



Humboldt BAYKEEPER
Klamath RIVERKEEPER
Russian RIVERKEEPER
San Francisco BAYKEEPER
Monterey COASTKEEPER
San Luis Obispo COASTKEEPER
Santa Barbara CHANNELKEEPER
Ventura COASTKEEPER
Los Angeles WATERKEEPER
Orange County COASTKEEPER
Inland Empire WATERKEEPER
San Diego COASTKEEPER



OPC Proposition 1 Funding Scoping

I. Proactively Facilitate Integrated Projects and Funding Decisions with Other Agencies.

Proposition 1 provides funding across multiple agencies to support projects that have similar scopes and objectives. For example, the California Department of Fish and Wildlife, the State Water Resources Control Board, and presumably several of the Conservancies all administer programs under Proposition 1 that have ocean and watershed protection and restoration as an eligible project type within their respective programs.

It is important that there is a unified approach across these agencies in developing the evaluation criteria for project funding, as well as monitoring requirements, for such projects to ensure that projects funded across the various Proposition 1 programs meet the same level of accountability in providing public benefits. Accordingly, agencies should coordinate in development of their program evaluation criteria and utilize staff expertise across agencies for technical review of project proposals. Additionally, coordination across agencies about the projects being supported through Proposition 1 would help ensure that support is well-leveraged across agencies when merited, and not over-committed (this may be particularly helpful for projects that pursue Proposition 1 funding from multiple agencies).

SUPPORT: Focus on projects that will provide multiple ecological benefits and Guidelines evaluation of the extent to which a project “leverages the resources of private, federal or local funding sources,” which will enhance inter-agency collaboration.

RECOMMENDATION: OPC could further facilitate inter-agency coordination and integrated projects by:

- Developing an integration panel with other agencies (particularly the California Coastal Conservancy, State Water Resources Control Board, and Department of Fish and Wildlife) to coordinate funding decisions, establish shared or jointly funded efforts and facilitate joint investment in the best multi-benefit projects.
- Issuing joint proposal solicitations or develop a collective agreement on funding projects in specific geographic areas or watersheds or to prioritize certain types of projects, as described below.
- Developing a check box or field in the applications where applicants can indicate all applicable agencies bond funding to facilitate joint proposal consideration.
- Revising Guidelines to evaluate the extent to which a Proposal “advances inter-agency collaboration towards a common goal, particularly achieving healthy ecosystems.”
- Developing and facilitating coordinated approach to establishment of program evaluation criteria to provide for consistency in assessment across projects supported by the various Proposition 1 agencies of appropriation and comparable monitoring results.

II. Prioritize and Solicit Multi-Benefit Projects.

Even with a large amount of funding becoming available, California's ocean health needs far exceed available resources. For this reason, Proposition 1 funds must be used strategically to ensure maximum benefits are achieved for money spent, and that projects are selected that go a long way towards enhancement of the land-sea interface. Projects that achieve multiple benefits, such as endangered species protection, habitat restoration, climate change resiliency, land acquisition and preservation of open space, flood management, and water quality protection should be prioritized for Proposition 1 funding to achieve the best possible outcomes for water quality, ecosystems, and all Californians.

The development of high quality, multi-benefit projects is challenging and time-consuming due to the number of collaborators that should be involved in the integrated planning process, particularly members of disadvantaged communities who should be engaged early in the planning process to ensure that projects are designed to meet their needs. Furthermore, designing projects to advance measureable criteria, particularly ecological and social criteria linked with benefits to sensitive species and/or disadvantaged communities respectively, requires a greater investment in the planning process. Unlike water and flood management agencies that can fund planning processes to advance their objectives, disadvantaged communities, NGOs, and fishery agencies often lack funding to plan multi-benefit projects, resulting in projects that too often fail to benefit disadvantaged communities and sensitive species.

RECOMMENDATION: OPC should further prioritize and encourage multi-benefit projects by:

- Including multi-benefit criteria in the full Proposal's evaluation guidelines. One way to better achieve this is for the draft Guidelines to score the extent to which full Proposals provide "multiple benefits."
- Increasing the value of the "removes or mitigates multiple stressors from the ocean and near coastal environment" criterion in the full Proposal evaluation.
- Offering planning and technical assistance and separate planning grants to advance multi-benefit watershed and urban river enhancement projects that will provide benefits to disadvantaged communities.

III. Identify Project Types That Meet Priorities I and II Above.

We urge OPC to identify and strategically focus on types of projects that facilitate inter-agency coordination and joint funding, achieve multiple benefits, have proven successful in previous public funding efforts, and reflect OPC priorities. These could include proposals that improve coastal water quality, improve bay and estuary climate change resiliency, restore coastal wetlands, or yield benefits for fish passage and flow. We further recommend that OPC consider projects that have the ability to enhance already established marine managed areas, like MPAs and ASBSs. We've outlined these three key types of projects below:

1. Projects that Improve Water Quality in MPAs

Agencies: OPC, SWRCB, DFW

Multiple benefits: water quality enhancement, restoration of beneficial uses, bolster MPAs

Proposition 1 funds can create multiplier effects by building upon and leveraging the already significant investments the state has made in marine managed areas, particularly in Areas of Special Biological Significance (ASBS) and Marine Protected Areas (MPAs).

SUPPORT: Allocation of bonus points for projects that advance the management of individual marine managed areas or the statewide protected area network.

2. Habitat restoration projects that make bays, wetlands, and estuaries more resilient to sea level rise.

Agencies: OPC, SWRCB, DFW, Coastal Conservancy

Multiple benefits: flood protection and mitigation, protect and restore ecosystems and species, bolster state MPA network through protection of nursery habitats, water quality enhancement, resiliency to sea level rise and other climate change impacts

SUPPORT: Prioritization of habitat restoration projects that provide multiple benefits, including benefitting disadvantaged communities.

3. Coastal water quality and coastal erosion mitigation projects that target pollution hotspots that can exacerbate ocean acidification.

Types of projects: implementing stormwater surge prevention and coastal buffer zones, maintaining intact wetlands and improving water treatment

Addressing coastal erosion by reducing nutrient and sediment loading of water.

4. Projects that benefit fish passage and flows

Agencies: OPC, SWRCB, DFW, Coastal Conservancy

Multiple benefits: water quality enhancement, protect and restore ecosystems and species, bolster MPAs

A Coastal Conservancy study identified more than 13,000 potential barriers to fish passage in California's coastal watersheds. Improving connectivity within aquatic ecosystems requires barrier removal, including road and stream crossings, irrigation diversions, and dams. The OPC initiated work in fish passage barrier removal several years ago, but this effort has since been slowed. Further efforts could prove beneficial to advancing strategic barrier removals in threatened runs important to MPAs, and encourage natural sediment flow to beaches to reinforce coastal climate change resiliency.

TIMELINE

(June 24, July 7, July 14, August 11, 2015) Public Meetings on Project Guidelines

July 29, 2015 (1:00) OPC Meeting

August 21, 2015: Project Guidelines Comments Due.

September 2015: Final guidelines adopted by OPC

October-December 2015: Solicitation period opens, LOIs due, LOIs evaluated

January-May 2016: Applicants invited to submit proposal, proposals due, evaluated, and selected

IV. Looking ahead to POSSIBLE PROJECTS

The following is a list of potential projects located throughout the state that meet the criteria of providing multiple ecological benefits while leveraging joint funding and facilitating inter-agency collaboration.

Northern California:

Humboldt Bay/Salmon Creek Delta Restoration Project

While California's North Coast has a reputation as the state's wild north, the reality is, from logging to illegal marijuana cultivation, the region suffers from a long history of intensive environmental degradation. Humboldt Bay is the water body at the center of these impacts, where legacy contaminants, heavy metals, and new threats like sea level rise severely threaten aquaculture, endangered species, water

quality, habitat, and recreation. Salmon Creek Delta Restoration Project, spearheaded by the California Department of Fish and Game, seeks to reduce these impacts by restoring delta estuary tidelands at the southern edge of Humboldt Bay. Once completed, the project will create a natural buffer against sea level rise, improve water circulation and biological connectivity with Salmon Creek, increase critical waterfowl habitat along the Pacific flyway and increase recreational opportunities and access for the surrounding community. Importantly, each of these positive outcomes will spill over to benefit nearby South Humboldt Bay South Humboldt Bay SMRMA.

North Central California:

Drakes Estero Restoration

Located within Point Reyes National Seashore, Drakes Estero is an expansive complex of estuarine habitats that serves as the West Coast's only marine wilderness south of Alaska. Until recently, as home to long standing commercial aquaculture, Drakes Estero now suffers from leftover debris, invasive species, and underwater infrastructure associated with the operation. Removing all traces of past commercial activity will fully restore the site to past wilderness conditions, improving eelgrass beds and mudflat ecosystems, nurseries for Dungeness crab and economically important fish species, provide additional habitat for marine mammals, increase recreational opportunities, while improving overall conditions for Drake's Estero SMCA and the adjacent Estero de Limantour SMR.

Central California:

Elkhorn Slough Tidal Marsh Restoration Project

Elkhorn Slough is a 7-mile-long tidal slough and estuary on Monterey Bay near the community of Moss Landing. Elkhorn Slough has lost over 50% of historic tidal marshes to pasture and farmland. Aside from direct habitat loss, these adjacent agricultural uses are also a source of harmful agricultural runoff, leading to hypoxia and other associated water quality impacts. The proposed Tidal Marsh Restoration Project will increase wetland and key endangered species habitat, improve surface water quality through establishing a permanent vegetated buffers, increase recreational opportunities, and provide resiliency to sea level rise, and serve as a natural systems that can absorb and store carbon. In addition, these project benefits will improve overall conditions at Elkhorn Slough SMR, Elkhorn Slough SMCA, and the adjacent Moro Cojo Slough SMR.

Carmel Lagoon

Southern California

Ballona Wetlands Restoration

The Ballona Wetlands were once a 2,000-acre expanse of marshes, mud flats, salt pans, and sand dunes that stretched from Playa del Rey to Venice and inland to the Baldwin Hills in Los Angeles County. Today, approximately 600 acres of open space remain of the former wetlands. The land is owned by the State of California and comprises the Ballona Wetlands Ecological Reserve. Declared by the U.S. EPA as an impaired wetland, more than a century of abuse and neglect by humans has severely damaged the Ballona Wetlands- from building Marina del Rey and depositing sediment more than 25 feet deep atop Ballona, to straightening and paving Ballona Creek into a concrete channel. A restored Ballona Wetlands could be a refuge for thousands of migratory birds and an important nursery for baby halibut, oysters, and other fish and shellfish. The need for restoration of Ballona Wetlands is also a federally recognized issue. Ballona Creek and Wetlands are listed as impaired for several pollutants and Total Maximum Daily Loads (TMDLs) have been established for bacteria, trash, metals, sediment and exotic vegetation. A restoration plan that addresses these impairments and incorporates climate resiliency is in the process of being developed for Ballona Wetlands. Project benefits may also extend to the MPAs at Point Dume, Palos Verdes, and Catalina Island by providing nursery habitat and a point of connectivity between these widely-spaced MPAs.

Aliso Creek Estuary Restoration Plan

Aliso Creek is a 19-mile long stream, 35 square mile watershed that includes both heavily urbanized areas and open space in South Orange County. Once a broad, expansive estuary with extensive wetlands, Aliso Creek's estuarine habitat has suffered degradation through severe hydrologic modification, which has created a conduit for urban runoff into the Pacific Ocean at Aliso County Beach. The restoration of a fully functional estuary for Aliso Creek would create biological connectivity between two regionally significant ecosystem reserve systems, restore rare coastal freshwater habitats while increasing recreational opportunities, and significantly decrease pollution discharges into the Pacific Ocean, improving water quality for Laguna Beach SMCA and the adjacent Dana Point SMCA and the Laguna Beach SMR.

Tijuana Estuary Reserve Restoration

DRAFT



StopWaste is
the Alameda
County Waste
Management
Authority, the
Alameda County
Source Reduction
and Recycling
Board, and the
Energy Council
operating as one
public agency.

July 14, 2015

Attn: Nick Sadrpour
The Ocean Protection Council
1416 Ninth Street
Suite 1311 Sacramento
CA 95814

Dear Mr. Sadrpour,

On behalf of StopWaste, I am submitting the following comments on the draft Proposition 1 guidelines. StopWaste is a public agency responsible for reducing the waste stream in Alameda County. We have extensive experience in designing and implementing innovative environmental programs and policies.

Member Agencies:

Alameda County
Alameda
Albany
Berkeley
Dublin
Emeryville
Fremont
Hayward
Livermore
Newark
Oakland
Piedmont
Pleasanton
San Leandro
Union City
Castro Valley
Sanitary District
Oro Loma
Sanitary District

We recommend that the Ocean Protection Council expand the criteria for eligible projects beyond the construction or acquisition of capital assets and/or activities that are related to construction. The adoption or expansion of local single-use bag ban ordinances that go beyond state requirements should also be included as a project eligible for funding. This type of project clearly meets the purpose of OPC funding identified in Chapter 6, section 79732 "(11) to reduce pollution or contamination of rivers, lakes, streams, or coastal waters..." It complements and goes hand in hand with the development of stormwater capture systems that reduce marine debris. Reducing plastic debris (bags) at non-point sources dramatically reduces the amount of such debris going into the waterways and also reduces the load on stormwater capture systems. This in turn reduces the possibility of clogging and ineffective stormwater capture devices, ultimately resulting in cleaner waterways.

