - Benefit downstream communities and natural systems.
    - Protect a drinking water source for humans.

Education and Outreach

- Will education and outreach efforts target, reach, and motivate an audience capable of taking actions to reduce or prevent nonpoint source pollution?

5.3 – Additional Considerations

NPS pollution reduction and prevention projects are part of DEQ's broader mission to champion a healthy environment for a thriving Montana. The positive impact of these projects often stretches beyond simply improving water quality. The following priorities reflect some of the potential 319 projects have for serving the greater good. These potential benefits are reflected in the Scoring Sheets.

Environmental Justice

Projects are encouraged to provide equitable access and opportunities to a clean and healthy environment for economic and socially disadvantaged populations and provide meaningful involvement in the decision-making process from all affected stakeholders. DEQ encourages applicants to support projects that take into consideration the protection of public health and the environment.

Climate Change/Resilience

There is strong scientific evidence indicating that the earth's surface temperatures are warming and precipitation regimes are shifting. A changing climate will have a significant impact on water quality, affecting the timing and quantity of the precipitation and snowmelt that feed rivers, and affecting the temperature of lakes and streams, and nutrient cycling within aquatic environments. Some nonpoint source pollution prevention projects can lessen the impacts of climate change on water quality and quantity.

Impacts to Downstream Communities and Natural Systems

The effects of nonpoint source pollution are often felt by downstream communities and natural systems. Nonpoint source pollution can increase the cost and complexity of treatment for communities that rely on streams as a source of drinking water. It can cause algae growth, limiting recreational opportunities. It can also increase the risk of flooding. Nonpoint source pollution can also put a strain on downstream animal and plant populations and sensitive designated use reaches.

6.0 – 319 Grant Project Cycle

319 funds are administered as contracts. Contracts are legally binding agreements that identify specific products or work that must be completed prior to receiving reimbursement. Only work done after a contract is signed and before the contract expires can be submitted for reimbursement or reported as match. The 319 grant project cycle for FY2024 will be as follows:

Friday, 8/4/2023 – Issue 2024 Call for Applications

DEQ will distribute the annual Call for Applications through various listservs, the DEQ Nonpoint Source Program website, DEQ's social media accounts, and an official public notice.

Please read the entire Call for Applications, paying special attention to the Calendar and the Scoring Sheets.

Friday, 8/4/2023 until Wednesday, 10/4/2023 at 5:00 pm – DEQ Staff Available for Consultation

Applicants are not required to consult with DEQ staff prior to submitting an application. However, the practice is highly encouraged. Applicants who involve DEQ staff in the development of their applications typically have an easier time navigating the application process and frequently outscore their competitors. With sufficient advance notice, DEQ staff can:

- Help you determine whether your project is eligible for 319 grant funding;
- Provide guidance on how to make your proposal more competitive;
- Conduct a site visit and provide technical guidance on restoration techniques;
- Help you identify and develop project effectiveness evaluation procedures;
- Share a wealth of experience gained from years of helping other applicants develop successful applications;
- Answer questions about the application form, scoring sheets, application process, etc.;
- Review draft applications.

Please contact Mark Ockey at 406-465-0039 or mockey@mt.gov to arrange consultation with one of DEQ's Nonpoint Source and Wetlands Program staff. After 10/4/2023, DEQ staff may or may not be available for consultation. However, please feel free to still contact Mark Ockey with any last-minute questions.

Friday, 10/6/2023 at 5:00 pm – Final, Complete, Signed Applications Must Be Received by DEQ

Final, fully signed, completely filled out application forms and all necessary letters of support and other attachments must be received electronically by DEQ. Unsigned applications will be rejected, as will any information submitted after 5:00 pm on Friday, 10/6/2023.

Before you begin filling out your application, please read the entire Call for Applications, paying special attention to the Calendar, the Scoring Sheets, and the example 319 Contract Template.

