

# CZM Habitat Protection & Restoration BIL/IIJA Competitive Grant Program FAQ's

Coastal Zone Management (CZM) Habitat Protection & Restoration Bipartisan Infrastructure Law (BIL) Competitive Grant Program – Administered through Oregon's Coastal Management Program (OCMP) at Department of Land Conservation and Development (DLCD)

## FAQ's

*Q & A from February 9<sup>th</sup>, 2023, Information Session and other commonly asked questions*

### General Program Questions

**Q: Project Types - When submitting an application, should projects only apply for 1 of 3 options/project types? For example, if primarily an application for Land Acquisition, but anticipate later Restoration, should the application only be for Land Acquisition now?**

A: Because each application can only include one project type (restoration planning & engineering, restoration (on-the-ground), and land acquisition), and each application needs to show project readiness or that they are shovel ready, we recommend you submit a land acquisition application in one cycle and the restoration application in a later funding cycle. The same would apply if you were planning on applying for the restoration planning & engineering project type in one cycle, we would recommend you submit a restoration (on-the-ground) application in a subsequent funding cycle.

**Q: How many total applications were submitted to DLCD as part of FY 2022 (of which the DCLD selected 3)?**

A: In FY 2022, a total of 6 LOI's were submitted to DLCD for consideration. Each coastal management program, including Oregon's Coastal Management Program at DLCD, is limited, by NOAA, to only submit a total of 3 LOI's for consideration.

**Q: Are we welcome to apply for a pre-project consultation with DLCD for a project that isn't going to be 'shovel ready' this year, but that would be ready next spring? Really the question is about how early we can/should reach out to consult with DLCD on a potential project.**

A: The DLCD required 'pre-application' consultation is for partners that are planning on submitting an LOI for that particular funding cycle. If you have a project that you are considering, at some point, to apply for this CZM BIL funding and would like to discuss the project and ask questions – you are welcome to reach out to Claire Fiegenger ([claire.fiegenger@dlcd.oregon.gov](mailto:claire.fiegenger@dlcd.oregon.gov)) with any questions, at any time during your project development process.

**Q: How does the timing work in terms of length of time from submitting an LOI to DLCD to hearing if a project receives funding from NOAA? (Like, the expected timeline from beginning to end of the process for funding. For acquisition projects where a bridge buyer is holding a parcel, there is often an agreement to hold the parcel for a certain amount of time)**

A: DLCD does not yet have NOAA's timeline for the FY2023 funding cycle. That information will be provided in NOAA's Notice of Funding that is anticipated to be released in mid-May. For the FY2022 cycle the RFA opened on June 29, 2022, LOI's were due to DLCD on July 19, 2022, DLCD submitted its top 3 LOI's to NOAA on July 29, 2022, NOAA notified applicants if project was invited to submit a full application on August 29, 2022, full applications were initially due to NOAA on Oct. 14, 2022 but that

deadline was extended a few weeks to allow more time for states being impacted by hurricane season, NOAA will make formal announcements of funded projects in mid-February, 2023 with an anticipated project start date of April-May 2023. \*\*Note that this is the schedule for the first cycle of this funding and we anticipate that subsequent cycles may have slightly longer windows from announcement of cycle opening to LOI deadline and invitations for full proposals to full applications due. .

**Q: Is the funding delivered on a reimbursement basis? (From DLCD to a successful project?) Or what can successful projects expect in terms of how the funding is delivered to complete the project?**

A: Yes, most of the funding is delivered on a reimbursement basis. The exception is that funding for the purchase of land or a conservation easement (purchase price) can be wired directly to an escrow account for closing.

**Q: Are monitoring plans required for all activities under this funding opportunity?**

A: Monitoring plans will be required for the Habitat Restoration project category, but not for the Land Acquisition and Habitat Restoration Planning and Engineering project categories. See Section (III)(C)(5) of the Federal Funding Opportunity for more details on 1-year post-project monitoring plans that should be included for restoration project proposals. However, for acquisition projects there will be a responsibility to ensure land is managed in perpetuity and according to the intent at funding, as well as comply with NOAA/DLCD requests to document compliance.

## Land Acquisition Questions

**Q: For eligibility, if the primary applicant needs to be a non-federal public entity, does the final fee title property owner also need to be the same? Or could a non-profit be the final owner with the non-federal public entity being just a conservation easement holder?**

A: For CZM land acquisition projects, please note that non-profit entities are not eligible to hold title to lands (fee simple or easement interests) acquired through BIL/IIJA funds. Non-profit entities should therefore not be a direct recipient or subrecipient for land conservation projects.

Non-federal public ownership (fee-simple title or easement interest) is required. This would include state agencies; federally recognized Indian tribal governments as defined at 15 CFR 28.105; local governments as defined at 15 CFR 28.105; and entities eligible for assistance under section 306A(e) of the Coastal Zone Management Act (16 USC 1455a(e)), provided that each has the authority to acquire and manage land for conservation purposes. Non-profit partners are not eligible.

**Q: Can non-profit entities hold a conservation easement over the property?**

A: Non-governmental organizations, including non-profits, are not eligible to hold title to lands (fee-simple or easement interest) acquired with IIJA funds. However, these organizations may participate as partners with eligible entities in the acquisition, restoration, and long-term stewardship of lands. Their role could include identifying target properties; conducting or assisting in acquisition negotiations; conducting restoration activities; and providing stewardship and management of properties in perpetuity, including holding a *secondary* easement or other stewardship agreement for these lands.

