830-RICR-10-35-1

TITLE 830 – INFRASTRUCTURE BANK

CHAPTER 10 – PROGRAMS

SUBCHAPTER 35 – OCEAN STATE CLIMATE ADAPTATION AND RESILIENCE FUND

Part 1 – OCEAN STATE CLIMATE ADAPTATION AND RESILIENCE FUND POLICIES AND PROCEDURES

1.1 Jointly Promulgated Regulation

Rhode Island Infrastructure Bank, Rhode Island Coastal Resources Management Council, and Rhode Island Department of Environmental Management jointly promulgate 830-RICR-10-35-1, Rules and Regulations for Ocean State Climate Adaptation and Resilience Fund.

1.2 Purpose and Scope

The following Policies and Procedures of Rhode Island Infrastructure Bank (the "Bank"), Rhode Island Coastal Resources Management Council (the "Council"), and Rhode Island Department of Environmental Management (the "Department") have been established to govern the provision of financial assistance from the Ocean State Climate Adaptation and Resilience Fund ("OSCAR") to applicants for adaptation and resilience projects on public lands. Grants from OSCAR will help to advance projects on public land and protect or enhance coastal or riverine habitats to address climate change impacts.

1.3 Authority

These Rules and Regulations are promulgated pursuant to the authority provided by R.I. Gen. Laws §§ 46-12.2-4 and 46-23.3-7.

1.4 Definitions

A. Except as otherwise defined herein, the words and phrases used within this Part shall have the same meaning as the words and phrases in R.I. Gen Laws § 46-23.3-2, as amended.

B. For the purposes of this Part, the following terms are defined as follows:

1. "Approved Project" means an eligible adaptation and resilience project as defined in R.I. Gen. Laws § 46-23.3-2(1) and approved by the Department and the Council pursuant to R.I. Gen. Laws § 46-23.3-6(a).

2. "Applicant" means any entity which owns or controls public land as defined by R.I. Gen. Laws § 46-23.3-2(8) which files an application for an OSCAR grant.

3. “Successful Applicant” means an Applicant for an Approved Project that is awarded an OSCAR grant.

1.5 Financial Assistance

A. These Policies and Procedures govern the provision of financial assistance available to Applicants for adaptation and resilience projects. Financial assistance shall be in the form of grants in amounts as determined by the Council and the Department to be distributed by the Bank.

B. Requests for financial assistance shall be submitted in writing by the Chief Executive Officer or other authorized officer of the Applicant to the Council and the Department in accordance with the open solicitation process pursuant to R.I. Gen. Laws § 46-23.3-6.

1.6 Permitted Projects and Eligible Costs

A. Permitted Project Categories

1. The following categories of projects will be considered, either alone or in combination, and include but are not limited to projects on public land that protect or enhance coastal or riverine habitats to address climate change impacts. These include, but are not limited to:

   a. Projects that reduce the vulnerability of low-lying infrastructure on public land through measures that include removal and relocation of infrastructure.

   b. Restoration of river and stream floodplains, including regrading of banks.

   c. Revegetation.

   d. Acquisition of that area of land necessary to maintain and preserve public access.

   e. Redesigning, resizing, and replacing culverts and bridge spans at existing wetland crossings.

   f. Additional projects deemed to be eligible under R.I. Gen. Laws § 46-23.3-5.

2. The following categories of projects that are not eligible are:

a. Projects mitigating any current, planned, or future projects that degrade, fill, or otherwise destroy coastal, estuarine, or riverine habitats.

b. Projects fulfilling any liability for restoration required by any local, State, or Federal agency pursuant to an environmental or public health enforcement action.

c. Projects elevating, repairing, or replacing infrastructure, or constructing new infrastructure, in its existing location that is experiencing climate change impacts, except as otherwise provided in R.I. Gen. Laws § 46-23.3-5.

d. Projects constructing new, or repairing existing shoreline protection structures; provided, however, that existing shoreline protection structures on public parks may be repaired.

e. Constructing roads or bridges.

B. Project Costs

1. The following types of costs are eligible to be paid for from financial assistance provided from OSCAR pursuant to this Part:

a. Planning, design, environmental, historic preservation, engineering, or other professional consulting services.

b. Legal and other professional services directly related to the project and project development.

c. Plantings, reforestation, landscaping.

d. Construction.

e. Materials.

f. Monitoring, oversight, and inspection services.

g. Personnel costs directly related to the performance of the project.

h. Community outreach and engagement.

2. Types of costs that are ineligible to receive monies from OSCAR include:

a. Administrative costs including clerical support, monthly utility expenses, the purchase of office equipment, personnel costs associated with fund raising for the nongovernmental entity, etc.

b. State or Federal lobbying costs.

c. Response costs for emergency response actions caused or exacerbated solely by the applicant or their agents or assigns.

d. Any fines, damages, assessments, settlements or other monies paid in connection with any litigation or administrative proceeding with any local, State or Federal regulatory agencies.

1.7 Grant Application & Review

A. The grant application shall be in a form acceptable to the Council and the Department as prescribed in any open solicitation period which shall occur at least annually.

B. The Council and the Department shall review and approve all grant applications after consultation with the Technical Advisory Committee established in R.I. Gen. Laws § 46-23.3-3.

C. Applications shall be reviewed based upon a minimum project readiness standard; overall spending targets by project type; preferences for projects that align with the State's prevailing economic development plan; the criteria established in R.I. Gen. Laws § 46-23.3-4(d); and other criteria as identified by the Council and Department during the open solicitation period.

D. Following recommendation by the Technical Advisory Committee and approval by the Council and Department, the Council and Department shall notify the Bank of the Approved Project(s) from the open solicitation period and the Bank shall, subject to the funds available within OSCAR, award funding to the Successful Applicants.

1.8 Grant Reporting Requirements

A. Following an award, Successful Applicants shall provide information to the Bank, Council, and Department regarding the Approved Project that satisfies the reporting requirements of R.I. Gen. Laws § 46-23.3-6, or as otherwise requested by the Bank, Council, and/or Department.

B. Successful Applicants shall provide the Bank, Council, and/or Department with other information or reports as and when the Bank may reasonably require.

1.9 Grant Agreements

There will be a Grant Agreement for each award of approved financial assistance outlining the terms and conditions of the grant, as applicable.

1.10 Compliance with Federal, State and Local Law

The Applicant must comply with all applicable Federal, State and local laws and Regulations.

1.11 Modifications

Where deemed appropriate by the Bank, Council, and/or Department, waiver or variation of any provisions herein may be made or additional requirements may be added.

1.12 Severability

If any provision of this Part or the application thereof is held invalid by a court of competent jurisdiction, the remainder of this Part shall not be affected thereby. The invalidity of any section or sections or parts of any section or sections shall not affect the validity of the remainder of this Part.