

Grant Guidance Document FFY 2024 Section 319(h) Nonpoint Source Implementation Grant

Kentucky Energy and Environment Cabinet
Department for Environmental Protection
Division of Water, Nonpoint Source and Basin Team Section
300 Sower Blvd, Third Floor
Frankfort, Kentucky 40601
(502) 564-3410

FFY 2024 SECTION 319(h) GRANT PROJECT APPLICATION SCHEDULE

<u>Date</u>	<u>Activity</u>
November 17, 2023	Project Letter of Intent deadline
February 9, 2024	Project Application must be emailed, postmarked, or received (if hand delivered)
April 2024	Anticipated notice of award to applicants
September 2024	Expected receipt of grant from EPA
October 2024	Anticipated Contract start date

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1. INTRODUCTION

1.1 WHAT IS NONPOINT SOURCE (NPS) POLLUTION?

Nonpoint source (NPS) pollution, also known as runoff pollution, is the number one contributor to water pollution in the Commonwealth of Kentucky. Unlike point source pollution, which enters waterways at definite locations (such as discharge pipes from wastewater treatment plants), NPS pollution originates from numerous diffuse sources.

Rainwater or snowmelt pick up and carry NPS pollutants, such as pesticides, fertilizers, nutrients, metals, sediment, and bacteria and other pathogens, resulting from various land use activities, into Kentucky's streams, groundwater, rivers, and lakes. NPS pollutants can affect the safety of our drinking water, make waters unsafe for recreational activities, and destroy our natural aquatic ecosystems. Section 1.3 lists activities that cause NPS pollution.

1.2 HOW CAN NPS POLLUTION BE MANAGED?

The objective of the Kentucky NPS Pollution Management Program is to reduce, remediate, and prevent NPS pollution. NPS pollution is controlled primarily through the adoption of practical and cost-effective land management practices known as best management practices (BMPs) which allow the continuation of everyday activities and improvement of water quality, while reducing or preventing NPS pollution and maintaining the economic value of Kentucky's land and water resources.

Kentucky receives federal funding through the Clean Water Act §319(h) grant from the U.S. Environmental Protection Agency (EPA) to implement the NPS Pollution Management Program. Much of this funding is available for use by watershed partners where NPS pollution has impaired water quality or threatened [Special Use Water](#) resources.

Section 319(h) funding can be used to reimburse up to 60 percent of project costs; the applicant must provide additional non-federal funds (40 percent of the total project cost). No federal funds may be used as match for 319(h) projects.

Applicants should regard Section 319(h) funds as "seed money" to initiate NPS pollution management efforts, but not to fund them indefinitely. The primary focus is to restore streams impaired by NPS pollution. Some funding is also

available to protect streams that currently meet water quality standards but may be threatened. Projects that address the pollutants of concern in streams on the most recent list of Kentucky impaired streams ([Kentucky Integrated Report to Congress](#)) are given first priority for NPS funding. These priority watersheds are reviewed and updated annually and published in the NPS Annual Report to EPA.

The Kentucky Division of Water (DOW) has identified several high priority needs or focus areas, which are:

A. Development of Watershed Plans (WSPs)

Funding is available to develop Watershed Plans (WSPs) for high priority watersheds in need of restoration, or [Special Use Waters](#) with a documented need for protection. This includes waters listed in the most recent [Integrated Report to Congress](#), Assessment Category 4 (a & b) and Category 5 watersheds.

Watershed Plans must fulfill the requirements identified in the [Watershed Planning Guidebook for Kentucky Communities](#) (DOW, 2010).

These requirements include, but are not limited to, the nine elements identified in Appendix C of the [Nonpoint Source Program and Grant Guidelines for States and Territories](#) (US EPA, 2013).

All Watershed Plan development projects require a Final Data Package as a project deliverable. The Final Data Package shall include the following: (1) all documentation such as field sheets, calibration records, and laboratory analysis reports, (2) a data verification report, (3) a comprehensive compilation of all data results in an approved format that will facilitate DOW submitting to WQX, (4) the raw data and calculations for load targets and reductions. The Final Data Package should support the components of the Watershed Plan identified in Chapters 2-4 of the *Watershed Planning Guidebook for Kentucky Communities* and the first of the required nine elements of a Watershed Plan, "Element a". Additional information may be requested by DOW to meet assessment needs and reporting.

