



PEP BIL22

The Bipartisan Infrastructure Law
(BIL) 2022 Workplan for the
Peconic Estuary Partnership (PEP)

Approved by the PEP Policy Committee October 12, 2022



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Workplan for Bipartisan Infrastructure Law (BIL) 2022

I. INTRODUCTION

Peconic Estuary Partnership

The Peconic Estuary is one of 28 estuaries in the country designated by U.S. Environmental Protection Agency as an “estuary of national significance” under Section 320 of the Federal Clean Water Act. The National Estuary Program (NEP) was established to protect and restore nationally significant estuaries threatened or impaired by pollution, development, and overuse. The Peconic Estuary was formally accepted as part of the NEP in 1992. Officially commenced in 1993, the Peconic Estuary Program includes numerous stakeholders, representing citizen and environmental groups, businesses and industries, academic institutions, and local, county, state and federal governments.

The PEP 2020 Comprehensive Conservation Management Plan (CCMP) guides the priorities of the organization and, as such, all projects and plans detailed in this workplan relate directly to the actions established to achieve our four goals: strong partnerships and engagement, clean waters, resilient communities prepared for climate change, and a healthy ecosystem with abundant, diverse wildlife.

The Infrastructure Investment and Jobs Act (IIJA or “bipartisan infrastructure law” or BIL) passed the U.S. Senate in August 2021 and the U.S. House of Representatives in November 2021. President Biden signed it into law on November 15, 2021. This legislation provides an additional \$132 million to the 28 NEPs over five years in addition to regular appropriations. For the PEP this results in an additional \$909,800 annually from FY22 to FY26 to carry out work that accelerates and more extensively implements the 2020 CCMP, ensures benefits reach disadvantaged communities, and builds the adaptive capacity of ecosystems and communities.

In 2021 Executive Order 14008 established the Justice 40 initiative which mandates that at least 40% of the benefits of certain federal programs must flow to disadvantaged communities. Federal investment in certain categories including climate change, clean energy and energy efficiency, remediation and reduction of legacy pollution, and the development of critical clean water and wastewater infrastructure are subject to Justice 40.

To meet the goal of the Justice 40 Initiative, Federal programs across the government will ensure that disadvantaged communities receive the benefits of new and existing Federal investments. The Environmental Protection Agency and the funds received by the National Estuary Programs under IIJA are subject to Justice 40 and will contribute to a historic level of investment to advance environmental justice.

This workplan outlines work to be carried out during the PEP FY22 Workplan cycle. To differentiate the two plans that PEP and EPA will be managing for five years, and the deliverables associated with each of them, all funds under the recurring EPA NEP 320 funding will continue to



be referenced by the fiscal year (“FY”) and the associated year (eg: PEP FY21, FY22, etc). Funds associated with IIA will use the ‘Bipartisan Infrastructure Law’ (BIL) acronym with the associated fiscal year number (eg: BIL22, BIL23, etc). A BIL Long Term Plan for all five fiscal years and a PEP Equity Strategy will be completed no later than June 1, 2023. Three projects are presented in this workplan and of these two projects will be carried out in New York State proposed Environmental Justice areas:

([https://www.arcgis.com/apps/mapviewer/index.html?url=https://services6.arcgis.com/DZHagZm9cxOD4CWM/ArcGIS/rest/services/Potential Environmental Justice Area PEJA Communities/FeatureServer&source=sd](https://www.arcgis.com/apps/mapviewer/index.html?url=https://services6.arcgis.com/DZHagZm9cxOD4CWM/ArcGIS/rest/services/Potential_Environmental_Justice_Area_PEJA_Communities/FeatureServer&source=sd))

Overall Funding Sources

BIL22

EPA BIL22 Funding:	\$909,800.00
Non-Federal Match:	\$0.00*
Total:	\$909,800.00

*Federal match is waived for the first two years of implementation of the BIL funds; after this time, match waiver is contingent upon an approved Equity Strategy.

Resources Requested

The total BIL22 funds requested in this grant to Stony Brook University is \$909,800 for BIL22.

II. SUMMARY OF ACCOMPLISHMENTS

At this time, there are no accomplishments for reporting.

III. WORKPLAN

CCMP Goals

The use of these funds will be in accordance with the PEP Comprehensive Conservation Management Plan. The four pillars of this plan are: Strong Partnerships, Resilient Communities, Clean Water, and a Healthy Ecosystem; these elements are the foundation of PEP work and guide the Management Conference in decisions for project priorities. The CCMP lays out eight Objectives and 35 Actions that will guide PEP and our partners to address the challenges facing our watershed. Each workplan item identifies the CCMP Goal, Objective, and Action to which it pertains and can be found here: <https://indd.adobe.com/view/201ca273-3278-44ee-b907-a8308ec3d4a5>

Budget and Program Office Expenditures

Program Office Staff

BIL22 - \$0

There are no personnel (salary and fringe) costs associated with the BIL22 workplan. All existing staff salaries and fringe is funded under the EPA-NEP FY21 and FY22 workplans. Travel for existing staff will be used to cover local travel associated with project management of the three projects included in this workplan. Supply funds will be used to purchase items as needed for outreach events.