Application forms are available on the DEQ Nonpoint Source Program website: https://deq.mt.gov/water/Programs/nonpoint#accordion1-collapse1. Alternatively, you can download a copy of the application form(s) using the imbedded links below.

- On-the-Ground Projects Application Form
- Supplemental Project Form
- Mini-Grant Program Application Form

The application forms are fillable PDFs. Adobe Reader software is required and can be downloaded for free: https://get.adobe.com/reader/.

Space for answering questions is deliberately limited. Do not change font size to include more information. Do not type "see attached document" into the answer boxes and then attach a separate document with longer answers.

Before submitting your final application, check the Frequently Asked Questions (FAQ) document on the DEQ Nonpoint Source Program website to make sure you're up to date on any clarifying information DEQ has provided to other applicants. DEQ will use the FAQ document to provide answers to questions raised by individual applicants, thereby ensuring all applicants benefit equally from clarifying information DEQ staff offer to other applicants.

Submit all application materials, including attachments, in either PDF or Microsoft Office Suite compatible file format. DO NOT send electronic files through Dropbox, Google Docs, your company FTP site, or any other commercially available file transfer service. Electronic documents smaller than ten megabytes (10 MB) may be delivered via email to Mark Ockey: mockey@mt.gov. Electronic documents larger than ten megabytes (10 MB) must be delivered using the State of Montana's File Transfer Service. Signup instructions are available at https://transfer.mt.gov/Home/Instructions.

Contact Mark Ockey to make sure that all documents were received: mockey@mt.gov or 406-465-0039.

Thursday, 11/2/2023 – Agency Review Panel Meeting

Applications will be reviewed and evaluated by the 319 Agency Review Panel on Thursday, November 2, 2023, in Helena. The Panel will be chaired by DEQ and will include representatives from various state and federal natural resource agencies. The purpose of the Agency Review Panel is for DEQ to draw upon the knowledge and experience of other natural resource professionals to better inform DEQ's decisions about which projects to recommend to EPA for funding.

The 319 Agency Review Panel meeting will consist of two parts. In the morning (and early afternoon if need be), each applicant will be given a set amount of time to respond to questions from the Panel. In the afternoon, the Panel will deliberate and come up with a set of funding recommendations for DEQ's consideration.

Scoring sheets will be used during the evaluation process. The scoring sheets are included as Attachment A. The scoring sheets are intended to support the 319 Agency Review Panel discussion. **They are not final decision-making matrices.** The Panel will use the scoring sheets to make general recommendations to DEQ regarding funding levels and project quality. Applicants are encouraged to review the scoring sheets and consider how well their application meets these individual criteria. The criteria in the scoring sheets reflect specific DEQ Nonpoint Source Program priorities. If you have questions or would like further clarification regarding these priorities, please contact Mark Ockey at 406-465-0039 or mockey@mt.gov.

Applicants are encouraged to attend the entire 319 Agency Review Panel meeting if they are available, and to have key project partners and landowners on hand to answer questions during the allotted question and answer time. A remote/phone-in option will be available. To ensure a fair and competitive process, the only time applicants can interact with the Review Panel will be during their allotted question and answer time. DEQ staff will be on hand throughout the meeting to answer additional questions and provide clarification on 319 program requirements. The public is also invited to attend the meeting.

Visit the DEQ 319 Project Funding website (https://deq.mt.gov/water/Programs/nonpoint#accordion1-collapse1) for potential schedule changes.

Friday, 11/17/2023 by 5:00 pm – Notices of Intent to Award Sent to Successful Applicants

Following the 319 Agency Review Panel meeting, DEQ staff will review the Agency Review Panel's recommendations and issue tentative notices of intent to award to all successful applicants. Final funding decisions will be dependent on EPA review and approval.

Monday, 11/20/2023 through Wednesday, 1/31/24 – Contract Development

319 funds are administered as contracts. Contracts are legally binding agreements that identify specific products or work that must be completed prior to receiving reimbursement. Only work done after a contract is signed and before the contract expires can be submitted for reimbursement or reported as match.