Watershed Plan development project applications are not required to include an implementation component; however, implementation is the goal of creating a plan and must be addressed in the final approved Watershed Plan.

B. Implementation of Watershed Plans

Funding is available to implement EPA approved WSPs for high priority watershed restoration and the protection of Special Use Waters with documented threats. These projects must be results-oriented with goals and objectives focused on reducing NPS pollution, reducing or eliminating documented threats, and improving water quality in an effort to meet water quality standards.

See Section 3.2 for additional information on NPS project criteria and priority watersheds in need of restoration and protection.

C. Other Nonpoint Source Pollution Management Projects

Limited funding is available for the development and performance of BMP technology demonstrations, technical training, and education and outreach programs that foster behavior change to improve water quality. See Section 3.2 for additional information on NPS project criteria and priority watersheds in need of restoration and protection.

If you are interested in developing a project to meet these needs, please visit the [Section 319\(h\) Grant Program Funding webpage](#) (and click the *Resources* tab) or contact the Kentucky Division of Water as soon as possible. Division staff will advise you about project eligibility and duplication of efforts.

1.3 SOURCES OF NPS POLLUTION

Agriculture

Aquaculture; Irrigated Crop Production; Non-irrigated Crop Production; Pasture Grazing; Range Grazing; Specialty Crop Production (citrus, nuts, fruits, etc.)

Silviculture

Harvesting/Residue Management; Forest Management (pumped drainage/fertilization/pesticide application); Reforestation; Logging Road Construction/Maintenance

Construction

Highway/Road/Bridge Construction; Land Development/Redevelopment

Urban Runoff/Stormwater

Commercial; Dry Weather Flows; Highway/Road/Bridge Runoff; Illicit Connections (illegal hook-ups); Municipal; Post-development Erosion and Sedimentation; Residential (personal automotive, pet waste, etc.); Salt Storage Sites

Resource Extraction

Abandoned Mine Drainage; Dredge Mining; Mill Tailings; Mine Tailings; Open Pit Mining; Petroleum Activities; Placer Mining; Sand/Gravel Mining; Surface Mining; Subsurface Mining

Improper Waste Disposal/Storage/Treatment

Hazardous Waste; Inappropriate Waste Disposal; Industrial Land Management; Landfills; Onsite Wastewater Treatment (septic tanks); Septage Disposal; Waste Storage/Storage Tank Leaks (above and below ground); Wastewater

Hydromodification

Channel Erosion/Incision; Channelization; Dam Construction; Drainage/Filling of Wetlands; Dredging; Flow Regulation/Modification; Groundwater Withdrawal; Removal of Riparian Vegetation; Other Habitat Modification; Streambank/Shoreline Modification/Destabilization; Upstream Impoundment

Marinas and Recreational Boating

Boat Construction; Boat Maintenance; Dredging; Fueling; Pumpouts; Shoreline Erosion; Sanitary On-Vessel Discharges; Other On-Vessel Discharges

Turf Management

Golf Courses; Yard Maintenance; Other Turf Management

Other NPS Pollution

Atmospheric Deposition; Erosion from Derelict Land; Groundwater Loadings; Natural Sources; Recreational and Tourism Activities (non-boating); Spills; Wildfire-related Impacts; Wildlife

Historical Pollutants

Clean Sediments; Contaminated Sediments; Other Historical Pollutants

1.4 NPS POLLUTION MANAGEMENT PROGRAM CONTACTS

Kentucky Division of Water
300 Sower Blvd, 3rd Floor
Frankfort, KY 40601
Phone: (502) 564-3410 Fax: (502) 564-9636

Watershed Management Branch Contacts

Michaela Lambert - NPS and Basin Team Acting Section Supervisor
Phone: 502-782-5282
Email: michaela.lambert@ky.gov

Caroline Chan - Quality Assurance Officer
Phone: 502-782-6916
Email: caroline.chan@ky.gov

Chelsea Durbin - Technical Advisor
Phone: 502-782-7349
Email: chelsea.durbin@ky.gov