We also encourage OPC to fund training for organizations implementing storm water capture projects, in order to ensure that the projects funded by this grant will function as intended. This could include providing training to designers and contractors on design standards and construction methods, landscapers on maintenance practices, and city staff on reviewing and inspecting storm water projects is important. Such training reduces the number of mistakes made during design, permitting, and construction, making for a more streamlined and cost-effective process now and in the future.

Thanks you for the opportunity to submit comments on the draft Proposition 1 Guidelines. Please contact me at 510-891-6509 or kkho@stopwaste.org if you have any questions.

Sincerely,

Karen Kho, Senior Program Manager

1537 Webster Street
Oakland, CA 94612

p 510-891-6500
f 510-893-2308
www.stopwaste.org



VIA EMAIL

June 30, 2015

Mr. John Laird
Chair, California Ocean Protection Council
California Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: Ocean Protection Council Grant Guidelines- Proposition 1 Grant Program

Dear Chair Laird:

Thank you for the opportunity to review and comment on the Ocean Protection Council's (OPC) Proposition 1 Grant Program Guidelines which establish the process, procedures, and criteria that the Conservancy will use to solicit applications, evaluate proposals, and award grants pursuant to Prop 1. The Trust for Public Land looks forward to working with the OPC through this program.

We have reviewed the program guidelines and have summarized our comments below. Overall, we strongly encourage the Conservancy to fund land acquisitions through this program consistent with Prop 1 and the State Water Action Plan. The permanent protection of critical coastal lands is an essential tool to implement the "multibenefit ecosystem and watershed protection and restoration projects" outlined in Water Code Section 79731(j). We would be happy to discuss these comments with you or answer any questions you may have.

- **2.5 Examples of projects that meet the requirements and priorities set forth in these guidelines** (p.4). While the guidelines state clearly that this list is not comprehensive, none of them further the Prop 1 goal of ecosystem and watershed protection.
 - We would encourage that the second bullet be amended to read "Wetland *protection* and restoration projects at impaired watersheds..."
 - We also encourage the addition of the following language:
 - "Projects that protect and restore coastal watersheds including bays, marine estuaries and nearshore ecosystems."
 - "Projects that prevent or reduce water pollution or contamination"
- **3.1 Project Solicitation** (p.5): **Letter of intent-** Thank you for including this step in the process. The letter of intent is invaluable for prospective applicants interested in putting the best projects forward and makes the application process more efficient for all parties.
- **3.5 Letter of Intent Scoring Criteria** (p.8):

- "Employs new or innovative technology..." We recommend revision to "new, innovative, *or proven* technology or practices." The objective should be maximum impact, not novelty, unless a novel approach is proven to be more effective than a conventional approach.
- "Advances climate ready marine and estuarine fisheries." Please provide clarity as to the meaning of this sentence.
- **3.8 Evaluation Criteria for Full Proposals** (p.10): "Has greater than local interest." Can OPC elaborate on this requirement? What is considered the project area?
- **4.2 Additional information** (p.12): Land Acquisitions should be given equal priority to other projects that further the goals of Prop 1. Chapter 6 is called "*Protecting* Rivers, Lakes, Streams, Coastal Waters and Watersheds." One of the primary purposes of that chapter is the protection and restoration of coastal watersheds (CWC §79732(10)). If OPC chooses not to prioritize acquisitions, we would encourage a change to this section to read, simply: "Land acquisition projects are eligible for funding."

Thank you again for the opportunity to comment on the OPC Prop 1 Guidelines. We believe that this program has the potential to be a substantial driver of change in California in furtherance of the OPC goals related to the protection, conservation, and maintenance of healthy coastal and ocean ecosystems and the economies they support. However, The Trust for Public Land believes that there is more work to be done in order to meet the OPC and Prop 1 goals. Land protection, in the form of easements and fee simple acquisitions, is a vital way to ensure that these objectives are met.

Please let me know if you have any questions or require further information. I can be reached at 415.800.5309 or via e-mail at Mary.Creasman@tpl.org.

Sincerely,



Mary Creasman
California Director of Government Affairs

CALIFORNIA WATER PARTNERSHIP



August 21, 2015

Attn: Nick Sadrpour
The Ocean Protection Council
1416 Ninth Street, Suite 1311
Sacramento, CA 95814
Sent via email: COPC.Prop1@resources.ca.gov

Re: Comments on Proposition 1 Draft Grant Program Guidelines

Dear Mr. Sadrpour,

On behalf of the above-listed organizations, members of the California Water Partnership, we are writing to provide input into the development of the Ocean Protection Council (OPC) Grant Program Guidelines for Proposition 1. The California Water Partnership is dedicated to securing a sustainable and equitable water future for California. Our partnership advocates for adoption and implementation of the principles and practices of integrated water management. Our work ensures that water management practices benefit our public health, our environment, and all Californians. In order to evaluate the efficacy of the OPC program in achieving these benefits, we looked for the following information in the draft guidelines:

- The extent to which state priorities are addressed;
- The identification and evaluation of multiple benefits; and
- Specific measures to address the water-related needs of disadvantaged communities (DACs).

In general, we support OPC's Guidelines, and particularly appreciate the focus on projects that will provide multiple ecological benefits and the allocation of bonus points for projects that advance the management of individual marine managed areas or the statewide protected area network.

I. Grant Application Process

A. Application and Project Solicitation

It is important that a diversity of organizations and agencies have access to Proposition 1 funding. Because small community organizations may not have the same capacity and experience as larger entities, we recommend that OPC provide opportunities for applicants to work with staff on drafting applications.

In order to accomplish this, we recommend explicitly providing an opportunity for consultation with OPC staff during the LOI and final proposal submittal process. This approach is important for both DACs and small, effective organizations. This approach would also help optimize resources and the OPC's ability to meet its strategic goals related to Proposition 1. By having OPC staff apprised of projects prior to an LOI or final project proposal submission, potential applicants can be informed early in the process as to whether or not a project

would qualify for funding as initially proposed. This approach would provide applicants, particularly DACs and smaller organizations with limited resources, with the opportunity to vet proposals with OPC staff for project readiness and overall competitiveness prior to expending limited resources on more extensive proposal applications. This would also provide OPC staff with an opportunity to inform project scoping to best achieve program goals.

If OPC imposes a minimum project budget amount of \$250,000 or a similar threshold, as has been discussed, we urge OPC to ensure that this does not create a barrier to DACs and other small organizations. If a project minimum is imposed, it may be necessary to carve out an exception for smaller projects that do not meet the threshold from DACs and other small organizations.

Recommendation: Provide opportunities within the LOI and final process for OPC staff consultations to ensure the full and efficient participation of DACs and other small, effective organizations.

Additionally, since applicants proposing restoration and ecosystem protection projects must consult with California Conservation Corps to determine the feasibility of Corps participation,¹ we recommend that this eligibility requirement be flagged in the screening criteria. Involvement of the Corps could dramatically impact the project details and budget; the requirement for Corps consultation on applicable projects should be clearly identified as part of the application and project planning process for Proposition 1 funding.

B. Prioritize and Solicit Multi-Benefit Projects

The development of high quality, multi-benefit projects is challenging and time-consuming due to the number of collaborators that should be involved in the integrated planning process. Furthermore, designing projects to advance measureable criteria, particularly ecological and social criteria linked with benefits to sensitive species and/or disadvantaged communities, respectively, requires a greater investment in the planning process. Unlike water and flood management agencies that can fund planning processes to advance their objectives, disadvantaged communities, NGOs, and fishery agencies often lack funding to plan multi-benefit projects, resulting in projects that too often fail to benefit disadvantaged communities and sensitive species. OPC should offer planning and technical assistance and separate planning grants to advance multi-benefit watershed and urban river enhancement projects that will provide benefits to disadvantaged communities.

As the OPC Draft Guidelines recognize, multi-benefit projects should be prioritized for Proposition 1 funding to achieve the best possible outcomes for water quality, ecosystem health, and all Californians. While the OPC Draft Guidelines currently award points for multiple benefits, we suggest modifying the way in which points are attributed. First, the multiple benefits described do not include the full spectrum of multiple benefits, which also include endangered species protection, watershed and coastal habitat restoration, land acquisition and preservation of open space, flood management, and water quality protection. We recommend expanding the description of multiple benefits attributed to projects. Second, the current scoring of multiple benefits are such that a project has to afford all the types of multiple benefits in order to score 15 points. We recommend modifying the scoring so that projects that achieve fewer, but comprehensive multiple benefits can also score highly.

We note that the criterion that awards points for a project that “removes or mitigates multiple stressors from the ocean and near coastal environment.” We support this criterion because it will facilitate funding for projects that measurably improve ocean and coastal health.

Recommendation: Broaden the definition of multiple benefits. Project applicants should be able to score highly for multiple benefits if the project demonstrates that it will successfully achieve a number of multiple benefits, but not necessarily all of them.

II. Proactively Facilitate Integrated Projects and Funding Decisions with Other Agencies

¹ p. 14, OPC Draft Guidelines

Proposition 1 provides funding across multiple agencies to support projects that have ocean and watershed protection and restoration as an eligible project type within their respective programs. For example, the California Department of Fish and Wildlife (DFW), the State Water Resources Control Board (SWRCB), and presumably several of the Conservancies all administer programs under Proposition 1 that have ocean and watershed protection and restoration as an eligible project type within their respective programs.

It is important that there is a unified approach across these agencies in developing the evaluation criteria for project funding, as well as monitoring requirements, to ensure that projects funded across the various Proposition 1 programs meet the same level of accountability in providing public benefits. Accordingly, agencies should coordinate in the development of their program evaluation criteria and utilize staff expertise across agencies for technical review of project proposals. Additionally, coordination across agencies about the projects being supported through Proposition 1 would help ensure that support is well-leveraged across multiple funding agencies when merited, and not over-committed (this may be particularly helpful for projects that pursue Proposition 1 funding from multiple agencies).

Recommendation: Continue the focus on projects that will provide multiple ecological benefits via OPC evaluation of the extent to which a project “leverages the resources of private, federal or local funding sources,” which will enhance inter-agency collaboration.

Recommendations:

OPC can facilitate inter-agency coordination by:

- Developing an integration panel with other agencies to coordinate funding decisions, establish shared or jointly funded efforts, and facilitate joint investment in the best multi-benefit projects.
- Issuing joint proposal solicitations with other Proposition 1 granting agencies or develop a collective agreement on funding projects in specific geographic areas or watersheds or to prioritize certain types of projects.
- Developing a check box or field in the applications where applicants can indicate all applicable agencies to which bond funding has been applied for to facilitate joint proposal consideration.
- Revising Guidelines to evaluate the extent to which a Proposal “advances inter-agency collaboration towards a common goal, particularly achieving healthy ecosystems.”
- Developing and facilitating a coordinated approach to the establishment of program evaluation criteria to provide for consistency in assessment across projects supported by the various Proposition 1 agencies of appropriation and comparable monitoring results.

A. Project Types That Meet OPC Priorities

We urge the OPC to strategically focus on types of projects that facilitate inter-agency coordination and joint funding, achieve multiple benefits, have proven successful in previous public funding efforts, and reflect OPC priorities. These could include proposals that improve coastal water quality, improve bay and estuary climate change resiliency, restore coastal wetlands, or those that yield benefits for fish passage and flow. We outline four key types of projects below, and encourage the OPC to prioritize funding of and proactively work with applicants to solicit such projects.

1. Projects that improve water quality in MPAs

Agencies: OPC, SWRCB, DFW

Multiple benefits: water quality enhancement, restoration of beneficial uses, bolster marine protected areas (MPAs).

Proposition 1 funds can create multiplier effects by building upon and leveraging the already significant investments the state has made in marine managed areas, particularly in Areas of Special Biological Significance (ASBS) and MPAs.

2. Habitat restoration projects that make bays, wetlands, and estuaries more resilient to sea level rise

Agencies: OPC, SWRCB, DFW, Coastal Conservancy

Multiple benefits: flood protection and mitigation, protect and restore ecosystems and species, bolster state MPA network through protection of nursery habitats, water quality enhancement, resiliency to sea level rise and other climate change impacts.

3. Coastal water quality and coastal erosion mitigation projects that target pollution hotspots that can exacerbate ocean acidification

Agencies: Coastal Conservancy, Coastal Commission, SWRCB, OPC

Multiple benefits: storm surge prevention, protection of coastal buffer zones, maintaining intact wetlands and improving water treatment; addressing coastal erosion by reducing nutrient and sediment loading of water.

4. Projects that benefit fish passage and flows

Agencies: OPC, SWRCB, DFW, Coastal Conservancy

Multiple benefits: water quality enhancement, protect and restore ecosystems and species, bolster MPAs

A Coastal Conservancy study identified more than 13,000 potential barriers to fish passage in California's coastal watersheds. Improving connectivity within aquatic ecosystems requires barrier removal, including road and stream crossings, irrigation diversions, and dams. The OPC initiated work in fish passage barrier removal several years ago, but this effort has since been slowed. Further efforts could prove beneficial to advancing strategic barrier removals in threatened runs important to MPAs, and encourage natural sediment flow to beaches to reinforce coastal climate change resiliency.

Thank you for providing an opportunity to comment on the OPC's Grant Program Guidelines for Proposition 1. OPC is perfectly positioned to use Proposition 1 funds as a catalyst to continue coordination among ocean-related state agencies and to improve the efficiency and effectiveness of California's efforts to protect coastal and ocean resources. We are available to help identify appropriate projects and look forward to continuing to work with you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sara Aminzadeh', written in a cursive style.