If your application is successful, a DEQ project manager will be assigned to work with you to develop a contract based on the information you provided in your application and recommendations made by the 319 Agency Review Panel and DEQ Management. Your DEQ project manager will use a template similar to the one found in Attachment C to prepare a draft scope of work.

You and the DEQ project manager will then work together to review and edit drafts, with the goal of developing a mutually agreeable scope of work by the end of April, 2024. DEQ will submit the scope of work to EPA for approval in May of 2024. EPA has final approval authority over all projects selected by DEQ for funding. EPA reviews the final scopes of work for consistency with the 2017 Montana Nonpoint Source Management Plan, consistency with EPA NPS program guidelines, and overall impacts on water quality.

August 2024 – Contract Initiation

Once DEQ receives confirmation of EPA approval and release of funding to states, DEQ will issue contracts to successful applicants. This usually happens by the end of August but could be delayed into September. Expenses and match incurred by applicants prior to the signing of a contract CANNOT be applied to the contract.

September 2024 to Approximately September 2027 – Project Implementation, Reporting, and Close-out

Once a contract has been signed by the project sponsor and by DEQ, applicants can begin accruing and reporting expenses and match funds. Payment requests are on a **reimbursement** basis. Applicants may request payment no more frequently than monthly and no less frequently than semi-annually. With each payment request, applicants are required to submit a report that includes a description of the work completed and justification for expenses incurred. At a minimum, applicants must submit semi-annual (interim) reports, annual reports, and a final report. Templates and reporting guidance for these reports can be found under "Guidance for Funding Recipients" on the 319 Project Funding website: https://deq.mt.gov/water/Programs/nonpoint#accordion1-collapse1

Projects are expected to be completed within 3 years of the date the contract is signed. Final reports and deliverables (*including all deliverables previously submitted*) must be submitted electronically at least 15 days prior to the expiration date of each contract. Expenses and match incurred after the expiration date of a contract CANNOT be submitted for reimbursement or reported as match .

Applicants are expected to maintain copies of all deliverables, reports, and correspondence related to the project for a minimum of 8 years following the close of the contract.

7.0 – ADDITIONAL RESOURCES

The following resources may also be useful in preparing your application.

- The 2017 Montana Nonpoint Source Management Plan (NPS Plan): http://deq.mt.gov/Portals/112/Water/WPB/Nonpoint/Publications/Annual%20Reports/2017NPSManagementPlanFinal.pdf
- A map showing watersheds with Watershed Restoration Plans (WRPs), total maximum daily loads (TMDLs) and final TMDL documents: https://gis.mtdeq.us/portal/apps/webappviewer/index.html?id=b8bd98aca20040048850803c46873b3c
- The Clean Water Act Information Center (CWAIC) database is available to help you search for information on the impairment and TMDL status of Montana waterbodies. The database can be searched online at www.cwaic.mt.gov

APPENDIX A – ADDITIONAL PROGRAM REQUIREMENTS

COMPLIANCE WITH PREVAILING WAGE LAWS

It is the responsibility of applicants/contractors to comply with State or Federal prevailing wage laws and ensure their subcontractors do the same. If the nature of the work performed, or services provided, under a contract resulting from this RFA meet the statutory definition of a "public works contract" in §18-2-401, MCA, and exceeds $25,000, payment of prevailing wages is required. Work performed may fall under the wage determinations for Heavy Construction or Non-Construction as defined by the Commissioner of the Montana Department of Labor and Industry. Projects funded in whole or in part with federal funding require payment of the higher of the state or federal wage rate. Questions related to prevailing wage rates may be addressed directly to the following:

Compliance and Investigations Bureau
1805 Prospect Avenue
PO Box 201503
Helena, MT 59620-1503
(406) 444-6543
DLIERDWage@mt.gov
Website: http://erd.dli.mt.gov/labor-standards/public-contracts-prevailing-wage-law

The guidance below is intended to help you anticipate whether prevailing wage laws may apply to your project.