Haileigh Arnold - Technical Advisor
Phone: 502-782-4201
Email: haileigh.arnold@ky.gov

Rhonda Lamb - Four Rivers Basin Coordinator
Phone: 270-832-2557
Email: rlamb@murraystate.edu

Nathan Alexander - Big Sandy Basin Coordinator
Phone: 502-782-54203
Email: nathan.alexander@ky.gov

Alice Mandt - Upper Cumberland Basin Coordinator
Phone: 502-782-7169
Email: mandt@ky.gov

Andrea Drayer - Kentucky River Basin Coordinator
Phone: 859-257-4974
Email: andrea.drayer@uky.edu

Colin Duncan - Green River Basin Coordinator
Phone: 502-782-3594
Email: colin.duncan@ky.gov

Amber Hawkins - Salt River Basin Coordinator
Phone: 502-782-6266
Email: amber.hawkins@ky.gov

Grants Management Section Contacts

Michele Howard - Grants Management Section Supervisor
Phone: 502-782-3692
Email: michele.howard@ky.gov

Mike Reed - Grant Administrator
Phone: 502-782-7046
Email: mike.reed@ky.gov

2. APPLYING FOR SECTION 319(h) FUNDING

STEP 1: SUBMIT PROJECT LETTER OF INTENT

The Division of Water encourages submission of a Letter of Intent to notify the Nonpoint Source Program of the intended submission of an application. Letters should be submitted by **November 17, 2023** using the [319 Letter of Intent Form](#).

STEP 2: THE PROJECT APPLICATION

It is important that applications clearly convey what the project proposes to accomplish and how that will be achieved. Applicants are encouraged to use the [319 Report Viewer](#) to access information about project watersheds and are REQUIRED to submit a report from this tool as an attachment to any application.

All applicants are encouraged to use the [NPS Grant Application Form](#). Applications that are incomplete or represent ineligible projects will not be considered for funding.

The application must be emailed, postmarked, or received (if hand delivered) no later than **February 9, 2024**. Any submissions after this date will not be considered for funding under the Federal Fiscal Year (FFY) 2024 Section 319(h) grant. All applicants will be notified regarding their project eligibility or allow-ability.

STEP 3: PROJECT APPLICATION RANKING AND SELECTION

Eligible and complete project applications submitted on time will undergo the ranking and selection process.

Because Section 319(h) funding is limited, it is very unlikely that all project applications will receive funding. Therefore, project applications compete against each other for these funds. A panel of reviewers from the DOW Watershed Management Branch and Water Quality Branch participate in evaluating project applications based on criteria for a successful project. Applicants will receive notice of whether a project has been selected for funding after the evaluation process is complete.

Duplicate projects will not receive funding. For example, if multiple applications for educational programs to reduce extensive pavement and other impervious surfaces are received, only the highest ranked project will be funded. General application evaluation criteria can be found in Section 3.2. Details of how these criteria are used to rank projects can be found under the [Resources](#) tab of the [Section 319\(h\) Grant Program Funding webpage](#).

The review and ranking process takes into account the accuracy and completeness of an application. If your application is selected for funding, its content will be incorporated into a legal contract to complete the work described.

It is imperative that your application is accurate and complete.

STEP 4: FUNDING

Section 319(h) funding is part of the Performance Partnership Grant (PPG), which is a large umbrella grant that includes several, smaller EPA grants. DOW does not include selected project applications in its PPG application to EPA. After the EPA awards PPG funds to Kentucky's NPS Pollution Management Program, DOW ranks and selects project applications for funding, then develops and submits a final workplan to EPA for review and approval. Once EPA approves the final workplan, a legal contract between DOW and the applicant will be written and executed. If you are working on your first 319(h) project, you may wish to obtain a sample legal contract to review from your NPS contact person.

Please note that the EPA frequently adds special conditions and requirements to Section 319(h) grants. Those that apply to your project will be "passed on" to you in the legal contract. While it is likely that the FFY 2024 grant conditions and requirements will be nearly the same as those for FFY 2023, this is not certain.

Project activities that will receive reimbursement cannot begin until DOW and the applicant sign and fully execute a legal contract. An executed contract will be emailed and/or mailed to the applicant.

