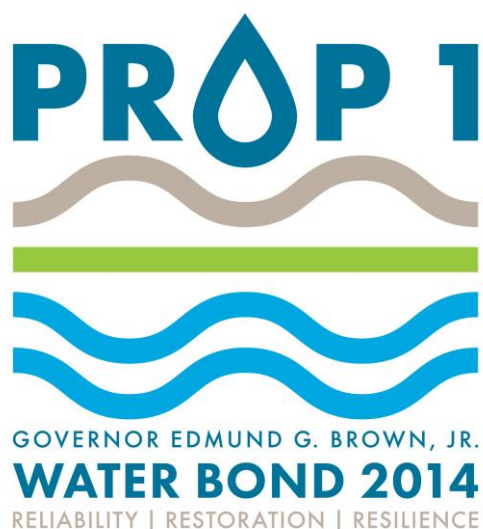




**Grant Guidelines**  
**Ocean Protection Council**  
**Proposition 1 Grant Program**

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



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## 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)<sup>1</sup> to meet their statutory goals<sup>2</sup>.

##### **-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 ~~anadromous~~ diadromous fish

##### **-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

### 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 meet 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.

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<sup>1</sup> [PRC § 36700-36900](#)

<sup>2</sup> [PRC § 36620](#)

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

[The OPC anticipate these funds to be distributed every other fiscal year. In fiscal year 2015/2016 the OPC was allocated \\$9.5 million. The OPC anticipate a similar allocation in fiscal year 2017/2018 and fiscal year 2019/2020.](#)

## 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](#).

[On May 21, 2015, the draft Prop 1 Guidelines were posted on the OPC’s website and the public comment period was open until August 21, 2015. OPC staff met the requirements of Prop 1 and held three public workshops on the grant guidelines throughout the state: June 24<sup>th</sup> in Sacramento, July 14<sup>th</sup> in Costa Mesa, and August 11<sup>th</sup> in Eureka. OPC also facilitated other outreach opportunities to gain input on the draft Prop 1 Guidelines as well as to have a dialogue regarding the program in general. OPC staff participated and presented at the June 9-10<sup>th</sup> Tribal Meeting on Proposition 1 in Sacramento coordinated by Department of Water Resources. To follow up on this meeting, OPC held a Prop 1 webinar for Tribal participation only on July 7<sup>th</sup>.](#)

[Prior to finalizing the guidelines, OPC will post the draft guidelines on its website \(\[www.opc.ca.gov\]\(http://www.opc.ca.gov\)\) 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 Applicant Eligibility

Applicants that are eligible for Prop 1 grant funding from the OPC are public agencies<sup>3</sup> (federal agencies are not considered public agencies) including public universities, 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).

-Public utilities: 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.

-Urban water suppliers: 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).

-Agricultural water suppliers: 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).

### **Applicant Capacity**

Through the application process (both the letter of intent and full proposal), the applicant will demonstrate it can adequately engage in the ongoing management and operation of the Pproject, and that its entire operating budget is not dependent upon the underlying grant. This showing should include but is not limited to:

- Its capacity to manage a state grant, including its fiscal system and expertise of staff dedicated to financial operations;
- Its ability to address cash flow and how the applicant will handle the process of reimbursement payments since the OPC will not directly advance any funds;
- Proof of qualified staff or contractors to carry out the project activities;
- Its record of success completing similar projects;
- The applicant's governing body with institutional history and any operating laws or procedures, and the commitment to see the project to completion.

## **2.3 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.

<sup>3</sup> 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.

Eligible planning grants are those that will lead to the successful design of implementation projects. These efforts may include project development, implementation strategy development, watershed assessments, and project-specific activities such as design, baseline data collection, permitting, and environmental review. Planning grants are intended to support the development of projects that are likely to qualify for future implementation funding. Other examples of eligible projects are those that fund construction of restoration and enhancement projects and new or enhanced facilities.