Sara Aminzadeh, California Coastkeeper Alliance Executive Director
on behalf of the California Water Partnership



Monterey Bay Aquarium

886 CANNERY ROW
MONTEREY, CA 93940
831.648.4800

August 21, 2015

The Honorable John Laird, Chair
California Ocean Protection Council
1416 Ninth Street
Suite 1311
Sacramento, CA 95814

Re: Ocean Protection Council Draft Proposition 1 Guidelines

Dear Chair Laird and Members of the California Ocean Protection Council:

Thank you for the opportunity to comment on the Ocean Protection Council Draft Proposition 1 Guidelines that will inform the Council's competitive grants program for multibenefit ecosystem and watershed protection and restoration projects. We strongly support the Council's efforts to fund projects that provide more reliable water supplies, restore important species and habitat, and develop a more resilient and sustainably managed water system in California. The mission of the Monterey Bay Aquarium is to inspire conservation of the oceans, and our comments below represent our interest in safeguarding California's coastal communities against the impacts of climate change, while prioritizing the role healthy coastal ecosystems play in building coastal resiliency.

Best Available Science: Credible, current and relevant scientific information is the most critical component of success for any and all coastal protection and restoration projects. Use of best available science is also prioritized in the 2010 California Ocean Protection Act and the Council's 2012-17 Strategic Plan.¹ Therefore, best available science should be scored the highest among all criteria the Council will use to evaluate proposed projects. **For these reasons, we recommend increasing the score for "best available science" from 10 point to 20 points for Full Proposals, and adding 20 points for "best available science" to the scoring criteria for Letters of Intent.**

Natural Infrastructure: Natural infrastructure (e.g., dunes, wetlands, vegetation) has been shown to reduce the vulnerability of coastal areas to the impacts of climate change and other stressors.² Maintaining healthy, functioning coastal ecosystems also often provides myriad other benefits to coastal communities (e.g. improved water quality, valuable wildlife habitat, recreation areas, tourism destinations) over "hard" infrastructure.³ In addition, Governor Brown prioritized the use of natural infrastructure solutions for climate adaptation in his April 2015 Executive Order.⁴ **For these reasons, we recommend increasing the "green infrastructure" score from 10 points to 15 points for both Letters of Intent and Full Proposals.**

¹ COPA; [About the Council](#); [California Ocean Protection Council Strategic Plan for 2012-2017](#) at 12.

² Langridge, S.M., et al. 2014. Key lessons for incorporating natural infrastructure into regional climate adaptation planning. *Ocean and Coastal Management* 95: 189-197.

³ [Reducing Climate Risk with Natural Infrastructure](#).

⁴ Executive Order B-30-15 states "...agencies' planning and investment shall be guided by the following principles... Natural infrastructure solutions should be prioritized."



Monterey Bay
Aquarium

886 CANNERY ROW
MONTEREY, CA 93940
831.648.4800

Marine Managed Areas (MMAs): Marine managed areas are proven tools for safeguarding important ocean habitats, replenishing marine life, and increasing resiliency in the face of climate change. New protection and restoration projects can amplify the benefits of MMAs by, for example, improving water quality and enhancing ecosystem functions. **For these reasons, we recommend increasing the score for proposed projects that incorporate MMAs from 10 bonus points to 15 bonus points for both the Letters of Intent and Full Proposals.**

Citizen Involvement: Citizen engagement in ecosystem and watershed protection and restoration projects has the potential to increase awareness of the importance of climate adaptation among citizens, generate community pride in ocean ecosystem health, and enhance community support for future state and local adaptation efforts. For example, citizens could engage in removal of non-native plant species that exacerbate coastal erosion, and help plant native, more resilient species in their place. **For these reasons, we recommend adding 10 bonus points for both Letters of Intent and Full Proposals for proposed projects that include active participation by citizens.**

Disadvantaged Communities: The impacts of climate change will disproportionately affect communities that do not have sufficient resources to take adequate action. **For this reason, we recommend adding bonus points for Full Proposals of projects that reduce the vulnerability to disadvantaged communities⁵, in addition to the bonus points already included for Letters of Intent.**

We appreciate the opportunity to provide input to the Council on the Draft Proposition 1 Guidelines, and we stand ready to support the Council in your ongoing work to help ensure a more resilient future for all Californians.

Sincerely,

A handwritten signature in black ink, appearing to read 'Aimee David'.

Aimee David
Director of Ocean Conservation Policy and Initiatives

⁵ As defined by DWR5: community with less than 80% of State's median income. California Water Code §79505.5a and §79735c.



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tel (650) 877-2710
www.earthlawcenter.org

August 21, 2015

Cat Kuhlman, Executive Director
Attn: Nick Sadrpour
The Ocean Protection Council
1416 Ninth Street, Suite 1311
Sacramento CA 95814

VIA ELECTRONIC MAIL: COPC.Prop1@resources.ca.gov

Re: Comments on Proposition 1 Grant Program Guidelines (Draft, May 2015)

Dear Executive Director Kuhlman:

Earth Law Center (ELC) welcomes the opportunity to comment on the California Ocean Protection Council's (OPC) Draft Proposition 1 Grant Program Guidelines.¹ With the passage of Proposition 1² in November 2014, the state has a significant, new opportunity to ensure much-needed funding for multiple benefit marine ecosystem and coastal watershed protection and restoration projects.

While ELC is pleased with many elements of the OPC's Guidelines, we urge the OPC to add language prioritizing projects that enhance inter-agency collaboration and produce multiple benefits. ELC also urges the OPC to more explicitly integrate and promote "ocean health" concepts in its project selection process, particularly to test specific, updated definitions of "ocean health." Support for these requests is provided below.

PROPOSITION 1 EMPHASIZES COORDINATED, LEVERAGED AGENCY ACTION TOWARD IMPLEMENTATION OF INTEGRATED, MULTIBENEFIT PROJECTS

Proposition 1 emphasizes the importance of both collaboration and leveraging of funds in ensuring successful implementation of multiple benefit projects,³ a point emphasized by agency Secretaries and Department heads in the February 10th Assembly Water, Parks and Wildlife hearing on Proposition 1.⁴

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¹ California Ocean Protection Council, "Draft Grant Guidelines - Proposition 1 Grant Program" (May 2015), at: http://www.opc.ca.gov/webmaster/_media_library/2015/05/OPC_Draft_Prop1_Guidelines.pdf.

² Water Quality, Supply, and Infrastructure Improvement Act of 2014, available at: http://bondaccountability.resources.ca.gov/PDF/Prop1/PROPOSITION_1_text.pdf.

³ See, e.g., Water Code §§ 79707, 79730-31

⁴ See California State Assembly, Committee on Water, Parks, and Wildlife, "Hearing Topic: Implementation of Proposition 1, the Water Bond" (Feb. 24, 2015), at: <http://awpw.assembly.ca.gov/currentsessionoversighthearings>; see also summaries at: Maven's Notebook, "Proposition 1 Oversight Hearing, Part 1" (Feb. 24, 2015), at: <http://mavensnotebook.com/2015/02/24/proposition-1-oversight-hearing-part-1-background-on-the-water-bond-and-principles-for-moving-forward/>; Maven's Notebook, "Prop 1 Oversight Hearing, Part 2" (Feb. 25, 2015), at: <http://mavensnotebook.com/2015/02/25/prop-1-oversight-hearing-part-2-first-out-of-the-gate-state-entities-with-proposed-water-bond-funding/> and Maven's Notebook, "Prop 1 Oversight Hearing, Part 3" (Feb. 26, 2015), at:

Resources Secretary Laird highlighted the California Water Action Plan as the framework for the bond expenditures, noting that the Plan describes collaboration as “essential” to Proposition 1 success. California Department of Fish and Wildlife (CDFW) Director Chuck Bonham added that the Plan appropriately forces dialogue among CDFW and other agencies toward “greater gain through our integrated efforts across departments.”⁵ This perspective is consistent with Proposition 1’s statement of intent that funding be prioritized toward projects that “produce the greatest public benefit.”⁶ Former DWR Director Lester Snow likewise noted that spending impacts can be maximized through integration of funding toward a shared goal.

A related point emphasized in both Proposition 1 and at the February 10th Water, Parks and Wildlife hearing is the need to support integrated, “multibenefit” projects. Proposition 1, Chapter 6 highlights multiple benefit projects in both Water Code Sections 79730 (“multibenefit ecosystem and watershed protection and restoration projects”) and 79731 (“multibenefit water quality, water supply, and watershed protection and restoration projects for the watersheds of the state”). The Water Action Plan similarly “[e]ncourage(s) state focus on projects with multiple benefits,” and adds that “the commitment to emphasize multiple benefit projects will be applied to most of the actions in this plan.”

Proposition 1’s closely related emphasis on collaboration and multibenefit projects strongly correlates with the purpose of the California Ocean Protection Act (COPA) to “*integrate and coordinate* the state’s laws and institutions responsible for protecting and conserving ocean resources, including coastal waters and ocean ecosystems.”⁷ In other words, by promoting projects that require interagency collaboration, the OPC can more effectively implement Proposition 1 *and* better ensure that it meets its own, independent mandate under COPA to integrate agency operations with regard to the coast and ocean. COPA further articulates state policy to focus on “ecosystems, rather than managing on a single species or single resource basis”⁸ – again consistent with a grantmaking approach that calls for collaboration and integration across agencies and media to achieve multiple benefits.

A number of agencies have released draft Proposition 1 Guidelines that relate closely to the type of ocean and coastal ecosystems work supported by COPA and the OPC. For example, in addition to the \$9.505 million in Proposition 1 funds the OPC expects to receive for FY 2015-2016, the CDFW expects to receive approximately \$36.5 million and the state Conservancies \$83.6 million for watershed-related projects, and the Wildlife Conservation Board (WCB) \$38.9 million for flow enhancements that protect anadromous species, among others.⁹ In light of Proposition 1's mandates for accountability and coordination, agencies should seek mutually beneficial partnerships that allow them to achieve the collaborative, leveraged, multibenefit results emphasized by the Governor and his administrative agency leadership. For instance, the OPC could support establishment of an "integration panel" with other agencies, including CDFW, WCB, State Coastal Conservancy (SCC), State Water Resources Control Board (SWRCB), and others, to coordinate funding decisions and facilitate joint investment in projects that most effectively achieve healthy coastal and marine ecosystems.

<http://mavensnotebook.com/2015/02/26/prop-1-oversight-hearing-part-3-looking-ahead-stakeholder-recommendations-for-maximizing-public-benefits/>.

⁵ Maven's Notebook, "Prop 1 Oversight Hearing, Part 2" (Feb. 25, 2015), at:

<http://mavensnotebook.com/2015/02/25/prop-1-oversight-hearing-part-2-first-out-of-the-gate-state-entities-with-proposed-water-bond-funding/>.

⁶ Water Code § 79707(b) (emphasis added).

⁷ Pub. Res. Code § 35515 (emphasis added).

⁸ Pub. Res. Code § 35510.

⁹ Calif. Natural Resources Agency, “Proposition 1 Allocation Balance Report as of July 23, 2015”; at: <http://bondaccountability.resources.ca.gov/PDF/Prop1/P1AllocBalRpt.pdf?v=1> (Committed/Proposed Appropriation).

Finally, the Natural Resources Agency must verify that the OPC's Guidelines are consistent with applicable statutes, including Proposition 1, and related efforts.¹⁰ Clear processes for collaboration and integration with other agencies enhances the likelihood of swift Guidelines approval by the Agency.

Requested OPC Actions

To implement the collaboration decisively called for by Proposition 1 and the California Water Action Plan, we ask that the OPC affirmatively reach out to agencies with related Proposition 1 funding sources and activities to establish: (a) at a minimum, better coordinated efforts that avoid duplication, and (b) where appropriate, shared and/or jointly funded efforts (*e.g.*, through joint proposal solicitations) that "produce the greatest public benefit" from Proposition 1's limited funds. Examples of jointly funded efforts include but are not limited to the OPC/Coastal Commission Local Coastal Program grants application effort,¹¹ and the OPC/CDFW Joint Work Plan for the implementation of the Marine Life Protection Act and Marine Life Management Act.¹² With regard to efforts to achieve healthy ocean and coastal ecosystems, the OPC should make a special effort to coordinate with the CDFW, SCC and SWRCB, as well as other agencies and entities as appropriate.

The OPC should also consider an agreement with other agencies to ensure that each agency's project Selection Panels include representatives of other agencies, either in a voting or ex officio capacity. In addition, the OPC should work with other agencies as appropriate to coordinate a unified approach for developing evaluation criteria and monitoring requirements for projects that contribute towards a policy goal of "ocean health."

Finally, in order to streamline joint proposal solicitations, the OPC may wish to collaborate with other agencies to develop a "checkbox" feature that allows applicants to easily submit proposals to multiple agencies with relevant Proposition 1 priorities. This could be similar to the manner in which applicants to the UC system apply to multiple schools through a single application, for example. The necessary joint review of these applications would prompt needed interagency collaboration.

Requested language consistent with advancing these recommendations is included in the attached line-edits to the draft Guidelines.

THE OPC GUIDELINES SHOULD PLACE A GREATER EMPHASIS ON INTER-AGENCY COLLABORATION AND IMPLEMENTATION OF MULTIBENEFIT PROJECTS

Considering the above background, ELC requests the OPC to revise the draft Guidelines to more clearly prioritize projects that require inter-agency collaboration and produce multiple benefits.

Projects Should Enhance Inter-Agency Collaboration

ELC supports several elements of the existing draft Guidelines that promote inter-agency collaboration. For example, the draft Guidelines score the extent to which a full proposal "leverages the resources of private, federal or local funding sources," which will favor projects that are good

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¹⁰ Water Code § 79708(d).