FFY 2024 SECTION 319(h) GRANT PROJECT APPLICATION SCHEDULE

Date

Activity

November 17, 2023*.....Project Letter of Intent Form deadline

**NOTE: Project Letter of Intent may be submitted at any time. However, to receive assistance and feedback for FFY 2024 applications, Letter of Intent must be submitted by November 15, 2023.*

February 9, 2024.....Project application must be emailed, Postmarked or received (if hand delivered)

April 2023.....Expected Notice of Award to recipients

September 2024.....Expected receipt of grant funds from EPA

October 2024.....Anticipated contract start date

Applicants can submit an application in two ways:

1. An electronic copy saved as a PDF file sent via email to mike.reed@ky.gov

OR

2. One printed copy with original signature

Printed applications must be received or postmarked no later than **Friday, February 9, 2024**. Any applications submitted after February 9, 2024 will **not** be considered for funding under the FFY 2024 Section 319(h) NPS grant.

Send printed applications to:

**KY Division of Water
Attn: Michaela Lambert, Watershed Management Branch
300 Sower Blvd, 3rd Floor**

Frankfort, KY 40601

3. DESIGNING AN EFFECTIVE AND COMPETITIVE NPS POLLUTION MANAGEMENT PROJECT

3.1 ACTIVITIES NOT ELIGIBLE FOR SECTION 319(h) FUNDING

A clear understanding of what activities are eligible for Section 319(h) funding is necessary before beginning to plan a project. Not all conceivable NPS pollution management activities are eligible under Section 319(h), therefore it is important to contact DOW to discuss your project ideas and to identify eligible project activities. The following activities are **not eligible** for Section 319(h) funding:

- Activities to control pollution from **point source discharges**, which are subject to Kentucky Pollutant Discharge Elimination System (KPDES) permitting requirements, are ineligible for Section 319(h) funding. These include sewage treatment plants, industrial facilities, mining operations, Concentrated Animal Feeding Operations (CAFOs), sawmill sites, construction sites greater than one acre, MS4 permit requirements and other types of regulated stormwater discharges.
- Section 319(h) funds cannot be used for **research, faculty salaries, and development of college credit courses or tuition**. While BMP research is needed in Kentucky (and the nation), funding from other sources must be tapped and utilized to pursue these activities.
- Section 319(h) **funds generally cannot be used for developing or purchasing promotional paraphernalia (T-shirts, bumper stickers, mugs, etc.)**. Please contact the NPS Section for additional guidance.
- Since projects receive federal tax dollars, you may not sell products produced or make loans with Section 319(h) funds.

3.2 CRITERIA FOR A SUCCESSFUL NONPOINT SOURCE PROJECT

The following 12 criteria help guide Section 319(h) projects in Kentucky. Details of how these criteria are used to rank projects can be found under the [Resources](#) tab of the [Section 319\(h\) Grant Program Funding webpage](#).

1. The project contributes to implementation of the Kentucky Nonpoint Source Management Program to protect surface water or groundwater.

Evaluation criteria focus on attaining water quality standards and preventing

degradation from both present and future sources of NPS pollution; therefore, it is important that Kentucky's Section 319(h) funded projects address both statewide and watershed projects.

Projects that will provide the best, most effective solutions to local NPS pollution problems are sought for funding. The most recent Integrated Report indicates that siltation, pathogens, and other habitat alterations are the primary causes of impairment in Kentucky streams and rivers. Please see the [Kentucky Nonpoint Source Management Program webpage](#) for more information.

2. The project has NPS priority watershed status or data documenting the NPS impact or threat, and targets pollution management activities to address the identified pollutants of concern.

Projects that address identified NPS problems or threats in NPS priority watersheds receive funding priority. The Nonpoint Source Pollution Management Program seeks to (1) restore watersheds that have been altered or degraded, and (2) protect watersheds from future impacts.

Projects with activities focused on fixing *identified* problems in watersheds with *approved* Total Maximum Daily Loads (TMDLs) will receive more points during project evaluation than projects in watersheds with no TMDL or a TMDL that is under development. Similarly, projects in Integrated Report Assessment Category 4a, 4b, or Category 5 (Nonsupport) watersheds will receive more points than those in Integrated Report Assessment Category 2, 2b, or 2c (Partial Support) watersheds.