In accordance with §18 2 401 through §18-2-432, MCA, and all associated administrative rules:

- **Montana Resident Preference.** Unless superseded by federal law, Montana law requires that contractors and subcontractors give preference to the employment of Montana residents for any public works contract in excess of $25,000 for construction or non-construction services. The Commissioner of the Montana Department of Labor and Industry has established the resident requirements in accordance with §18-2-403 and §18-2-409, MCA.
- **Standard Prevailing Rate of Wages.** Montana law requires that all public works contracts greater than $25,000, contain a provision defining the following:
    - job classification;
    - applicable standard prevailing wage rate, including fringe benefits, travel, per diem;
    - and zone pay that the Contractors, subcontractors, and employers shall pay during the public works contract.

  In accordance with §18-2-417, MCA, any public works contract that has a potential term of 30 months or more must allow for adjustment to the prevailing wage rates as noted below:
    - If the initial contract term is for more than 12 months, the standard prevailing wage rate paid to workers under a contract must be adjusted 12 months after the date of contract award. The amount of the adjustment must be a 3% increase. The adjustment must be made and applied every 12 months for the term of the contract. This adjustment is the sole responsibility of Contractor and no cost adjustment in the contract will be allowed to fulfill this requirement.
    - If the initial contract term is 12 months with options to renew, the contract is subject to the 3% adjustment when the contract length becomes more than 30 months. The 3% rate increase becomes effective upon the second renewal, and the 3% is paid starting in the third year of the contract beginning with the 25th month. The adjustment must be made and applied every 12

months thereafter for the term of the contract. This adjustment is the sole responsibility of Contractor and no cost adjustment in the contract will be allowed to fulfill this requirement.

- **Notice of Wages and Benefits.** In accordance with §18-2-406, MCA, all contractors, subcontractors, and employers who are performing work or providing services under a public works contract must post in a prominent and accessible site on the project staging area or work area, no later than the first day of work and continuing for the entire duration of the Contract, a legible statement of all wages and fringe benefits to be paid to the employees in compliance with §18-2-423, MCA.
- Wage Rates, Pay Schedule, and Records. In accordance with §18-2-423, MCA, employees receiving an hourly wage must be paid on a weekly basis. Each contractor, subcontractor, and employer shall maintain payroll records in a manner readily capable of being certified for submission for not less than three years after the Contractor's, subcontractor's, or employer's completion of work on the public works contract.

COMPLIANCE WITH THE BUILD AMERICA, BUY AMERICA ACT (BABA)

DEQ anticipates most projects funded by 319 project funds will not be subject to the federal Build America, Buy America Act (BABA). However, it's possible that some larger construction projects could be subject to BABA. Please contact DEQ Nonpoint Source and Wetlands Section staff to discuss your project.

COMPLIANCE WITH THE FEDERAL ENDANGERED SPECIES ACT

If your project is selected for funding, EPA will consult with the U.S. Fish and Wildlife Service (USFWS) to determine the potential for the project to impact threatened and endangered species. If USFWS identifies a potential for impact, they will provide recommendations for avoiding or minimizing the impact, and those recommendations will become required conditions within the 319 grant contract.

COMPLIANCE WITH OTHER FEDERAL STATUTES AND GUIDELINES

319 Grant funds come from the United States Environmental Protection Agency (EPA). Each year, EPA provides a set of "pass-through" federal requirements pertaining to a wide variety of federal statutes and guidelines. DEQ is required to incorporate these requirements into each 319 Grant contract, and contract recipients are required to incorporate the requirements into any subcontracts associated with the project. These requirements can vary, somewhat, from year to year, and DEQ typically does not receive a copy of the final requirements until after completing the annual project solicitation process. A copy of the recent pass-through requirements can be found in Attachment D. This is included solely for reference and may not reflect the specific requirements for FY2024.