Table 1: PEP Budget for BIL22

	BIL22 Request	Notes
Personnel (+fringe)	0	
Travel	0	
Equipment	0	
Supplies	0	
Contracts or Sub-awards	\$890,300	In BIL22 three subawards will receive funds for implementation projects.
<i>Meetinghouse Creek</i>	<i>\$602,300</i>	<i>Project cost without indirect</i>
<i>Sag Harbor Stormwater Control</i>	<i>\$190,000</i>	<i>Project cost without indirect</i>
<i>Goose Creek Discharge removal</i>	<i>\$98,000</i>	<i>Project cost without indirect</i>
Other	0	
Total Direct	\$890,300	
Total Indirect	\$19,500	Indirect applies to the first \$25,000 of sub-awards. 26% is applied to personnel, travel, and supplies
Total EPA BIL21 Funds Request	\$909,800	
Match	0	No match requirement BIL22
Total Project Cost	\$909,800	

BIL22 Workplan

This workplan includes all projects, which PEP will carry out October 1, 2022 to September 30, 2024 using BIL22 funds.

BIL22 Projects

Project 1: Meetinghouse Creek Wetland Restoration: Green Infrastructure for Stormwater Management and Climate Change Adaptation – Construction Phase

New Project – *The Meetinghouse Creek project is referenced in the PEP FY22 workplan (page 25). All project details and information are outlined in this BIL22 workplan and, as such, this is treated as a new project. No work toward the construction of this stormwater wetland has been initiated to date. Engineering designs and permitting are covered under workplans FY19 - FY22.*

Relevant CCMP Actions:

CCMP Objective C: Helping communities take meaningful, well informed action to prepare for and adapt to climate change impacts in the Peconic Estuary

- ACTION 12: Mitigate climate change through coastal ecosystem management

CCMP Objective F: Reduce current and future inputs of toxics, pathogens, and marine debris into groundwater and surface waters, and minimize their impacts.

- ACTION 21: Expand non-point source subwatershed management plans to all pathogen-impaired waterbodies and continue to use existing plans.
 - Performance Measure (Joint with Action 31): Complete construction of ongoing, priority wetland restoration project at Meetinghouse Creek.
- a. **Estimated Budget:** BIL funds: \$602,300 NYS Assemblywoman Giglio \$50,000
- b. **Partners and their roles:** PEP (Lead Partner), Town of Riverhead (Property Owner, Engineering Supervision), NYS Assemblywoman Giglio (sponsor funding)
- c. **Description:** Located at 40°56'47.4"N 72°37'09.2"W, this project will construct a 1.2-acre stormwater wetland to treat stormwater runoff and create additional capacity to manage increased flooding as a result of increased precipitation as a result of climate change in this 5.6 acre contributing sub-watershed. This site is located at a large wetland area that forms the headwaters to Meetinghouse Creek in Riverhead, New York and this project will also serve to restore the wetlands for increased function. Meetinghouse Creek is listed as an impaired waterbody on the NYSDEC Priority Waterbodies List (Flanders Bay East/Center and Tributaries) (<https://www.dec.ny.gov/chemical/31290.html>), has a nitrogen TMDL in place (https://www.dec.ny.gov/docs/water_pdf/tmdltnitrpecn1.pdf), and this sub-watershed is a potential Environmental Justice Area in New York State

([https://www.arcgis.com/home/webmap/viewer.html?url=https://services6.arcgis.com/DZHaqZm9cxOD4CWM/ArcGIS/rest/services/Potential Environmental Justice Area PEJA Communities/FeatureServer&source=sd](https://www.arcgis.com/home/webmap/viewer.html?url=https://services6.arcgis.com/DZHaqZm9cxOD4CWM/ArcGIS/rest/services/Potential_Environmental_Justice_Area_PEJA_Communities/FeatureServer&source=sd)).