¹¹ California Ocean Protection Council, "Local Coastal Program (LCP) Grants," at: <http://www.opc.ca.gov/2013/05/local-coastal-program-sea-level-rise-grants/>.

¹² California Ocean Protection Council, "OPC-DFG Joint Work Plan," at: <http://www.opc.ca.gov/2010/08/opc-dfg-joint-work-plan/>.

candidates for collaborative efforts. The draft Guidelines also allow for inter-agency representation on review panels for full proposals.

However, the OPC can and should go further to reach the deeper levels of inter-agency collaboration required by Proposition 1, the California Water Action Plan, and COPA. In particular, we encourage the OPC to enhance prioritization of inter-agency collaboration within its draft Guidelines by:

- Establishing a new full proposal scoring criterion of “Advances inter-agency collaboration towards a common goal, particularly achieving healthy ecosystems.”
- Allowing for outside experts – including state and federal agency staff – to not only review and score full Proposals, but also letters of intent (LOIs), which would prioritize inter-agency collaboration at earlier stages of project review.

Projects Should Produce Multiple Benefits

Closely related to inter-agency collaboration, Proposition 1 clearly and repeatedly indicates that funds are to be used to achieve multiple benefits. The draft OPC Guidelines already prioritize multi-benefit projects in several ways. In particular, ELC supports the LOI screening criteria of “Does the project provide multiple benefits consistent with Prop 1 and the OPC’s mission?” and the explicit ineligibility for projects that “...do not have multibenefits for ocean or coastal resources.” These requirements will screen out narrowly-focused projects that do not effectively carry out the intent of Proposition 1. Additionally, the LOI criterion scoring the extent to which a project “provides multiple benefits” will rightfully elevate the standing of multibenefit projects.

However, the draft Guidelines’ LOI and full proposal sections should further prioritize multiple benefit projects, and can do so as follows:

- For the “provides multiple benefits” LOI criterion, redistribute the 15 points by allocating 10 points to achieving multiple benefits in general and five points to meeting the five specifically listed categories of benefits¹³ (worth 1 or more points each). This approach provides more flexibility to favor high-impact projects that achieve multiple benefits but that do not clearly fall within all or most of the five listed categories (currently worth 3 points each).
- Evaluate the extent to which a full proposal “provides multiple benefits” (with the option of modified scoring, as described in the previous bullet). The draft Guidelines appropriately score this criterion for LOIs, but it should also be included among the full proposal’s evaluation criteria. Other important criteria similarly appear identically or nearly identically in both the LOI and full proposal stages.

We have also suggested edits to the LOI scoring sheet with regard to scoring of projects as to their consistency with the California Water Action Plan. The Plan’s goals as stated do not directly relate to the OPC’s top mandates under COPA. Accordingly, we suggest clarifying language to highlight those elements of COPA’s goals most aligned with the OPC’s work.

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¹³ The five listed categories of benefits are: 1. Reduction of GHG emissions or improved carbon sequestration; 2. Improved resiliency and adaptation to climate change; 3. Reduced pollution into waters of the state; 4. More resilient fisheries; 5. Healthier marine or estuarine ecosystems.

Finally, the OPC should also provide guidance to help potential applicants target actions with multiple benefits during early stages of project development, with a focus on under-resourced applicants as needed. Such assistance would best be offered before or during the LOI stage so that applicants with potentially strong projects are able to fully consider and incorporate feedback early on.

THE OPC GUIDELINES SHOULD PRIORITIZE PROJECTS THAT ADVANCE AN UNDERSTANDING OF, AND TRACK PROGRESS TOWARDS, “OCEAN HEALTH”

The OPC and its Science Advisory Team held two workshops in 2014 around the question of defining “ocean health” (in June and August 2014). Since then, ELC has continued discussions with OPC staff, scientists, and others to advance this initiative. As detailed in ELC’s submitted comments leading up to these workshops¹⁴ and in follow-up communications, COPA itself supports this effort, calling on the state to act towards the “protection, conservation, and maintenance of *healthy coastal and ocean ecosystems*.” (Emphasis added.) COPA also finds that a “healthy ocean” is “necessary,” and “is part of the state’s legacy.” To effectively achieve COPA’s intent and mandates, the OPC must develop a definition of “ocean health” that is grounded in the needs of natural systems.

The OPC’s ongoing efforts to define and advance “ocean health” relate closely to the successful implementation of Proposition 1. For example, activities around defining ocean health complement the focus on resilience in Proposition 1 and the California Water Action Plan. Assessing whether a system is resilient necessarily calls for an understanding of the desired end state of that system. Without it, systems can seem “resilient” if they bounce back at all, even to lower and lower levels of well-being. As another example, the integrated monitoring and data reporting systems required to track progress towards “health” would help meet Proposition 1’s call for project transparency and accountability.¹⁵

The OPC’s “ocean health” initiative also directly complements Proposition 1’s prioritization of inter-agency collaboration and multibenefit projects. Ocean health can only be achieved through consideration of cross-media impacts, interactions and synergies. This *necessarily* calls for the integration of multiple agencies’ expertise and effort. Accordingly, development and initial implementation of an “ocean health” definition that focuses on the needs of marine and coastal ecosystems will advance COPA, Proposition 1 and the California Water Action Plan.

One particularly important use of Proposition 1 funds, then, would be to support pilot projects that help test out an “ocean health” definition on which scientists have secured initial agreement. Such pilot projects could leverage the information gleaned from related efforts to identify and achieve “healthy watersheds” in California. For example, initiatives in the San Diego River Watershed,¹⁶ along the Central Coast¹⁷ and elsewhere¹⁸ are working to assess watershed health holistically and can provide useful lessons.

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¹⁴ See Letter from Earth Law Center to the California Ocean Protection Council, "Ocean Protection Council Science Advisory Team Workshop: Exploring Ocean Health as a Scientific Concept and Management Goal (June 11, 2014)" (Jun. 5, 2014), at: http://www.opc.ca.gov/webmaster/media_library/2014/05/OPC-SAT-Ocean-Health-cmts-ELC.pdf.

¹⁵ “Each state agency that receives an appropriation of funding made available by this division shall be responsible for establishing metrics of success and reporting the status of projects and all uses of the funding on the state’s bond accountability Internet Web site.” (Water Code § 79716.)

¹⁶ See Healthy Streams Partnership, "SD River Watershed Report Card" (Mar. 28, 2014), at: http://www.mywaterquality.ca.gov/monitoring_council/healthy_streams/docs/sdrw_reportcard.pdf.

¹⁷ See Central Coast Regional Water Quality Control Board, "A Healthy Watershed Report Card Approach," at: http://www.mywaterquality.ca.gov/monitoring_council/healthy_streams/docs/healthywatersheds_krw.pdf.

More specifically, to advance these concepts through the draft Guidelines, ELC suggests line edits to the LOI and Proposal scoring sheets (attached), and also requests the following specific changes:

- Establishing as one of the “OPC’s Key Issue Areas for Prop 1 Funding” the category of “Ocean Health,” described as “Enhancement of ‘ocean health’, from the perspective of the ocean’s own intrinsic value¹⁹ and well-being, as measured by multi-disciplinary indicators and holistic monitoring strategies.”
- Under “Project Monitoring and Reporting” (Section 4.7), encouraging applicants to “apply multi-disciplinary indicators/metrics/benchmarks and holistic monitoring strategies to assess a project’s effectiveness in increasing ecosystems’ well-being based on their own intrinsic value (*i.e.*, past their immediate utility to humans). . . .”

* * *

We respectfully request that the OPC incorporate these changes and the attached line edits into its final Proposition 1 Guidelines. By further prioritizing inter-agency collaboration, multibenefit projects, and advancement towards defining and achieving “ocean health,” the OPC will better meet the requirements and intent of Proposition 1, the California Water Action Plan and COPA. The OPC would also better fulfill its role as a national leader in advancing healthy marine and coastal ecosystems.

Thank you for your consideration of these comments.

Best regards,

2nd of Feb

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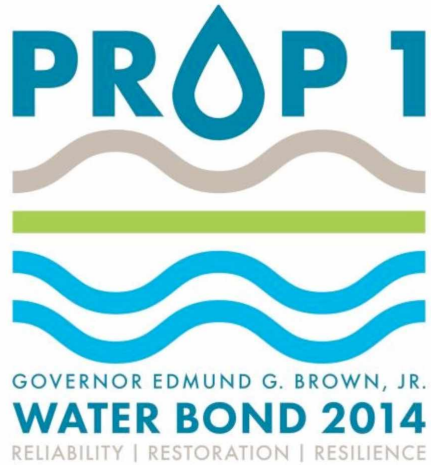
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Attachment: ELC proposed line edits to Draft OPC Guidelines (line edits highlighted in yellow)

¹⁸ See California Water Quality Monitoring Council, "Healthy Watersheds Partnership," at: http://www.mywaterquality.ca.gov/monitoring_council/healthy_streams/.

¹⁹ See, e.g., Fish and Game Code Sec. 2853(b)(4).



DRAFT

**Grant Guidelines Ocean
Protection Council
Proposition 1 Grant Program**

**FUNDED BY THE
Water Quality, Supply, and Infrastructure
Improvement Act of 2014**



Section 1. Introduction

1.1 The Ocean Protection Council

The mission of the Ocean Protection Council (OPC) is to ensure that California maintains healthy, resilient, and productive ocean and coastal ecosystems for the benefit of current and future generations. Along the entire California coast, the OPC works with state, federal, tribal, and local entities to further the Council's goal of protecting, conserving, and maintaining healthy coastal and ocean ecosystems and the economies they support. Created through the California Ocean Protection Act, the role of the OPC is to recommend policy, lead and promote coordination, seek and leverage funding, inform government decisions making with the best available science, and to operate with transparency and accountability.

OPC's Key Issue Areas for Prop 1 Funding:

-Marine Managed Areas

>Improved ability for marine managed areas (MMAs)¹ to meet their statutory goals².

-Coastal and Ocean Water Quality Impacts

>Reduction of pollution and contaminants from sources including stormwater, non-point source discharges, agricultural runoff, etc.

-Marine Debris

>Measurable reduction of marine debris

-Innovative Marine and Estuarine Fisheries Management

>Sustainable fisheries practices that support and enhance marine and estuarine ecosystems with clear links to Prop 1 goals

-Climate Change

> **Sea-level Rise:** risk reduction and improvement in resiliency of the built environment and natural environment in the face of sea-level rise

> **Ocean Acidification and Hypoxia:** reduction of stressors to marine and estuarine ecosystems

-Ocean Health

> **Enhancement of "ocean health," from the perspective of the ocean's own intrinsic value and well-being, as measured by multi-disciplinary indicators and holistic monitoring strategies.**

1.2 Proposition 1

The Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Prop 1) was approved by voters in November 2014 (California Water Code (CWC) Division 26.7). Funding from Prop 1 is intended to fund projects that met the goals of the Water Action Plan provide more reliable water supplies, restore important species and habitat, and develop a more resilient and sustainably managed water system (water supply, water quality, flood protection, and environment) that can better withstand inevitable and unforeseen pressures in the coming decades.

Prop 1 Chapter 6 ([Appendix B](#)): "Protecting Rivers, Lakes, Streams, Coastal Waters, and Watersheds", allocates \$30 million to the OPC for a competitive grant program for multibenefit ecosystem and

¹ PRC § 36700-36900

² PRC § 36620

watershed protection and restoration projects in accordance with statewide priorities, CWC §79730 and §79731(d). Definitions for Prop 1 can be found in [Appendix A](#).

Section 2. Program Purposes and Eligibility

2.1 Purpose of Proposition 1 Grant Program Guidelines

The Proposition 1 Grant Program Guidelines (“Prop 1 Guidelines”) establish the general process, procedures, and criteria that the OPC will use to solicit applications, evaluate proposals, and award grants, pursuant to Prop 1. These Prop 1 Guidelines identify the additional project requirements and evaluation processes applicable to Prop 1 funded projects. These Prop 1 guidelines are adopted pursuant to CWC §79706(a) and may be updated periodically. Links to Prop 1 as well as other local, state, and federal plans can be found in [Appendix D](#).

Prior to finalizing the guidelines, OPC will post the draft guidelines on its website (www.opc.ca.gov) for 30 days and then hold three public meetings, with the intent to solicit and consider public comments (CWC§79706[b]). The draft and final guidelines will also be posted on the California Natural Resources Agency website (<http://bondaccountability.resources.ca.gov/>) (CWC §79706[d]).

2.2 Purposes of Proposition 1, Chapter 6

The funding from Prop 1 allocated to the OPC comes from Chapter 6, “Protecting Rivers, Lakes, Streams, Coastal Waters and Watersheds” ([Appendix B](#)). Chapter 6 of Prop 1 sets forth 13 specific purposes of the allocation of funds to the OPC (“[Chapter 6 purposes](#)”), CWC §79732(a). All Prop 1 grants funded by the OPC must achieve at least one of these Chapter 6 purposes.

2.3 Applicant Eligibility

Applicants that are eligible for Prop 1 grant funding from the OPC are public agencies³ (federal agencies are not considered public agencies), nonprofit organizations, public utilities, federally recognized Indian tribes, state Indian tribes listed on the Native American Heritage Commission’s California Tribal Consultation List, and mutual water companies (CWC §79712).

-To be eligible for funding under this division, a project proposed by a public utility that is regulated by the Public Utilities Commission or a mutual water company shall have a clear and definite public purpose and shall benefit the customers of the water system and not the investors.

-To be eligible for funding under this division, an urban water supplier shall adopt and submit an urban water management plan in accordance with the Urban Water Management Planning Act (Part 2.6 (commencing with Section 10610) of Division 6).