Proposition 1 funds are appropriated to the OPC with a maximum of five years for expenditure. Projects must be ready to start work and able to be completed within a maximum of five years<sup>4</sup>.

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.

The OPC has designated a minimum for grant proposals to be \$250,000. However, for disadvantaged communities as defined by DWR; a community with less than 80% of State's median income (California Water Code §79505.5a and §79735c), the OPC will consider an exemption to this minimum. DWR has developed an online map viewer<sup>5</sup> which enables the public to see the boundaries of the disadvantaged communities, based on census data including the American Community Survey. Communities are defined at different geographic scales, including county, census tract and census place.

## **2.4 Examples of Projects**

List 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.

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<sup>4</sup> The maximum project duration is 5 years from the time that the legislature appropriates the funds. However, in actuality, the project duration may be significantly less than 5 years depending upon the time required for the solicitation process, interval between OPC meetings, and the time required to execute a grant agreement.

<sup>5</sup> <http://gis.water.ca.gov/app/dacs/>

- Bonus if the discharge from stormwater has historically and measurably negatively impacted designated MMAs.
- Wetland restoration and protection projects at impaired watersheds that promote healthy nursery habitat for aquatic species and provide water quality improvements.
- Projects that remove barriers to anadromous diadromous fish passage in addition reduce water quality impacts to coastal waterways.
- Projects that prevent or reduce water pollution or contamination.
- Projects that protect and restore coastal watersheds (bays, estuaries, nearshore ecosystems) including those that restore ecological health and natural system connectivity, which will benefit local water systems and help defend against sea-level rise.

List 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.
- Projects that are purely ~~E~~ducational or training programs and do not have a capital asset associated with the project.
- Projects that do nothing but model, research, develop plans or planning tools, or gather data.
- Projects that fulfill a prior obligation including project mitigation or other obligations on the land such as obligations resulting from lease agreements.

## 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. 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.

Proposition 1 Proposed Grant Solicitation Schedule for First Round of Funding

Solicitation for Letters of Intent Released	October 2015
Letters of Intent Due	November 2015
Evaluation	November – December 2015
Selected Applications Solicited to Submit Full Proposal	January 2016