- d. **Objectives:** The restoration of this stormwater wetland has four objectives: (1) to improve water quality in the Meetinghouse Creek sub-catchment; (2) to provide increased coastal resiliency by increasing storm water capacity in this sub-catchment using restored wetland function and increasing capacity to a 100-year stormwater flood level; (3) create increased coastal resiliency in a NYS designated Environmental Justice area; and (4) provide increased education about climate change and coastal adaptation using green infrastructure to the community. Additionally, wetland restoration increases the ecological quality of the habitat and improves plant and wildlife diversity.
- e. **Outputs and Deliverables:** Completion of stormwater wetland and educational signage.
- f. **Estimated Milestones:** This project will be led by stakeholders. Quarterly progress meetings will take place, stormwater educational signs will be developed, and community engagement will take place as part of this process.
- g. **Long Term Outcomes:** This project will greatly increase the ecological quality of the habitat and improve plant and wildlife diversity. This site is located at a large wetland area that forms the headwaters to Meetinghouse Creek in Riverhead, New York. Meetinghouse Creek is listed as an impaired waterbody on the NYSDEC Priority Waterbodies List. The wetland vegetation at this site is dominated by Phragmites. Additionally, this project will contribute to coastal resiliency in an NYS proposed environmental justice area by providing much needed stormwater control for a 100 year storm. This project will also function as a nature-based solution to stormwater management; with increased flooding events related to climate change, this project will result in an increased capacity for flood management and a community more educated in both climate change, potential adaptation solutions, and reduced burden of flooding. This area currently sees “Sunny Day Flooding” – this project will build the capacity for a 100-year storm on the adjacent road and for the Meetinghouse Creek sub-catchment.
- h. **Eligible BIL Actions:** Protecting and restoring critical habitats, including wetlands and addressing challenging issues that threaten the ecological and economic well-being of NEP watersheds and communities; Supporting water quality protection and restoration, including Total Maximum Daily Load plan implementation; Supporting water quality protection and restoration, including Total Maximum Daily Load plan implementation.
- i. **Justice 40 Relevance:** This project results in 100% benefit to areas identified on the New York State Environmental Justice Area map (link above in the description). The project lies entirely in an identified area and the stormwater control provides total benefit related to coastal flooding and pollution reduction.

Project 2: Sag Harbor Stormwater Management – Two Green Infrastructure Installations

New Project - *The Sag Harbor Stormwater Management project is referenced in the PEP FY22 workplan (page 25). All project details and information are outlined in this BIL22 workplan and, as such, this is treated as a new project. No work toward this project has been initiated under FY22 and all project deliverables will be tracked under this BIL22 workplan.*

Relevant CCMP Actions:

CCMP Objective C: Helping communities take meaningful, well informed action to prepare for and adapt to climate change impacts in the Peconic Estuary.

- ACTION 14: Increased public awareness of anticipated impacts from Climate Change in the Peconic Estuary and practical ways to mitigate and prepare for them.

CCMP Objective F: Reduce current and future inputs of toxics, pathogens, and marine debris into groundwater and surface waters, and minimize their impacts.

- ACTION 21: Expand non-point source subwatershed management plans to all pathogen-impaired waterbodies and continue to use existing plans.

- Estimated Budget:** BIL funds: \$190,000
- Partners and their roles:** PEP (Lead Partner), Village of Sag Harbor (Property Owner, Engineering Supervision), Village of North Haven (Municipal Partner)
- Description:** The Village of Sag Harbor has a Water Quality Improvement Project Plan that outlines 26 stormwater management installations throughout the Village. These funds will complete two installation (EH1 and EH2) as outlined and described in the plan. The two locations in the Village of Sag Harbor, will include (1) rain gardens and road amendments for increased stormwater capacity at Havens Beach, adjacent to the rain garden installation PEP funded under FY19; (2) road re-grading and amendments on the north side of Bay Street in the Village business district with the use of pervious pavement. These projects will manage increasing stormwater and decrease pollution into Sag Harbor Cove and Sag Harbor Bay. Sag Harbor Cove is listed as an impaired waterbody on the NYSDEC Priority Waterbodies List (<https://www.dec.ny.gov/chemical/31290.html>) and the western extent of this sub-watershed is a potential Environmental Justice Area in New York State (https://www.arcgis.com/home/webmap/viewer.html?url=https://services6.arcgis.com/DZHagZm9cxOD4CWM/ArcGIS/rest/services/Potential_Environmental_Justice_Area_PEJA_Communities/FeatureServer&source=sd).
- Objectives:** The installation of two green infrastructure stormwater management areas have three objectives to: (1) improve water quality in Sag Harbor Cove and Sag Harbor Bay; (2) create increased coastal resiliency in a NYS designated Environmental Justice area that is prone to flooding and projected to experience increased precipitation; and (4) provide increased education about climate change, coastal adaptation and stormwater management using green infrastructure to the community.