³ PRC § 79702 (s) “Public agency” means a state agency or department, special district, joint powers authority, city, county, city and county, or other political subdivision of the state.

-To be eligible for funding under this division, an agricultural water supplier shall adopt and submit an agricultural water management plan in accordance with the Agricultural Water Management Planning Act (Part 2.8 (commencing with Section 10800) of Division 6).

2.4 Project Eligibility

Prop 1 funds must be spent consistent with the General Obligation Bond Law, Government Code §16727. In general, this means projects must entail the construction or acquisition of capital assets and/or activities that are incidentally but directly related to construction or acquisition, such as planning, design and engineering.

Prop 1 contains additional provisions that may make some projects ineligible, these include:

- All projects funded by Prop 1 must be consistent with the Porter-Cologne Water Quality Control Act (Division 7 of the Water Code) and the State's five-year infrastructure plan prepared pursuant to Government Code section 13100.
- Prop 1 cannot be used to fund acquisitions of land by eminent domain. Water Code Section 79711(g).
- Prop 1 funds may only be used for projects that will provide benefits or improvements that are greater than required applicable environmental mitigation measures or compliance obligations.

2.5 Examples of projects that meet the requirements and priorities set forth in these guidelines.

(This is not a comprehensive list).

- Projects that develop stormwater capture systems that reduce marine debris, reduce non-point source pollution, and allow for the storage of freshwater.
 - Bonus if the discharge from stormwater has historically and measurably negatively impacted designated MMAs.
- Wetland restoration projects at impaired watersheds that promote healthy nursery habitat for aquatic species and provide water quality improvements.
- Projects that remove barriers to diadromous fish passage in addition reduce water quality impacts to coastal waterways.

2.6 Examples of projects that will not be funded nor considered eligible under this program. This is a reflection of OPC's priorities with regards to Prop 1 grants.

(This is not a comprehensive list).

- Projects that create negative environmental impacts inconsistent with the goals and purposes of the Ocean Protection Council.
- Projects that do not have multibenefits for ocean or coastal resources.
- Projects that are not consistent with the State's planning priorities.
- Projects not compatible with the specific environment or location in which they are situated

Section 3. Grant Application Process

3.1 Project Solicitation

Solicitation periods for Prop 1 grants will be posted on the Ocean Protection Council's website and may be updated periodically. The OPC may elect to solicit targeted proposals for a specific type of project for some of the solicitation periods. There may be up to 3 project solicitation periods each year depending upon the level of applicant interest and capacity of the OPC staff and external review committee. **In developing the solicitations, the OPC will coordinate with other agencies, boards, and departments working on related purposes, to maximize leveraging of and benefits from integrated efforts.** The timeframe of solicitation periods will also depend on budget allocations. Grant applications must be submitted during the solicitation periods for each relevant request for proposals.

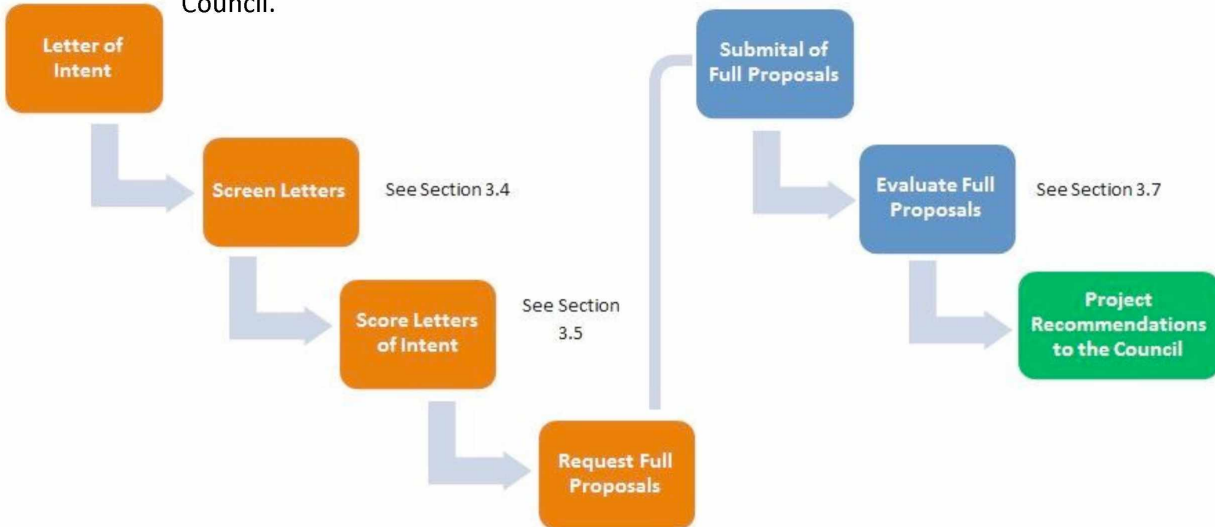
3.2 Overview of Application and Project Selection Process

Each of the steps outlined below are explained in more detail in subsequent sections.

- **Letter of Intent**
 - Applicant submits **required** Letter of Intent (LOI) based off a template provided by the OPC.
- **Screening of Letter of Intent**
 - LOIs and supporting documents are first screened against criteria set forth in [Section 3.4](#). If a determination is made during the screening process that the project does not meet **ALL** criteria set forth in [Section 3.4](#), the LOI will not be further considered in the project selection process. The LOI is part of the competitive process and as such, projects should be well thought-out and all information should be edited for accuracy.
- **Scoring of Letters of Intent**
 - LOIs that pass screening will then be reviewed against criteria set forth in [Section 3.5](#). Applications with an average score of **75** or better will be asked to submit a Full Proposal.
- **Request for Full Proposals**
 - Applicants are notified if they are invited to participate in the next step (Full Proposal). An invitation to apply **does not** guarantee project will compete successfully for funding.
- **Submittal of Full Proposals**
 - Potential applicants are invited to submit a complete full proposal by the deadline. Full proposals contain a detailed a work program, schedule, and budget for the project (see [Section 3.6](#))
- **Evaluation of Full Proposals**
 - Proposals are evaluated by a review panel using the Evaluation Criteria for Full Proposals ([Section 3.7](#))
 - Site visits may be scheduled prior to funding decisions resulting in ranking adjustments.
 - Partial funding may be considered to fully leverage grant awards.

- **Project Recommendation to the Ocean Protection Council**

- Staff will rank full proposals from highest to lowest score.
- Staff will recommend to the Council projects for funding based upon the score.
- Recommendation for funding **does not** guarantee project will be funded.
- The Council determines final project awards at a publicly-noticed meeting of the Council.



3.3 Letter of Intent

All applicants must submit a Letter of Intent (LOI) to be considered. A template LOI can be found in [Appendix E](#). Staff will review LOIs against screening criteria (Section 3.4).

3.4 Letter of Intent Screening Criteria

If a determination is made during the screening process that the project does not meet **ALL** criteria set forth in this section, the LOI will not be further considered in the project selection process. The OPC has discretion to either return the application or assist the applicant with gathering additional information and modifying the proposal to enable the application to pass the screening process.

| Screening Criteria for Letters of Intent | Notes |
|--|--|
| Is the letter of Intent complete? | |
| Is the applicant eligible? | (CWC §79712) public agencies ⁴ (federal agencies are not considered public agencies),, nonprofit organizations, public utilities, federally recognized Indian tribes, state Indian tribes listed on the Native American Heritage Commission's California Tribal Consultation List, and mutual water companies |
| Does the project consist of work that is eligible for bond funds under general obligation bond law? | In general, this means projects must entail the construction or acquisition of capital assets and/or activities that are incidentally but directly related to construction or acquisition, such as planning, design and engineering (Government Code §16727). |
| Does the project meet at least one of Ch. 6 purposes? | See Appendix B |
| Does the project meet at least one of the goals from the Water Action Plan? | 1. More reliable water supplies 2. Restoration of important species and habitat 3. A more resilient, sustainably managed water resources system (water supply, water quality, flood protection and environment). |
| Does the project address at least one of OPC's Key Issue Areas for Prop 1 Funding? | See Section 1.1 |
| Does the project fulfill a specific articulated mitigation required for a specific project? | Prop 1 funds cannot be used to fund mitigation that is already required for a project. |
| If the project is located in an area potentially vulnerable to flooding, inundation and/or erosion from sea-level rise, storms and shoreline change within the expected lifespan of the project, does the project describe how Executive Order B-30-15, OPC Resolution on Sea-level Rise (March 2011), OPC Resolution on Implementation of Safeguarding California Plan (August 2014), and the state's Sea-level Rise Guidance document (2013) will be incorporated? | |
| Does the project provide multiple benefits consistent with Prop 1 and the OPC's mission? | |

⁴ PRC § 79702 (s) "Public agency" means a state agency or department, special district, joint powers authority, city, county, city and county, or other political subdivision of the state.

3.5 Letter of Intent Scoring Criteria

LOIs that make it through the screening criteria will be scored by OPC staff **in consultation with other professionals with relevant expertise as appropriate (including state and federal agency staff, consultants, and academic professionals)** using defined scoring criteria. Applications with an average score of 75 or better will be asked to submit full proposals.

| Scoring Criteria for Letter of Intent | |
|---|------------|
| The extent to which the project: | Points |
| Promotes and implements the goals of the California Water Action Plan (5 points each): 1. More reliable water supplies, particularly to ensure water for natural systems and species, especially anadromous fish 2. Restoration of important species and habitats 3. A more resilient, sustainably managed water resources system (water supply, water quality, flood protection and environment) that enhances flows in coastal watersheds | 15 |
| Provides multiple benefits (3 points each) (10 points), with additional points for projects that specifically achieve any of the following (1 or more points each up to 5 total): 1.Reduction of GHG emissions or improved carbon sequestration 2.Improved resiliency and adaptation to climate change 3.Reduced pollution into waters of the state 4.More resilient fisheries and fish populations 5.Healthier marine or estuarine ecosystems, based their own intrinsic value and well-being | 15 |
| Removes or mitigates multiple stressors from the ocean and near coastal environment, including but not limited to eliminating non-point discharge, unsustainable extractive levels or pressures, habitat degradation, vulnerability to sea-level rise, storms and erosion, etc. | 15 |
| Utilizes green infrastructure, natural systems, or systems that mimic natural systems. | 10 |
| Is located in a county that abuts the coast or San Francisco Bay or provides direct and measurable environmental benefits for the Coastal Zone (CA PRC §30103) | 10 |
| Employs new or innovative technology or practices to improve the manner in which the state manages and monitors ocean and coastal resources (including through proposed pilot projects, such as those to better define and evaluate “ocean health”) . Applicant demonstrates how the proposed technologies and practices are innovative in comparison to similar projects and the current practices and technologies. | 7 |
| Will deliver sustainable outcomes in the long-term. Applicant has realistic outcomes and outlines funding required to maintain successful outcomes in the long-term. | 7 |
| Is ready to implement and the grantee or contractor will start and finish the project in a timely manner. Applicant demonstrates that no substantial information or time is needed before the project can begin. | 7 |
| Will provide mapping and/or data that can enhance current understanding. Applicant identifies how maps and/or data can be used on other projects in the area or other coastal regions. | 7 |
| Demonstrate solutions that can be implemented regionally and/or statewide. Applicant describes possible locations where this project will help inform potential solutions. | 7 |
| Total | 100 |

Bonus Points

| | |
|---|----|
| Advances the management of individual MMAs or the statewide MMA network | 10 |
| Advances climate ready marine and estuarine fisheries and fish populations | 10 |
| Project benefits disadvantaged communities (as defined by DWR ⁵ ; community with less than 80% of State's median income) (California Water Code §79505.5a and §79735c) | 10 |

⁵ <http://gis.water.ca.gov/app/dacs/>

3.6 Full Proposals

Applicants who are asked to submit a full proposal must provide a thorough proposal including a detailed scope of work, schedule, and budget for the project. A full proposal is expected to contain a well thought out and complete description of the project including but not limited to:

- Detailed description of the proposed scope of work
- Project schedule with explicit task completion dates
 - Timeframe showing the projects long-term results and outcomes
- Budget that is tied directly to the explicit task list that includes estimated rates, hours, equipment, and potential sub-contractors
- Resumes or Curriculum Vitae of principal investigators/contractors
 - Previous projects that reflect sufficient aptitude in the project's focal area
- Expectations for environmental compliance and permitting requirements ([Section 4.6](#))
- Plans for monitoring and reporting the project consistent with [Section 4.7](#)
- Letters of support from within and outside the community where the project will take place.
- Consistency with and a description of how the proposed project supports implementation of State climate change documents, including the State of CA Sea-level Rise Guidance Document, OPC Resolution of Sea-level Rise, Safeguarding California Plan, and the OPC Resolution on Implementation of the Safeguarding California Plan ([Appendix D](#)).

3.7 Evaluation of Full Proposals

Full proposals will be reviewed and scored by a minimum of three professionals with relevant expertise. Reviewers may include state and federal agency staff and others with relevant expertise, including consultants and academic professionals. All reviewers other than OPC staff will be required to document that they do not have a conflict of interest in reviewing any proposals.