**Q: Are “buy and hold” scenarios, where a non-profit temporarily takes ownership before transfer to the final non-federal public entity, eligible?**

A: Yes, there are situations where there can be a buy and hold. Documenting the terms of the purchase agreement carefully will be important. Refer to the Notice of Funding Opportunity for further details about buy and hold scenarios.

**Q: Could multiple land acquisitions be included in one project, or would they need to be separate projects?**

A: For projects that propose to acquire more than one property, parcels must be located in the same vicinity, be substantially related in terms of conservation values, or have other direct physical or strategic connection (for example, acquiring multiple properties that will be assembled into a single greenway). NOAA recommends that applicants limit the scope to acquiring no more than three separate parcels within a single proposal. Properties containing multiple parcels covered under a single appraisal, title report, and survey plat could count as one parcel (e.g., a subdivided property with the same landowner).

**Q: Can these funds be used as part of a collection of funding sources to buy a property (i.e., for larger and thus more expensive properties), or must these funds be used to fully acquire the property without other contributing funds?**

A: Yes, you can leverage different funding sources to acquire a property, including other federal, state, local, non-governmental and private funding sources. The IJA funds will need to be tracked separately and clearly, as well as clearly documenting the other funding sources and amounts. Also important - documenting the percentage of the property's acreage that the NOAA funding is allocated to.

**Q: For Acquisition, does the project need to be identified in the CELCP or State / Regional plan or just need to demonstrate project goals align with these plans if it is not?**

A: Land Acquisition projects will be rated on whether or not the proposed acquisition is prioritized or included within a strategic conservation or other resource management plan. You should highlight how a proposed project's specific goals (acquisition or restoration) align with other conservation plans, and list/describe relevance for all plans that do align with the project goals.

## Restoration Planning & Engineering Questions

**Q: Can engineering and planning for activities necessary to achieve a restoration project be funded? For example, can these funds be used to plan the removal of a road that is necessary to implement our restoration project?**

A. There are no barriers to utilizing the habitat restoration planning, engineering and design funds for those types of activities. Ensure that the connection to the implementation of the restoration project is clear in the Letter of Intent.

## Restoration Questions

**Q: The funding opportunity lists certain activities as ineligible that cannot realistically be separated from restoration (e.g. invasive species removal). Can these activities be included as part of a Habitat Restoration project, provided they are not the sole purpose of the proposed project?**

A: If the activity is part of a larger project, NOAA is supportive of funding provided that it is necessary for the success of the Habitat Restoration project. NOAA will not support projects that are maintaining existing habitats or infrastructure over the long-term.

**Q: Can a Habitat Restoration project include the same type of restoration at multiple sites?**

A: Yes. One of the things NOAA will be looking for with these types of projects is connection across the sites. If that connection cannot be clearly made, programs should consider submitting them as multiple discrete projects.

**Q: Is there the potential for building removal as part of the restoration process?**

A: If there is a compelling reason described in the Letter of Intent that the removal of the structure meets the criteria, then it may be considered. However, structure removal is not generally a priority use for these funds, and the project would likely be a better fit for other funding sources.

**Q: Are the CZM BIL funds *exclusively* reserved for use on non-federal public lands, or are there scenarios in which restoration projects could incorporate or touch private properties?**

A: All projects must provide clear public benefit, consistent with how other on-the-ground projects (such as 306A and CELCP) have been administered under the Coastal Zone Management Act. Eligible habitat restoration projects must be located on publicly-owned land, or land where a public entity holds a lease or easement or other agreement that provides for adequate public control of the property. Restoration planning, engineering, and design projects should also be for publicly owned or controlled project sites, or for sites where the majority of the project area is under public ownership or control. Land conservation projects must provide for non-federal public ownership by the grant recipient or sub-recipient for conservation in perpetuity.

Projects must provide clear public benefit as well as adequate long-term public control of the project site. Projects must be primarily for public benefit and it will be the applicant's responsibility to provide clear evidence of public benefit as well as public control of the project for the expected life of the project.

**Q: Would projects that include the construction of "gray" or hardened infrastructure be considered eligible?**

A. The goal of the habitat restoration project category is to enhance and restore coastal habitats. If the incorporation of gray infrastructure elements are critical to the success of the restoration project, NOAA may allow the use of funds for these activities if the connection to the project is strong. NOAA will not allow the use of these funds for hardscape construction or projects whose goal is to implement gray infrastructure.

**Q: Does "habitat restoration" also mean nature-based solutions for habitat restoration and green infrastructure?**

A: Funds for restoration projects can be used for planning, engineering, design, and on-the-ground restoration that enhance and restore coastal habitats. This includes nature-based solutions that both enhance and restore coastal habitats and mitigate stormwater runoff and flooding.

The key is that not all green infrastructure projects would be applicable - only if they include a primary objective of protecting and restoring ecologically significant habitats. Additional risk reduction services such as wave attenuation, flood storage, or erosion control would be added benefits, but the project must have a primary objective of enhancing or restoring coastal habitats.

**Q: Would fish passage projects, including tide gate replacement, be eligible?**

A: There is specific fish passage funding in the Infrastructure, Investment and Jobs Act. Please visit [NOAA's IJA funding website](#) for more information about the different funding streams. We encourage applicants to carefully evaluate the different funding opportunity notices to seek out which source of funding would be most appropriate for their proposal.