- e. **Outputs and Deliverables:** Completion of two stormwater management installations and two educational signs. Two community outreach events in Sag Harbor; one prior to installation and one after installation.
- f. **Estimated Milestones:** This work will be coupled with community outreach. Each installation and associated community meeting will be a milestone. Additionally, each installation will also have an educational sign.
- g. **Long Term Outcomes:** Sag Harbor currently experiences poor water quality and continuing pathogen related issues. The Village created a comprehensive plan that outlined 26 green infrastructure installations to reduce pathogens and other pollutants in the surface waters. The NYS proposed environmental justice area currently resides near water that is not swimmable due to pathogen pollution. Additionally, with increased flooding events related to climate change, this project will result in an increased capacity for flood management and a community more educated in both climate change, potential adaptation solutions, and reduced burden of flooding.
- h. **Eligible BIL Actions:** Supporting water quality protection and restoration, including Total Maximum Daily Load plan implementation; Monitoring and addressing toxics and pathogen loads and contamination; Implementing stormwater management practices that reduce non-point source pollution impacts; Promoting the adoption of green and nature-based infrastructure approaches.
- i. **Justice 40 Relevance:** This project results in 100% benefit to areas identified on the New York State Environmental Justice Area map (link above in the description). The project lies partially in an identified area and the stormwater control provides total benefit related to coastal flooding and pollution reduction.

Project 3: Goose Creek Sub-Catchment Discharge Elimination in the Town of Southold

New Project: *The Goose Creek project is referenced in the PEP FY22 workplan (page 25). All project details and information are outlined in this BIL22 workplan and, as such, this is treated as a new project. No work toward the construction of this outfall removal project has been initiated to date. All project deliverables and tracking will occur under this BIL22 workplan.*

Relevant CCMP Actions:

CCMP Objective C: Helping communities take meaningful, well informed action to prepare for and adapt to climate change impacts in the Peconic Estuary.

- ACTION 14: Increased public awareness of anticipated impacts from Climate Change in the Peconic Estuary and practical ways to mitigate and prepare for them.

CCMP Objective F: Reduce current and future inputs of toxics, pathogens, and marine debris into groundwater and surface waters, and minimize their impacts.

- ACTION 21: Expand non-point source subwatershed management plans to all pathogen-impaired waterbodies and continue to use existing plans.

- a. **Estimated Budget:** BIL funds: \$98,000
- b. **Partners and their roles:** PEP (Lead Partner), Town of Southold (Property Owner, Engineering Supervision), Goose Creek Civic Association (Community Partner), North Fork Environmental (Community Partner)
- c. **Description:** The Town of Southold is currently carrying out a plan to remove direct stormwater discharges to the Peconic Bays. These funds will be used to complete the discharge removal in the sub-catchment of Goose Creek, Southold. Of the seven outfalls in the Goose Creek sub-catchment, four of them are minor outfalls and will be eliminated by the Town of Southold and using existing sources of funding. The remaining outfalls are major, requiring extensive drainage to be installed at the current outfall location and upstream of the outfall to ensure that localized flooding of the road does not occur. The Town of Southold will use existing staff and Town resources for all salary and fringe associated with the personnel. The funding will be applied materials for construction. This project will eliminate direct stormwater discharge in the Goose Creek sub-catchment of the Peconic Estuary watershed.
- d. **Objectives:** The project aims to reduce stormwater pollution to the Peconic Estuary which will improve water quality to a priority one area under the Suffolk County Sub-watershed wastewater Plan (<https://suffolkcountyny.gov/Departments/Health-Services/Environmental-Quality#SubWWPlan>). Stormwater management is a high priority for climate adaptation as identified in the PEP Climate Vulnerability Assessment (<https://gis.anchorqea.com/PeconicEstuaryCLPS/>). This will also complete actions identified in the PEP 2013 Goose Creek watershed plan (<https://www.peconicestuary.org/goose-creek-watershed-plan-2013/>)
- e. **Outputs and Deliverables:** Removal of all direct stormwater discharge to Goose Creek sub-catchment. Increased education on stormwater related pollution.
- f. **Estimated Milestones:** Each outfall elimination will be a milestone.
- g. **Long Term Outcomes:** Supporting water quality protection and restoration, including Total Maximum Daily Load plan implementation; Monitoring and addressing toxics and pathogen loads and contamination; Implementing stormwater management practices that reduce non-point source pollution impacts.
- h. **Eligible BIL Actions:** Supporting water quality protection and restoration, including Total Maximum Daily Load plan implementation; Monitoring and addressing toxics and pathogen loads and contamination; Implementing stormwater management practices that reduce non-point source pollution impacts.
- i. **Justice 40 Relevance:** This project lies outside of an area identified by New York State as an environmental justice area (see map linked in project 1 and 2 description).