3.8 Evaluation Criteria for Full Proposals

| Scoring Criteria for Full Proposal | |
|--|--------------|
| The extent to which the project: | Points |
| Includes a complete, reasonable and well thought out proposed scope of work (5 points), budget (5 points), and schedule (5 points). | 15 |
| Provides multiple benefits [with option of modified scoring as for the LOIs, above]. | 10 |
| Demonstrates experience successfully implementing similar projects or demonstrates appropriate and necessary partnerships to complete the project. Applicant has existing infrastructure or administrative capacity to develop the project successfully. Where applicable, the applicant hires or contracts with experienced scientific staff in an area of specialty that would improve the outcome and potential success of the underlying proposal. | 15 10 |
| Demonstrates that project has community support. Community members submit correspondence demonstrating their support of the project. | 10 5 |
| Is consistent with best available science. Applicant demonstrates how science used is up to date and appropriate for projects for the specific topic as well as the feasibility of the proposed work. | 10 |
| Demonstrates a clear and reasonable method for measuring and reporting the effectiveness of the project (Section 4.7 of these guidelines). | 10 |
| Contains technical/scientific merit. Project has a high likelihood to fulfill its stated goals and objectives. Determining project effectiveness is very feasible. | 10 5 |
| Has greater than local interest. Letters supporting the project come from outside of the project area. | 10 5 |
| Removes or mitigates multiple stressors from the ocean and near coastal environment, including but not limited to eliminating non-point discharge, fishing pressure, habitat degradation, vulnerability to sea-level rise, storms and erosion, etc. | 10 |
| Advances inter-agency collaboration towards a common goal, particularly "achieving healthy ecosystems." | 10 |
| Will deliver sustainable outcomes in the long-term. Applicant has realistic outcomes and outlines funding required to maintain successful outcomes in the long-term. | 5 |
| Leverages the resources of private, federal or local funding sources. Projects that have at least 25% matching funds will receive 2 points. Projects with greater than 50% matching funds will receive 5 points. Bonus points for projects with greater than 100% matching funds (see below). | 5 |
| Total 100 | |
| Bonus points: | |
| Advances the management of individual MMAs or the statewide MMA network | 10 |
| Advances climate ready marine, estuarine, and anadromous fisheries and fish populations | 10 |
| Projects that have >100% matching funds from private, federal or local funding sources | 5 |

3.9 Grant Recommendation and Award

In order to fund as many high ranking projects as possible, OPC staff may contact applicants to inquire about modifying project scope and budget. In concert with the professional review panel, OPC staff will determine which qualified applications to recommend to the Council for funding and the amount of funding, taking into account the project's score relative to other eligible projects, and the total amount of funding available for Prop 1 projects.

The OPC expects that it will take an average of six to nine months from full proposal submittal to Council approval and an additional two months for execution of the grant agreement.

3.10 Approval by Council

No grant shall be awarded unless the Council has given the executive director authorization to enter into said grant at a public meeting. The Council typically holds four public meetings per calendar year. The meeting schedule will be published on the OPC's website. The agenda for each public meeting will be published on OPC's website at least ten days in advance of the meeting. OPC staff will prepare a report for each proposed grant presented to the Council at a public meeting. The staff report will describe the project and explain how the project is consistent with the OPC's enabling legislation, the OPC's Prop 1 Grant Program Guidelines, the OPC's Strategic Plan and the evaluation criteria in these Prop 1 Grant Program Guidelines.

3.11 Grant Agreement

Once the Council has approved a grant at a public meeting, OPC staff will prepare a grant agreement setting forth the terms and conditions of the grant. The grantee must sign the grant agreement and comply with conditions in order to receive funds.

All funding is contingent upon appropriation, and applicants acknowledge through the submission of an application that no vested right or other entitlement, either implied or express, is created as a result of execution of the grant agreement or any amendment thereto. Prior to the completion of project construction [or project completion as described in a fully executed agreement], either party may terminate the Grant Agreement by providing the other party with thirty (30) days written notice of such termination. The State may also terminate the Grant Agreement for any reason at any time if it learns of or otherwise discovers that there are allegations supported by some reasonable evidence that a violation of any state or federal law or policy by the Grantee or the grantees have performed unsatisfactorily which affects performance of this or any other Grant Agreement or contract entered into with the State. There are other standard provisions that will be included in the Grant Agreement.

Section 4. Additional Information

4.1 Available Funding

The OPC expects to receive approximately \$10 million in each of the following years FY15-16; FY17-18; FY19-20. However, the amount of funding available will depend upon the amount appropriated to the OPC by the State Legislature each year. The amount awarded will also depend on the quality of the proposals submitted.

4.2 Additional Information

The OPC understands that some projects will inherently have associated adverse environmental impacts (in particular during a construction phase). However, projects are expected, to the extent feasible, to reduce greenhouse gas emissions as well as any other negative environmental impacts from the project itself. Although this is not a scored category, it is a **high priority** for the OPC.

While land acquisitions can be funded by Prop 1 funds, they are **not a high priority** for OPC's use of Prop 1 grant funding. However, projects that have a land acquisition component are still eligible for funding.

4.3 California Conservation Corps

Division 26.7 of the Water Code, Chapter 6, §79734 requires that: "For restoration and ecosystem protection projects funded pursuant to this chapter, the services of the California Conservation Corps or a local conservation corps certified by the California Conservation Corps ***shall be used whenever feasible***" (see [Section 5](#)).

4.4 Signage

To the extent practicable, projects funded by Proposition 1 should include signage informing the public that the project received funds from the OPC and from the Water Quality, Supply, and Infrastructure Improvement Act of 2014 and should display the official Prop 1 logo (CWC §79707[g]). This requirement will be addressed in the grant agreement.

4.5 Grant Provisions

Following Council's approval of a grant, staff will prepare a grant agreement with detailed conditions specific to the project. The grant agreement must be signed by the grantee before funds will be disbursed. Several typical grant agreement provisions are:

- Actual awards are conditional upon funds being available from the state
- Grantees must submit a detailed project work program and budget
- Grant funds will only be paid in arrears on a reimbursement basis
- Grantees may be required to reimburse the OPC for some or all of the disbursed grant funds if the project is not completed
- Grantees must have liability insurance
- Up to 10% of each invoice will be withheld in order to ensure timely completion of all grant deliverables. The 10% will be paid upon confirmed receipt of all grant deliverables.

4.6 Environmental Documents and Permitting

Activities funded under this grant program must be in compliance with applicable State and federal laws and regulations, including the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), and other environmental permitting requirements. Grant applicants should consider whether their proposed project will trigger the need for an environmental impact report or negative declaration or whether a CEQA exemption applies. The applicant is responsible for receiving and fulfilling all permitting requirements. How CEQA applies and the status of CEQA compliance must be addressed in the grant application. The applicant is solely responsible for project compliance and proposals may include in their budgets the funding necessary for compliance related tasks.

No project will be approved until CEQA is complete, and OPC reserves the right to require modification to design, additional mitigation, and to ultimately find the project is not consistent with its program, and therefore remove it from the list of potentially eligible proposal for funding.

4.7 Project Monitoring and Reporting

All grant applications must include a monitoring and reporting component that explains how the effectiveness of the project will be measured and reported. The plan should include a list of project specific performance measures that will be used to assess project outcomes/trajectories, and should provide sufficient detail of how these performance measures will be quantified and assessed to allow an evaluation of the effectiveness of the proposed action(s) at achieving the stated objectives.

Each proposal must also include a description of the processes through which data will be collected, stored, managed in the long term if applicable, and disseminated to participants, stakeholders, public, and the State. Data may include, but are not limited to technical information such as designs, feasibility studies, reports, and information gathered for a specific project in any phase of development including the planning, design, construction, operation, and monitoring of a project.

If required by the project, water quality monitoring data shall be collected and reported to the SWRCB in a manner that is compatible and consistent with surface water monitoring or groundwater data systems administered by the SWRCB (e.g., California Environmental Data Exchange Network [CEDEN] for surface water data) (CWC §79704). Any watershed monitoring data shall be collected and reported to the Department of Conservation in a manner that is compatible and consistent with the statewide watershed program administered by the Department of Conservation (CWC§79704). Additional specifications concerning data management and quality assurance/quality control may be stipulated within each solicitation.

All project applicants should identify in their proposal any statewide data management system(s) their data may be integrated into and through what mechanisms that will occur. If alternate methods are going to be used that do not allow the integration of data into existing statewide systems, a thorough explanation of the reason for this should be provided.

All Grantees will be required to provide periodic progress reports and a final report. Specific guidance on performance measures, data management, reporting and monitoring requirements desired by OPC or required by law will be provided in each solicitation or the grant agreement. The monitoring and reporting component will vary depending on the nature of the project. The grant application evaluation will assess the robustness of the proposed monitoring program. In addition, OPC staff will work with grantees to develop appropriate monitoring and reporting templates and procedures.

OPC staff encourages project applicants to apply multi-disciplinary indicators/benchmarks/metrics and holistic monitoring strategies to assess a project's effectiveness in increasing ecosystems' well-being based on their own intrinsic value (i.e. past their immediate utility to humans), which will better evaluate the extent to which proposed projects advance ocean health overall. In the future, OPC staff plans to coordinate a unified approach for developing evaluation criteria and monitoring requirements for projects that contribute towards an adopted policy goal, grounded in science, of "ocean health."

4.8 Human Right to Water

The OPC has done an assessment of the Human Right to Water (CWC§106.3) and has determined that it is not necessary to consider the provisions of the Human Right to Water provisions in Prop 1 grant guidelines because the OPC does not focus on the provision of fresh water.

Section 5. Provisions regarding the California Conservation Corps and Certified Community Conservation Corps

Division 26.7 of the Water Code, Chapter 6, Section 79734 requires that: “For restoration and ecosystem protection projects funded pursuant to this chapter, the services of the California Conservation Corps or a local conservation corps certified by the California Conservation Corps ***shall be used whenever feasible.***”

Because of the mandatory nature of the foregoing provision, applicants for funds to complete restoration and ecosystem protection projects shall consult with representatives of the California Conservation Corps (CCC) AND CALCC (the entity representing the certified community conservation corps) (collectively, “the Corps”) to determine the feasibility of the Corps participation. Unless otherwise exempted, applicants that fail to engage in such consultation should not be eligible to receive Chapter 6 funds. Therefore, to ensure that entities allocating Prop 1 funds do so in compliance with Chapter 6’s Corps participation language, the CCC and CALCC have developed the following consultation process for inclusion in Prop 1 – Chapter 6 project and/or grant program guidelines:

- Step 1: Prior to submittal of an application or project plan to the Funder, Applicant prepares the following information for submission to both the California Conservation Corps (CCC) and CALCC (who represents the certified community conservation corps):
- ☐ Project Title
 - ☐ Project Description (identifying key project activities and deliverables)
 - ☐ Project Map (showing project location)
 - ☐ Project Implementation estimated start and end dates
- Step 2: Applicant submits the foregoing information via email concurrently to the CCC and CALCC representatives:
- California Conservation Corps representative:
Name: CCC Prop 1 Coordinator Email: Prop1@ccc.ca.gov
Phone: (916) 341-3100
- California Association of Local Conservation Corps representative:
Name: Crystal Muhlenkamp Email: inquiry@prop1communitycorps.org
Phone: 916-426-9170 ext. 0
- Step 3: Within five (5) business days of receiving the project information, the CCC and CALCC representatives will review the submitted information, contact the applicant if necessary, and respond to the applicant with a Corps Consultation Review Document (see **Appendix B**) informing them:

- (1) It is NOT feasible for CCC and/or certified community conservation corps services to be used on the project; or

- (2) It is feasible for the CCC and/or certified community conservation corps services to be used on the project and identifying the aspects of the project that can be accomplished with Corps services.

Note: While the Corps will take up to 5 days to review projects, applicants are encouraged to contact the CCC/CALCC representatives to discuss feasibility early in the project development process.

The Corps cannot guarantee a compliant review process for applicants who submit project information fewer than 5 business days before a deadline.

- Step 4: Applicant submits application to Funder that includes Corps Consultation Review Document.
- Step 5: Funder reviews applications. Applications that do not include documentation demonstrating that the Corps have been consulted will be deemed “noncompliant” and will not be considered for funding.

NOTES:

1. The Corps already have determined that it is not feasible to use their services on restoration and ecosystem protection projects that solely involve either planning or acquisition. Therefore, applicants seeking funds for such projects are exempt from the consultation requirement and should check the appropriate box on the Consultation Review Document (see Appendix B).
2. An applicant that has been awarded funds to undertake a project where it has been determined that Corps services can be used must thereafter work with either the CCC or CALCC to develop a scope of work and enter into a contract with the appropriate Corps. Unless otherwise excused, failure to utilize a Corps on such a project will result in Funding Entities assessing a scoring penalty on the applicant’s future applications for Chapter 6 Funds.