INSURANCE

Prior to signing a contract with DEQ, applicants will be required to demonstrate that they have adequate insurance to protect people and institutions involved in the project. Insurance requirements may vary depending upon the level of risk associated with completing the project. Please contact a DEQ Nonpoint Source and Wetlands Section staff member for guidance regarding your specific project.

APPENDIX B – PROJECT EXAMPLES

The examples below may provide insight into how to tailor your project proposal to meet the goals and priorities of the 319 Grant Project Program.

ON-THE-GROUND PROJECT EXAMPLES

Reducing and Preventing Nonpoint Source Pollution

Good Examples

- Installing livestock exclusion fencing to create a riparian buffer along 3,000 feet streambank.
- Restoring natural hydrology to a formerly channelized and drained floodplain.
- Relocating a frequently flooded farmstead up and out of the floodplain.

Poor Examples

- Installing doggy poo-bag dispensers and signage along a popular upland hiking trail in a watershed where land use is dominated by row crops and feedlots.
- Building a rain garden in a watershed with 240,000 acres of irrigated cropland.
- Armoring a streambank to reduce erosion caused by historic stream straightening.

Restoring and Protecting Natural Stream, Lake, and Wetland Processes

Good Examples

- Relocating an unpaved road up and out of a narrow stream corridor.
- Removing an abandoned railroad grade and restoring floodplain connectivity.
- Planting native riparian species and installing livestock exclusion fencing to restore and protect native vegetation communities.

Poor Examples

- Armoring a streambank with rock or a log matrix to prevent a natural channel avulsion.
- Realigning a stream and hardening the channel to prevent it from migrating through a hay field.
- Using a log weir, J-hook, or rock barb to divert the energy of a stream away from a road grade.

Sustainable Solutions

Good Examples

- The landowner attends the 319 Agency Review Panel in-person to advocate for his/her project.
- The stream re-meandering project includes a 75-foot riparian buffer and extensive revegetation.
- The landowner completes a change of use agreement to ensure 2 cfs of water used previously for irrigation remains in the stream.

Poor Examples

- The landowner indicates they only came to the watershed group for help after the local conservation district threatened to issue a 310 violation.
- The revegetation budget for a major stream reconstruction project is less than 2% of the total budget.
- The project proposal calls for implementation of a best management practice that has a 20-year expected lifespan, but it's apparent that if natural processes were to allowed to continue, the problem would resolve itself in the same amount of time.

Readiness and Need

Good Examples

- The landowner and their downstream neighbor both participate in the Agency Review Panel meeting.
- At the time of application, the applicant has already involved the local fisheries biologist and floodplain administrator in the planning process.
- The applicant has either a history of successful contract management or applicable education.
- The project proposal includes specific metrics for evaluating the nonpoint source pollution benefits of on-the-ground work.
- The landowner and other project beneficiaries have committed to provide time, money and other resources to the project commensurate with their ability to do so.

Poor Examples

- The project proposal includes riparian restoration along 3,000 feet of Purple Cow Creek. So far, only two of the 3 landowners involved have indicated support for the project.
- The project proposal includes design and implementation of a channel realignment project in a mapped floodplain on federal land. NEPA has not been started and there have been no communications with the local floodplain administrator.
- The project will greatly improve fisheries on a private ranch owned by a wealthy landowner, but the landowner is only contributing $100 to the project.

MINI-GRANT PROJECT EXAMPLES

Reducing and Preventing Nonpoint Source Pollution

Good Examples

- Mini-grants to pay for fencing, off-stream watering, wind shelters and hardened crossings to reduce grazing impacts on streambanks and riparian areas.
- Mini-grants to provide scholarships for high school and college students to attend stream restoration conferences and trainings.
- Mini-grants to subsidize native riparian plant distribution to lakeshore homeowners.

Poor Examples

- Mini-grants to pay for bio-control agents to control noxious weeds.
- Mini-grants to pay for installation of a 10-foot wide riparian buffer.