Projects and programs focused on NPS pollution management activities that address *pollutants of concern* in these watersheds receive funding priority. For example, if a watershed is identified as impacted by sediment, projects which focus on erosion control and reducing sediment in that watershed will receive priority ranking.

3. The plan of work indicates how the project will reduce NPS pollution problems in the watershed.

With limited Section 319(h) grant funds available for managing NPS pollution in Kentucky, it is imperative that resources target pollutants of concern in priority watersheds, whether impacted or threatened.

Only a portion of water resources in Kentucky have been monitored, and DOW

relies on outside feedback to expand its existing water quality database. Local citizens, agencies, or other organizations may be aware of NPS pollution problems that have not been reported to, or discovered by, DOW. However, water quality data must be based on scientific methods and procedures in order to maximize its usefulness.

In addition to remediating existing problems, the Kentucky Nonpoint Source Pollution Management Program strives to prevent nonpoint source pollution from occurring. The DOW is equally interested in preventing degradation of Kentucky's Special Use Waters by NPS pollution.

The list of Special Use Waters includes Outstanding National Resource Waters, Reference Reach Streams, Kentucky Wild Rivers, and some Kentucky Outstanding Resource Waters. If the water quality in one of these watersheds is threatened, and an application includes supporting information/documentation, then the project will receive high priority watershed criteria points.

Specific information on these streams and these classification systems is available here: [319 Report Viewer](#)

4. Project objectives and activities will reduce nonpoint source pollution.

Projects which will significantly reduce NPS pollution and likely result in attaining water quality standards will receive the highest points.

5. Projects include appropriate and effective measures of success.

Project evaluation is an essential part of the project planning process and is as critical as the project goals and objectives. Without an evaluation system (measures of success) in place, time and funding may be wasted. Developing appropriate and effective measures of success can be easy and inexpensive, though it is important to understand the tradeoffs between using less complicated evaluation methods versus more expensive methods that require extensive expertise. Understanding this concept makes it easier to decide on an appropriate evaluation method and justify its choice.

6. The project will result in continued NPS pollution management.

A goal of Section 319 of the Clean Water Act is to "institutionalize" or create permanent NPS Pollution Management Programs at the state and local levels.

Section 319(h) funds should be regarded as “seed money” to initiate NPS pollution management efforts, but not to fund them indefinitely. A competitive application for a sustainable project identifies actual or potential possibilities for institutionalizing the project, and devises strategies to make that happen. Partnerships with agencies and other entities in the project area can be particularly valuable for achieving this goal.

7. The project involves appropriate government entities, educational institutions, private sector organizations, and citizen groups.

Project partners can include industry and environmental groups, watershed interest groups, local citizens, and community groups. Successful watershed management requires inclusion of all basin stakeholders, and efforts should be made to ensure that there are no barriers that exclude segments of the population from participating. Diverse stakeholder groups often lead to the most sustainable projects. An effective NPS project should also be based on partnerships with federal, state, and local agencies, universities, and private organizations with appropriate expertise, experience, and resources. In order to achieve the highest level of participation from project partners, it is imperative that they participate in the project planning process. Involve proposed partners in project development as much as possible because they often have helpful expertise and experience with Section 319(h) funded projects.

The basis of a good project includes concerns and actions from local citizens. To promote multi-agency and citizen involvement, a project oversight committee with representatives from all cooperating agencies should direct the project, and review and approve progress.

8. A cost-effective project budget is targeted to provide maximum NPS pollution management.

The more efficient a project is in utilizing its funding to achieve its objectives, the more resources will be available for the many projects needed to manage NPS pollution throughout the Commonwealth. Projects should focus on usefulness and necessity, and they should convey a distinct intention to implement the best possible project in the most cost-effective way. For example, minimizing administrative, overhead, and indirect costs and equipment purchases allows more funds for pollution reduction.

9. The project uses education, training, or outreach methods that are intensive and sustained during the project to reach its target audience.

Educational activities targeted toward those who are responsible for the NPS pollution problem are an essential part of most projects. Projects should raise the level of public awareness about how individual actions create NPS pollution and how those actions affect water quality. The project should offer practical, feasible, sometimes simple and cost-effective BMPs that are available to manage it.