Appendices

Appendix A: Chapter 3 of Proposition 1

Definitions

79702. Unless the context otherwise requires, the definitions set forth in this section govern the construction of this division, as follows:

- (a) "Acquisition" means obtaining a fee interest or any other interest in real property, including, easements, leases, water, water rights, or interest in water obtained for the purposes of instream flows and development rights.
- (b) "CALFED Bay-Delta Program" means the program described in the Record of Decision dated August 28, 2000.
- (c) "Commission" means the California Water Commission.
- (d) "Committee" means the Water Quality, Supply, and Infrastructure Improvement Finance Committee created by Section 79787.
- (e) "Delta" means the Sacramento-San Joaquin Delta, as defined in Section 85058.
- (f) "Delta conveyance facilities" means facilities that convey water directly from the Sacramento River to the State Water Project or the federal Central Valley Project pumping facilities in the south Delta.
- (g) "Delta counties" means the Counties of Contra Costa, Sacramento, San Joaquin, Solano, and Yolo.
- (h) "Delta plan" has the meaning set forth in Section 85059.
- (i) "Director" means the Director of Water Resources.
- (j) "Disadvantaged community" has the meaning set forth in subdivision (a) of Section 79505.5, as it may be amended.
- (k) "Economically distressed area" means a municipality with a population of 20,000 persons or less, a rural county, or a reasonably isolated and divisible segment of a larger municipality where the segment of the population is 20,000 persons or less, with an annual median household income that is less than 85 percent of the statewide median household income, and with one or more of the following conditions as determined by the department: (1) Financial hardship. (2) Unemployment rate at least 2 percent higher than the statewide average. (3) Low population density.
- (l) "Fund" means the Water Quality, Supply, and Infrastructure Improvement Fund of 2014 created by Section 79715.
- (m) "Instream flows" means a specific streamflow, measured in cubic feet per second, at a particular location for a defined time, and typically follows seasonal variations.
- (n) "Integrated regional water management plan" has the meaning set forth in Part 2.2 (commencing with Section 10530) of Division 6, as that part may be amended.
- (o) "Long-term" means for a period of not less than 20 years.
- (p) "Nonprofit organization" means an organization qualified to do business in California and qualified under Section 501(c)(3) of Title 26 of the United States Code.
- (q) "Proposition 1E" means the Disaster Preparedness and Flood Prevention Bond Act of 2006 (Chapter 1.699 (commencing with Section 5096.800) of Division 5 of the Public Resources Code).
- (r) "Proposition 84" means the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
- (s) "Public agency" means a state agency or department, special district, joint powers authority, city, county, city and county, or other political subdivision of the state.
- (t) "Rainwater" has the meaning set forth in subdivision (c) of Section 10573.
- (u) "Secretary" means the Secretary of the Natural Resources Agency.
- (v) "Severely disadvantaged community" has the meaning set forth in subdivision (a) of Section 116760.20 of the Health and Safety Code.

(w) "Small community water system" means a community water system that serves no more than 3,300 service connections or a yearlong population of no more than 10,000 persons.

(x) "State board" means the State Water Resources Control Board.

(y) "State General Obligation Bond Law" means the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code).

(z) "State small water system" has the meaning set forth in subdivision (n) of Section 116275 of the Health and Safety Code.

(aa) "Stormwater" has the meaning set forth in subdivision (e) of Section 10573.

(ab) "Water right" means a legal entitlement authorizing water to be diverted from a specified source and put to a beneficial, nonwasteful use.

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Appendix B: Chapter 6 of Proposition 1

Protecting Rivers, Lakes, Streams, Coastal Waters, and Watersheds

79730.

The sum of one billion four hundred ninety-five million dollars (\$1,495,000,000) shall be available, upon appropriation by the Legislature from the fund, in accordance with this chapter, for competitive grants for multibenefit ecosystem and watershed protection and restoration projects in accordance with statewide priorities.

79731.

Of the funds authorized by Section 79730, the sum of three hundred twenty-seven million five hundred thousand dollars (\$327,500,000) shall be allocated for multibenefit water quality, water supply, and watershed protection and restoration projects for the watersheds of the state in accordance with the following schedule:

- (a) Baldwin Hills Conservancy, ten million dollars (\$10,000,000).
 - (b) California Tahoe Conservancy, fifteen million dollars (\$15,000,000).
 - (c) Coachella Valley Mountains Conservancy, ten million dollars (\$10,000,000).
 - (d) Ocean Protection Council, thirty million dollars (\$30,000,000).
 - (e) San Diego River Conservancy, seventeen million dollars (\$17,000,000).
 - (f) San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, thirty million dollars (\$30,000,000).
 - (g) San Joaquin River Conservancy, ten million dollars (\$10,000,000).
 - (h) Santa Monica Mountains Conservancy, thirty million dollars (\$30,000,000).
 - (i) Sierra Nevada Conservancy, twenty-five million dollars (\$25,000,000).
 - (j) State Coastal Conservancy, one hundred million five hundred thousand dollars (\$100,500,000).
- Eligible watersheds for the funds allocated pursuant to this subdivision include, but are not limited to, those that are in the San Francisco Bay Conservancy region, the Santa Ana River watershed, the Tijuana River watershed, the Otay River watershed, Catalina Island, and the central coast region.
- (k) Sacramento-San Joaquin Delta Conservancy, fifty million dollars (\$50,000,000).

79732.

(a) In protecting and restoring California rivers, lakes, streams, and watersheds, the purposes of this chapter are to:

- (1) Protect and increase the economic benefits arising from healthy watersheds, fishery resources, and instream flow.
- (2) Implement watershed adaptation projects in order to reduce the impacts of climate change on California's communities and ecosystems.
- (3) Restore river parkways throughout the state, including, but not limited to, projects pursuant to the California River Parkways Act of 2004 (Chapter 3.8 (commencing with Section 5750) of Division 5 of the Public Resources Code), in the Urban Streams Restoration Program established pursuant to Section 7048, and urban river greenways.
- (4) Protect and restore aquatic, wetland, and migratory bird ecosystems, including fish and wildlife corridors and the acquisition of water rights for instream flow.
- (5) Fulfill the obligations of the State of California in complying with the terms of multiparty settlement agreements related to water resources.
- (6) Remove barriers to fish passage.
- (7) Collaborate with federal agencies in the protection of fish native to California and wetlands in the central valley of California.

(8) Implement fuel treatment projects to reduce wildfire risks, protect watersheds tributary to water storage facilities, and promote watershed health.

(9) Protect and restore rural and urban watershed health to improve watershed storage capacity, forest health, protection of life and property, stormwater resource management, and greenhouse gas reduction.

(10) Protect and restore coastal watersheds, including, but not limited to, bays, marine estuaries, and nearshore ecosystems.

(11) Reduce pollution or contamination of rivers, lakes, streams, or coastal waters, prevent and remediate mercury contamination from legacy mines, and protect or restore natural system functions that contribute to water supply, water quality, or flood management.

(12) Assist in the recovery of endangered, threatened, or migratory species by improving watershed health, instream flows, fish passage, coastal or inland wetland restoration, or other means, such as natural community conservation plan and habitat conservation plan implementation.

(13) Assist in water-related agricultural sustainability projects.

(b) Funds provided by this chapter shall only be used for projects that will provide fisheries or ecosystem benefits or improvements that are greater than required applicable environmental mitigation measures or compliance obligations.

79733.

Of the funds made available by Section 79730, the sum of two hundred million dollars (\$200,000,000) shall be administered by the Wildlife Conservation Board for projects that result in enhanced stream flows.

79734.

For restoration and ecosystem protection projects under this chapter, the services of the California Conservation Corps or a local conservation corps certified by the California Conservation Corps shall be used whenever feasible.

79735.

(a) Of the funds authorized by Section 79730, one hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, for projects to protect and enhance an urban creek, as defined in subdivision (e) of Section 7048, and its tributaries, pursuant to Division 22.8 (commencing with Section 32600) of, and Division 23 (commencing with Section 33000) of, the Public Resources Code and Section 79508.

(b) (1) Of the funds authorized by Section 79730, twenty million dollars (\$20,000,000) shall be made available to the secretary for a competitive program to fund multibenefit watershed and urban rivers enhancement projects in urban watersheds that increase regional and local water self-sufficiency and that meet at least two of the following objectives:

(A) Promote groundwater recharge and water reuse.

(B) Reduce energy consumption.

(C) Use soils, plants, and natural processes to treat runoff.

(D) Create or restore native habitat.

(E) Increase regional and local resiliency and adaptability to climate change.

(2) The program under this subdivision shall be implemented by state conservancies, the Wildlife Conservation Board, the state board, or other entities whose jurisdiction includes urban watersheds, as designated by the secretary. Projects funded under the program shall be a part of a plan developed jointly by the conservancies, the Wildlife Conservation Board, the state board, or other designated entities in consultation with the secretary.

(c) At least 25 percent of the funds available pursuant to this section shall be allocated for projects that benefit disadvantaged communities.

(d) Up to 10 percent of the funds available pursuant to this section may be allocated for project planning.

79736.

Of the funds authorized by Section 79730, four hundred seventy-five million dollars (\$475,000,000) shall be available to the Natural Resources Agency to support projects that fulfill the obligations of the State of California in complying with the terms of any of the following:

(a) Subsection (d) of Section 3406 of the Central Valley Project Improvement Act (Title 34 of Public Law 102-575).

(b) Interstate compacts set forth in Section 66801 of the Government Code pursuant to Title 7.42 (commencing with Section 66905) of the Government Code.

(c) Intrastate or multiparty water quantification settlement agreement provisions, including ecosystem restoration projects, as set forth in Chapters 611, 612, 613, and 614 of the Statutes of 2003.

(d) The settlement agreement referenced in Section 2080.2 of the Fish and Game Code.

(e) Any intrastate or multiparty settlement agreement related to water acted upon or before December 31, 2013. Priority shall be given to projects that meet one or more of the following criteria:

(1) The project is of statewide significance.

(2) The project restores natural aquatic or riparian functions, or wetlands habitat for birds and aquatic species.

(3) The project protects or promotes the restoration of endangered or threatened species.

(4) The project enhances the reliability of water supplies on a regional or interregional basis.

(5) The project provides significant regional or statewide economic benefits.

79737.

(a) Of the funds authorized by Section 79730, two hundred eighty-five million dollars (\$285,000,000) shall be available to the Department of Fish and Wildlife for watershed restoration projects statewide in accordance with this chapter.

(b) For the purposes of this section, watershed restoration includes activities to fund coastal wetland habitat, improve forest health, restore mountain meadows, modernize stream crossings, culverts, and bridges, reconnect historical flood plains, install or improve fish screens, provide fish passages, restore river channels, restore or enhance riparian, aquatic, and terrestrial habitat, improve ecological functions, acquire from willing sellers conservation easements for riparian buffer strips, improve local watershed management, and remove sediment or trash.

(c) For any funds available pursuant to this section that are used to provide grants under the Fisheries Restoration Grant Program, a priority shall be given to coastal waters.

(d) In allocating funds for projects pursuant to this section, the Department of Fish and Wildlife shall only make funds available for water quality, river, and watershed protection and restoration projects of statewide importance outside of the Delta.

(e) Funds provided by this section shall not be expended to pay the costs of the design, construction, operation, mitigation, or maintenance of Delta conveyance facilities.

(f) Funds provided by this section shall only be used for projects that will provide fisheries or ecosystem benefits or improvements that are greater than required applicable environmental mitigation measures or compliance obligations, except for any water transfers for the benefit of subsection (d) of Section 3406 of the Central Valley Project Improvement Act (Title 34 of Public Law 102-575).

79738.

(a) Of the funds authorized by Section 79730, eighty-seven million five hundred thousand dollars (\$87,500,000) shall be available to the Department of Fish and Wildlife for water quality, ecosystem restoration, and fish protection facilities that benefit the Delta, including, but not limited to, the following:

(1) Projects to improve water quality or that contribute to the improvement of water quality in the Delta, including projects in Delta counties that provide multiple public benefits and improve drinking and agricultural water quality or water supplies.

(2) Habitat restoration, conservation, and enhancement projects to improve the condition of special status, at risk, endangered, or threatened species in the Delta and the Delta counties, including projects to eradicate invasive species, and projects that support the beneficial reuse of dredged material for habitat restoration and levee improvements.

(3) Scientific studies and assessments that support the Delta Science Program, as described in Section 85280, or projects under this section.

(b) In implementing this section, the department shall coordinate and consult with the Delta city or Delta county in which a grant is proposed to be expended or an interest in real property is proposed to be acquired.

(c) Acquisitions pursuant to this section shall be from willing sellers only.

(d) In implementing this section state agencies shall prioritize wildlife conservation objectives through projects on public lands or voluntary projects on private lands, to the extent feasible.

(e) Funds available pursuant to this section shall not be used to acquire land via eminent domain.

(f) Funds available pursuant to this section shall not be expended to pay the costs of the design, construction, operation, mitigation, or maintenance of Delta conveyance facilities.

Appendix C: Proposition 1-Water Bond Corps Consultation Review Document

February 23, 2015 Version

Unless an exempted project, this Corps Consultation Review Document must be completed by California Conservation Corps and Community Conservation Corps staff and accompany applications for projects or grants seeking funds through Proposition 1, Chapter 6, Protecting Rivers, Lakes, Streams, Coastal Waters and Watersheds. Non-exempt applications that do not include this document demonstrating that the Corps have been consulted will be deemed “noncompliant” and will not be considered for funding.

1. Name of Applicant:

Project Title:

To be completed by Applicant:

Is this application solely for planning or acquisition?

- ☐ Yes (application is exempt from the requirement to consult with the Corps)
- ☐ No (proceed to #2)

To be completed by Corps:

This Consultation Review Document is being prepared by:

- ☐ The California Conservation Corps (CCC)
- ☐ California Association of Local Conservation Corps (CALCC)

2. Applicant has submitted the required information by email to the California Conservation Corps (CCC) and California Association of Local Conservation Corps (CALCC):

- ☐ Yes (applicant has submitted all necessary information to CCC and CALCC)
- ☐ No (applicant has not submitted all information or did not submit information to both Corps – application is deemed non-compliant)

3. After consulting with the project applicant, the CCC and CALCC has determined the following:

- ☐ It is NOT feasible for CCC and/or certified community conservation corps services to be used on the project (deemed compliant)
- ☐ It is feasible for the CCC and/or certified community conservation corps services to be used on the project and the following aspects of the project can be accomplished with Corps services (deemed compliant).

CCC AND CALCC REPRESENTATIVES WILL RETURN THIS FORM AS DOCUMENTATION OF CONSULTATION BY EMAIL TO APPLICANT WITHIN FIVE (5) BUSINESS OF RECEIPT AS VERIFICATION OF CONSULTATION. APPLICANT WILL INCLUDE COPY OF THIS DOCUMENT AS PART OF THE PROJECT APPLICATION.