Readiness and Need

Good Examples

- A conservation district partners with the local stockgrowers association to provide mini-grants to ranchers for off-stream watering.
- A statewide conservation organization provides scholarships for conservation district administrators and watershed group coordinators to participate in contract management training.
- A statewide conservation organization partners with MSU Extension to provide mini-grants and technical assistance to grazing districts to help set up forage use and riparian grazing monitoring programs.

Poor Examples

- An applicant plans to partner with 7 conservation districts to offer mini-grants to landowners for purchasing and planting native riparian plants. Only 2 of the 7 CDs provide letters of support.

- A statewide conservation organization proposes to offer mini-grants to landowners to implement projects that address nonpoint source pollution generally, but provides very few additional details.
- An environmental advocacy organization proposes to offer mini-grants to ranchers in eastern Montana to create 200-foot wide riparian buffers to exclude grazing, with no evidence of local support.

Efficient Program Delivery

Good Examples
- Program includes well-defined, simple methods for measuring the success of individual projects and the program as a whole.
- The application process for an organization seeking a mini-grant involves a 2-page application form and a 30-day turnaround for a funding decision.
- Reporting requirements for a $4,000 mini-grant include providing a maximum 3-page report with photos and results of pre-defined metrics for nonpoint source pollution prevention benefits.

Poor Examples
- Applicants for individual mini-grants must fill out a 10-page form, provide 5 letters of support and send in 3 years of financial statements to apply for funding.
- Mini-grant recipients are required to submit monthly project progress reports.
- Mini-grant applicants can only be reached by phone, and then only on Friday afternoons, and prefer to receive all reports by fax.

EDUCATION AND OUTREACH PRIORITIES

These priorities are applicable to all education and outreach (E&O) tasks associated with general/focus watershed applications and mini-grant program applications.

Defined Goals and Measurable Outcomes

Good Examples
- To raise awareness of the value of native riparian buffers in urban areas, a watershed group applies to hold a parade of homes tour. It will feature homeowners who have benefited from maintaining or restoring native vegetation along their streambanks. The goal is to have at least 40 creek side landowners participate and accept an invitation to have a revegetation specialist provide personalized recommendations for their property.
- A conservation district is planning a large riparian fencing and off-stream watering project on a ranch along Purple Cow Creek. The district develops an outreach plan to use the project as a demonstration to encourage neighbors with grazing-impacted ranches to do similar work. The district tracks which landowners attend the tour and how landowners respond to an invitation to engage in similar work on their property.
- A conservation district administrator requests funding to attend a public procurement training and a stream restoration conference to learn how to better manage contracts and develop NPS pollution prevention projects. The administrator provides a description in a status report of what he/she learned and how they will apply it.

Poor Examples
- A watershed group holds a seminar to teach real estate agents how to help landowners understand the importance of riparian buffers. At the end of the presentation, the real estate agents are given a brief survey to gage what they have learned. No further follow-up occurs to determine whether any of the information from the seminar ever made it into the hands of landowners.

- A conservation district adds photos and a brief description of their newest stream restoration project to their monthly newsletter. No response is requested and no further follow-up occurs.

Appropriate Target Audience

Good Examples
- E&O activities will focus on real estate agents in a watershed experiencing rapid population growth and lots of new construction.
- E&O efforts will focus on reaching farmers with fields that are adjacent to a stream impaired due to excess nitrogen and phosphorus.
- E&O efforts will focus on irrigators in a watershed where several streams are impaired due to hydrologic modification from irrigation diversions and return flows.

Poor Examples
- E&O activities include providing regular project updates at watershed group board meetings.
- E&O activities will focus on a campaign to encourage pet waste cleanup in a rural watershed with 80,000 acres of irrigated cropland and 67,000 head of cattle.
- E&O activities will include a mass-mailing of livestock grazing BMP publications to every address in the entire county.