Education programs should encourage behavior change. While it is important for students K-12 to understand NPS pollution, it is imperative to reach decision-makers: local officials, parents of school-aged children, and other affected stakeholders. Applicants are encouraged to offer outreach to adult audiences and utilize existing presentations and leadership development programs to stimulate new audience interest and participation. This could include increased membership in Watershed Watch, forming new watershed groups, or developing programs to promote changes in behavior that will improve water quality.

Effective sources of information on NPS outreach can be found in [EPA's NPS Outreach Toolbox](#). The booklet titled *Getting in Step: A Guide for Conducting Watershed Outreach Campaigns* provides step-by-step procedures for developing and implementing your outreach program. *Getting Your Feet Wet in Social Marketing* provides a step-by-step guide to developing a plan to change behaviors through social marketing.

A K-12 teacher/student program must conform to the current Kentucky Department of Education Program of Studies. By providing teachers with information that is easily incorporated into the classroom, they will be more likely to use the information. For resources on existing curriculum, and assistance from Kentucky Certified Environmental Educators, see the [Kentucky Environmental Education Council's Resources](#).

10. Environmental Justice has been considered and evaluated as part of the project.

The EPA defines Environmental Justice (EJ) as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies."

Projects must demonstrate how EJ was considered and evaluated as part of the project planning process by:

- Identifying community demographics and EJ needs within the project

area.

- Describing how EJ needs will be directly addressed.
- Describing how the community will be involved in the project.
- Determining if the project might have unintended consequences and how the project will strive to mitigate any potential negative outcomes.

Resources to explore Environmental Justice in your community can be found under the *Resources* tab of the [Section 319\(h\) Grant Program Funding webpage](#).

11. Project activities can be achieved within the specified time period.

Projects must set realistic implementation schedules. Detailed milestones help identify the amount of time needed to implement project activities.

12. Project applicants followed instructions contained in this guidance document for developing and submitting an application.

The review and ranking process takes into account the accuracy and completeness of an application. If your application is selected for funding, its content will be incorporated into a legal contract to complete the work described.

3.3 GENERAL 319 PROJECT TYPES

While all 319 projects are guided by the criteria listed above, project type and funding sources can differ. **Please see the general descriptions of the three different project types below.** Projects of each type are evaluated against others of the same type.

Projects Funded with Programmatic Dollars

Watershed Plan Development or BMP Demonstration projects seek to:

- Write a watershed-based plan that adequately meets EPA's 9-Elements of Watershed planning.
- Collect & analyze data.
- Install best management practice(s) as a technology demonstration to educate citizens, officials, agency representatives, and/or others about sources of NPS pollution and the BMP technology.

For more information view the [WSP Development Ranking Criteria under the Resources Tab](#).

Statewide Outreach & Education projects seek to:

- Modify behavior by raising awareness, developing programs that utilize social marketing as a change agent, and provide technical training on NPS issues.
- Target adult or K-12 audiences.
- Contain elements that will direct behavior change.

For more information view the [Statewide Project Ranking Criteria under the Resources Tab.](#)

Projects Funded with Implementation Dollars

Watershed Plan Implementation projects seek to:

- Implement an existing Watershed Plan that adequately meets EPA's 9-Elements of Watershed planning or implement an EPA approved TMDL Alternative plan.

For more information view the [WSP Implementation Ranking Criteria under the Resources Tab.](#)

4. REFERENCES

DOW, KWA (2010). *Watershed Planning Guidebook for Kentucky Communities.*

Web address: <https://eec.ky.gov/Environmental-Protection/Water/Protection/Pages/WatershedPlanningGuidebook.aspx>

US EPA, (2013). *Nonpoint Source Program and Grants Guidelines for State and Territories.* Web address:

<https://www.epa.gov/sites/production/files/2015-09/documents/319-guidelines-fy14.pdf>

US EPA, (2008). *Handbook for Developing Watershed Plans to Restore and Protect our Waters.* Web address: http://www.epa.gov/sites/production/files/2015-09/documents/2008_04_18_nps_watershed_handbook_handbook-