Appendix D: Useful Web Links

California OPC Website: <http://www.opc.ca.gov/>

Proposition 1: http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_1451-1500/ab_1471_bill_20140813_chaptered.pdf

California OPC Strategic Plan 2012-2017: http://www.opc.ca.gov/webmaster/ftp/pdf/2012-strategic-plan/OPC_042412_final_opt.pdf

California Ocean Protection Act: <http://www.opc.ca.gov/california-ocean-protection-act/>

California Natural Resources Agency Bond Accountability Website:
<http://bondaccountability.resources.ca.gov/p1.aspx>

California Water Action Plan:
http://resources.ca.gov/docs/california_water_action_plan/CA_WAP_Impl_Rpt-150130.pdf

California Department of Water Resources Disadvantaged Communities:
<http://gis.water.ca.gov/app/dacs/>

State of CA Sea-level Rise Guidance Document:
http://www.opc.ca.gov/webmaster/ftp/pdf/docs/2013_SLR_Guidance_Update_FINAL1.pdf

OPC Resolution of Sea-level Rise:
http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20140827/Item5_OPC_Aug2014_Exhibit_1_Safeguarding_Resolution_ADOPTED.pdf

Safeguarding California Plan: <http://resources.ca.gov/climate/safeguarding/>

OPC Resolution on Implementation of the Safeguarding California Plan:
http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20140827/Item5_OPC_Aug2014_Exhibit_1_Safeguarding_Resolution_ADOPTED.pdf

Appendix E: Template Letter of Intent

See [Section 3.5](#) regarding criteria for scoring Letters of Intent

-Will be attached in the future-

DRAFT



735 B Center Blvd
Fairfax, CA 94930
415-259-0334 phone
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August 17, 2015

SUBJECT: San Francisco Bay Joint Venture (SFBJV) Comments on Ocean Protection Council Prop. 1 Draft Guidelines

To whom it concerns:

MANAGEMENT BOARD:

*Bay Area Audubon Council
Bay Area Open Space Council
Bay Planning Coalition
Citizens Committee to
Complete the Refuge
Ducks Unlimited
National Audubon Society
Point Blue Conservation Science
Pacific Gas & Electric Company
Save the Bay
The Bay Institute*

Ex-Officio Members:

*Bay Conservation &
Development Commission
California Department
of Fish and Wildlife
California Resources Agency
Coastal Region, Mosquito &
Vector Control Districts
National Fish and Wildlife
Foundation
National Marine Fisheries
Service
Natural Resources
Conservation Service
San Francisco Estuary Project
SF Bay Regional Water Quality
Control Board
State Coastal Conservancy
U.S. Army Corps of Engineers
U.S. Environmental
Protection Agency
U.S. Fish & Wildlife Service
U.S. Geological Survey
Wildlife Conservation Board*

I am writing on behalf of members of the San Francisco Bay Joint Venture (SFBJV) to provide our collective input on the Ocean Protection Council's (OPC) draft guidelines for Prop. 1 funding. We eagerly anticipate the adoption of the guidelines and release of funds that will support coastal and estuarine restoration and improvement to water quality as specified under Prop. 1. The thoughtful process that the OPC is proposing demonstrates the OPC's commitment to marine and estuarine restoration as well as to evaluating the impacts of project delivery and meet the goals of the OPC as well as the requirements of voter-approved language specified in Prop. 1.

Specific SFBJV Recommendations

The SFBJV would like to offer the following specific comments that will ensure that projects of mutual interest can be funded under Prop.1 in a timely way.

Sections 2.4-2.5 Eligibility

It is well-documented that the waters of San Francisco Bay, its wetlands, watershed, and nearby coastal marshes are some of the most biologically important wetlands on the continent. The OPC guidelines also acknowledge the importance of the region. Much of the coastal wetland protection and restoration that is occurring in California is in the Bay Area, including the estuaries of the nearby outer coast. All types of wetland and stream habitats in the region are being restored for the benefit of fish, birds, and other wildlife at a scale unprecedented anywhere else in the State. Vast tracts of wetland acreage are currently being restored, and state, federal, and private funders have made large investments habitat protection, restoration, enhancement on a landscape scale in San Francisco Bay and its coastal watersheds. Prioritizing funding into the Bay and also noting the importance of the nearby outer coastal estuaries will connect habitats, build on successful projects, complete those currently in the planning phases, and clean up those that are currently impaired. We would like to see projects in the region reflected in the scoring.

Sections 3.3-3.8 - Letter of Intent, Screening, and Full Proposals

Two Joint Ventures (San Francisco Bay and the Pacific Birds Joint Venture) and portions of the Sonoran Joint Venture cover much of the State of California, and the Southern California Wetlands Recovery Program (SCWRP) fills a similar role in Southern California. As a result of strong

partnerships, Joint Venture projects are well-vetted, have strong stakeholder involvement, are science-based, and have been coordinated through the state and federal regulatory processes. By leveraging partnerships and collectively working through challenges and potential disputes, Joint Ventures have the ability to identify and promote those projects that are the best-placed, have the highest habitat values, and most likely to succeed.

The SFBJV tracks projects in all stages of planning and permitting. "Ready to go" projects have or will soon be permitted, will have the majority of funding and a monitoring plan in place, and will deliver on Joint Venture goals and other regional plans, thereby demonstrating success for Prop. 1. Prioritizing projects that meet Joint Venture and SCWRP goals and priorities and have been well-vetted by scientists and restoration practitioners can lend credibility to the selection process and can be formalized by awarding points to such projects.

Section 4.6 – Environmental Documentation

This section specifies that "**No** project will be approved until CEQA is complete". Unfortunately, in the case of some complex but every valuation projects, environmental compliance takes longer than originally envisioned. This requirement may be restrictive to the point that a project may lose the opportunity to apply in one or more grant cycles, particularly if cycles are not continuous. This could also lead to losing valuable "match" funding while awaiting OPC funding.

We would like to suggest language that specifies that environmental compliance must be in process and the applicant will identify a date within the grant cycle when permits are expected. Release of funds will be dependent upon compliance.

Other Comments

While we recognize that the OPC has limited funding by comparison with other Chapter 6 agencies and programs, we want to ensure that funds are available and timed for release when valuable projects are "ready to go". Therefore, we recommend quarterly or ongoing RFP's to help ensure that projects can be delivered in a timely way and important "match" from other funding sources is not lost. Larger scale restoration projects require leveraging funding from multiple sources and need to be completed within a window of time to avoid losing "match".

We recommend:

- developing a process that will time funding with need rather than with a calendar.
- diversifying the life-cycle of projects to ensure different timing with different phase of larger projects.

Thank you again for the opportunity to provide input into the OPC's Prop. 1 guidelines. If you have questions about our comments and the work of the SFBJV, please contact our Coordinator, Beth Huning. We look forward to continuing our collaboration with the OPC to deliver coastal and estuarine habitat conservation projects that will demonstrate the success of Prop. 1.

Sincerely,



Anne Morkill
Chair

Cc: SFBJV Management Board



MARGARET LEINEN
DIRECTOR
SCRIPPS INSTITUTION OF OCEANOGRAPHY

9500 GILMAN DRIVE
LA JOLLA, CALIFORNIA 92093-0210
TEL: (858) 534-2827
FAX: (858) 453-0167

August 21, 2015

Attention: Nick Sadrpour
The Ocean Protection Council
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Dear Ocean Protection Council,

Thank you for accepting and considering comments on the Draft Proposition 1 Grant Guidelines. UC San Diego's Scripps Institution of Oceanography and the Ocean Protection Council (OPC) have a long and productive history of collaboration, and on behalf of Scripps' academia, I appreciate the opportunity to provide input.

The goals of Prop 1 to provide more reliable water supplies, restore important species and habitat, and develop a more resilient and sustainable managed water system for California are shared by Scripps. The Draft Grant Guidelines provide an excellent opportunity for protecting, conserving, and maintaining healthy coastal and ocean ecosystems for all California residents.

Scripps appreciates your consideration of the following comments:

1. Remove language that requires projects to have relevance to freshwater, especially with regards to the Key Issue of Sea-level Rise.
 - a. Allows projects across the broader State.
2. Improve upon the Key Issue of Coastal and Ocean Water Quality Impacts—Reduction of pollution and contaminants from sources including stormwater, non-point source discharges, agricultural runoff, etc.
 - a. Can be expanded to include methods that reduce 'wastage' of stormwater (and other freshwaters like grey water) through storage and infiltration
 - b. *Suggested wording:* Improved storage, infiltration, and reduction of pollution and contaminants from upstream freshwater sources including stormwater, grey water, non-point source discharges, agricultural runoff, etc.
3. Improve upon the Key Issue of Marine Debris—Measurable reduction of marine debris
 - a. Draft wording can recognize that we do not understand how much marine debris there is in coastal California waters, the coastal regions that are most influenced by debris, whether the materials are discharged principally at point or non-point sources, what the size distribution is of marine debris particles (which is fundamental to understanding their effects on organisms), and the types of organisms that ingest these particles in the natural ocean environment.

- b. *Suggested wording:* Marine Debris - Measureable reduction of marine debris; Characterization of coastal sources and sinks of marine debris; Quantifying the impact of marine debris on marine organisms
 - c. *Suggested wording:* 2.5 Examples of projects that meet the requirements and priorities set forth in these guidelines – Projects that develop stormwater capture systems that reduce marine debris, reduce non-point source pollution, and allow for the storage of freshwater. Projects that identify sources of marine debris in the coastal ocean.
4. Highlight the importance of estuaries as they are directly impacted by both water resources and the ocean.

Again, thank you for the opportunity to submit these comments and I look forward to continuing our productive relationship.

Sincerely,

A handwritten signature in blue ink that reads "Margaret Leinen". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Margaret Leinen
Director, Scripps Institution of Oceanography
Vice Chancellor for Marine Sciences, UC San Diego

Cc: Kathleen Ritzman, Assistant Director, Scripps Institution of Oceanography



PO Box 751
Somes Bar, CA 95568
(530) 627-3311
info@klamathriver.org

August 21, 2015

Cat Kuhlman, Executive Director
Attn: Nick Sadrpour
The Ocean Protection Council
1416 Ninth Street, Suite 1311
Sacramento CA 95814
Sent via email: COPC.Prop1@resources.ca.gov

Re: Comments on Proposition 1 Draft Grant Program Guidelines

Dear Executive Director Kuhlman:

Thank you for the opportunity to comment on the California Ocean Protection Council's (OPC) Draft Proposition 1 Grant Program Guidelines. As you finalize the grant guidelines, please consider the following recommendations to improve coastal stream and river habitat.

Amend Scoring Criteria To Prioritize Instream Flow Restoration

The draft grant scoring criteria favor projects that promote more reliable water supplies and restore species and habitats. We request that you amend the scoring criteria to specifically favor projects that enhance water supplies for stream and river habitat, not out-of-stream water uses. This would support the goals of OPC and the California Water Action Plan and would promote climate resiliency of coastal streams and rivers.

Fund Instream Flow Studies Only When Study Recommendations Will Be Implemented

To date, many publicly funded instream flow studies have been completed, but the resulting recommendations have not been implemented. We urge OPC to only fund instream flow studies after the California Department of Fish and Wildlife and the State Water Resources Control Board have committed to implement the study recommendations. We also urge OPC to stipulate that any future instream flow studies produce flow recommendations necessary to fulfill key laws, including the federal and state Endangered Species Acts, the Public Trust Doctrine, and Fish and Game Code section 5937.

Do Not Fund Projects That Reduce Stream Flows

Water conservation projects can reduce stream flows when conserved water is consumed for off-stream uses. Therefore, we recommend that OPC only fund water conservation when conserved water is dedicated instream through enforceable, measureable, and preferably permanent, transactions.

Thank you for considering our comments. If you have any questions or concerns, please don't hesitate to contact me at 530.469.3218.

Sincerely,

Konrad Fisher, Executive Director

The guidelines do not require that competitive bidding occur. This is Public Money and should require the Public Contracting standards for non-governmental agencies.

Please correct.

Your Issue Areas include:

-Coastal and Ocean Water Quality Impacts

>Reduction of pollution and contaminants from sources including stormwater, non-point source discharges, agricultural runoff, etc

COMMENTS:

Stormwater is under an MS4 permit (NPDES) and is considered a sourcepoint. This is an outfall measurement and monitoring situation, so there must be an outfall at the coast. Is there such an outfall in the California system or are the outfalls into the flood control channels. If the flood control channels, then this issue may be limited to a few areas. Please clarify your meaning of stormwater.

Your Issue Areas include:

-Climate Change

*> **Sea-level Rise:** risk reduction and improvement in resiliency of the built environment and natural environment in the face of sea-level rise*

*> **Ocean Acidification and Hypoxia:** reduction of stressors to marine and estuarine ecosystems*

COMMENTS:

What baseline is being considered? You have no references to scientific data applicable to the region involved. This is a key issue in determining sea-level rise.

Modeling is an aspect subject to interpretation. That accurate scientific data must have a model with meaning and subject to review and correction.

What type of peer review are you considering?

You require:

Screening Criteria for Letters of Intent

Does the project meet at least one of the goals from the Water Action Plan?

- 1. More reliable water supplies*
- 2. Restoration of important species and habitat*
- 3. A more resilient, sustainably managed water resources system (water supply, water quality, flood protection and environment).*

COMMENTS:

It is not clear how this relates to the immediate project related to the ocean or if your intentions are for downstream benefits.

Joyce Dillard
P.O. Box 37377
Los Angeles, CA 90031