Appropriate Method of Delivery (activity)

Good Examples
- A conservation organization representative personally attends local grazing district meetings to share information on the benefits of riparian condition monitoring.
- A local watershed group commissions a local artist to paint a mural on the side of an active grain elevator depicting the benefits of a healthy riparian area.
- A watershed group coordinator attends local homeowners' association meetings to explain the benefits of proper septic maintenance.

Poor Examples
- A watershed group uses their website and twitter account to advertise an upcoming cost-share opportunity for funding riparian fencing and off-stream watering facilities.
- A watershed group creates a 2-hour YouTube video to teach homeowners the finer points of septic system maintenance.
- A conservation organization holds a public informational meeting at 7:30pm on a Friday night.

BIGGER PICTURE PRIORITIES

Environmental Justice

Good Examples
- Stream restoration in a handicap accessible public park.
- Riparian buffer creation adjacent to government-subsidized housing.
- Use of indigenous plants of cultural significance.
- Selection of BMPs that will not create an ongoing maintenance burden on local communities.
- Demonstration of tribal participation and perspective in project planning.
- Key community members involvement and leadership.

Poor Examples

- An in-stream habitat restoration project on a wealthy landowner's spring creek.
- Selection of BMPs that will require consistent maintenance funded by county residents.

Climate Change/Resilience

Good Examples

- Designs that include restoring natural process-based flood mitigation strategies, such as addition of meanders and adjacent wetlands to mitigate downstream flooding and late season drought.
- Complex riparian buffer planted along meanders to reduce stream temperature, provide cold water refuge for native trout, and promote biodiversity.
- Planting woody vegetation and using beaver dam analog structures to raise the local water table and encourage beaver recolonization.
- Replacement of a perched culvert with a bridge.

Poor Examples

- Streambank armoring.
- Establishing a monoculture along a streambank.
- A water consumption reduction project without a mechanism to guarantee water savings will remain in the stream.

Impacts to Downstream Communities and Natural Systems

Good Examples

- Reduction of nonpoint source pollution just upstream of a city's drinking water intake.
- Removal of toxic mine tailings in a headwaters stream that later meanders through a suburban neighborhood.
- Sediment pollution reduction upstream of a popular fishery.
- A floodplain reconnection and wetland restoration project that will attenuate flood waters upstream of a town.
- Creation of a wide riparian buffer to restore habitat connectivity between upstream and downstream sections of a river.

Poor Examples

- Relocating a small horse corral out of the riparian area 30 miles upstream of the nearest town or impaired water.
- A habitat restoration project designed to benefit non-native rainbow trout.

ATTACHMENTS

Attachments are available for download on DEQ's website: https://deq.mt.gov/water/Programs/nonpoint#accordion1-collapse1.

Adobe Reader software is required and can be downloaded for free: http://get.adobe.com/reader/

ATTACHMENT A – SCORING SHEETS

A-1 – On-the-Ground Project Scoring Sheet
A-2 – Mini-Grant Program Scoring Sheet

The scoring sheets are intended to support the Agency Review Panel discussion. However, **they are not a final decision-making matrix**. The Agency Review Panel will use the scoring sheets to make general recommendations to DEQ regarding funding levels and project quality. Applicants are encouraged to review the applicable scoring sheet and consider how well their application meets these individual criteria.

ATTACHMENT B – APPLICATION FORMS AND INSTRUCTIONS

B-1 – On-the-Ground Project Application Form
B-2 – Supplemental Project Application Form
B-3 – Mini-Grant Program Application Form

ATTACHMENT C – EXAMPLE CONTRACT TEMPLATE

This template is primarily applicable to on-the-ground projects. Given the inherent variability of mini-grant programs, DEQ does not currently have a comparable template for mini-grant contracts.

ATTACHMENT D – EXAMPLE FEDERAL PASS-THROUGH REQUIREMENTS FROM PREVIOUS FUNDING CYCLE

These requirements sometimes change from year to year. The examples provided here may not match up perfectly with the federal pass-through requirements we eventually receive for FY2024 319 contracts. They are intended to provide applicants with a rough idea of what to expect.