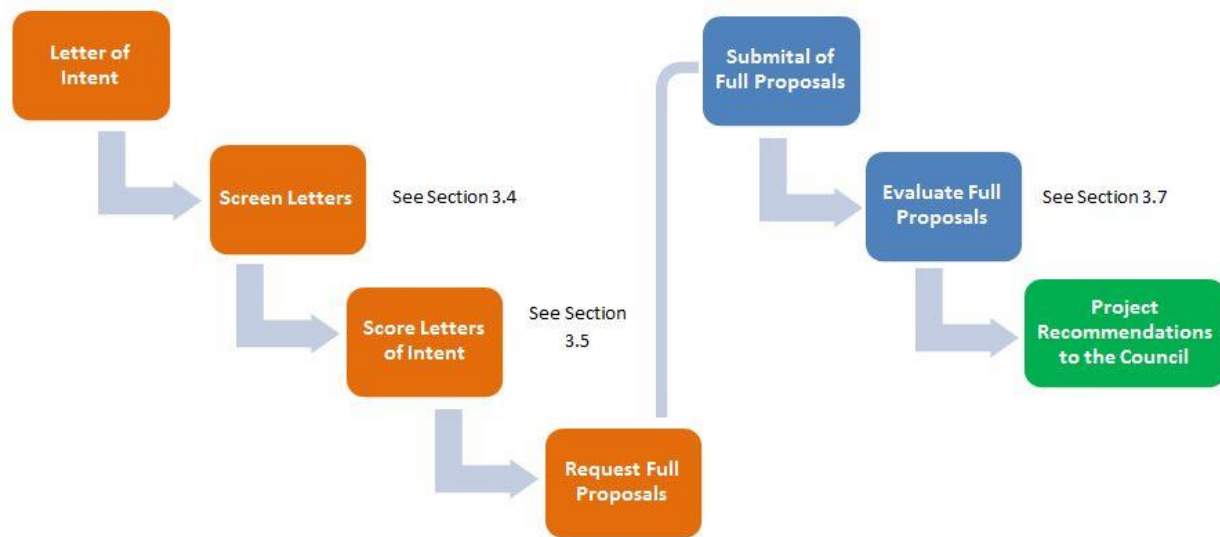


Full Proposals Due	March 2016
Full Proposals Evaluated	March – April 2016
<a href="#">Ocean Protection</a> Council Meeting	<del>Date to be determined</del> Late Spring/Summer 2016

### 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 D](#). 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 <sup>6</sup> (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 <a href="#">Appendix A</a>
Does the project address at least one of OPC's Key Issue Areas for Prop 1 Funding?	See <a href="#">Section 1.1</a>
Does the project fulfill a specific articulated mitigation required for a specific project?	Prop 1 funds <b>cannot</b> 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 S-13-08, 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?	
<a href="#">Is the project located in a county that abuts the coast or San Francisco Bay or provides direct and measurable environmental benefits to the Coastal Zone (CA PRC §30103)</a>	<a href="#">OPC intends to fund projects that will positively benefit California's ocean, coastal, and estuarine areas.</a>

<sup>6</sup> 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 and possibly other state and federal agency staff 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 2. Restoration of important species and habitat 3. A more resilient, sustainably managed water resources system (water supply, water quality, flood protection and environment).	15
Provides multiple benefits <del>(3 points each)</del> <u>including but not limited to</u> : 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 <u>6. Watershed and coastal habitat restoration</u> <u>7. Water quality improvement and protection</u> <u>Among others</u>  <u>Benefits will be evaluated based on the quantity of benefits as well as to the quality or extent the benefit improves or protects the aquatic environment. This evaluation will be based on a factored analysis by the technical review committee that considers qualitative and quantitative data provided by the Grantee, and relative value of the proposed benefits as compared to other proposals in the same solicitation period.</u>	15
Removes or <del>mitigates-reduces</del> 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.	<del>10</del> <u>15</u>
<del>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)</del>	<del>10</del>
Employs <del>new or innovative</del> <u>new, innovative, or proven technology technologies</u> or practices to improve the manner in which the state manages ocean and coastal resources. Applicant demonstrates how the proposed technologies and practices are innovative in comparison to similar projects and the current practices and technologies.	<del>7</del> <u>8</u>
Will deliver sustainable outcomes in the long-term. Applicant has realistic outcomes and outlines funding required to maintain successful outcomes in the long-term.	<del>7</del> <u>8</u>
Is ready to implement and the grantee or contractor will start and finish the project in a timely manner. Applicant demonstrates that <b>no</b> substantial information or time is needed before the project can begin.	<del>7</del> <u>8</u>
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.	<del>7</del> <u>8</u>

Demonstrate solutions that can be implemented regionally and/or statewide. Applicant describes possible locations where this project will help inform potential solutions.	78
<b>Total</b>	<b>100</b>

Bonus points:

Advances the management of individual MMAs or the statewide MMA network	1015
Advances <u>the resiliency of marine, estuarine, and diadromous fish populations and the human communities that depend upon them in the face of a changing climate.</u> <del>climate-ready marine, estuarine, and/or anadromous diadromous fisheries</del>	10
Project benefits disadvantaged communities (as defined by DWR <sup>7</sup> ; community with less than 80% of State's median income) (California Water Code §79505.5a and §79735c)	10

### 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~~ 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.

<sup>7</sup> <http://gis.water.ca.gov/app/dacs/>

### 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
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
<p><u>Provides multiple benefits including but not limited to:</u></p> <p><u>1.Reduction of GHG emissions or improved carbon sequestration</u></p> <p><u>2.Improved resiliency and adaptation to climate change</u></p> <p><u>3.Reduced pollution into waters of the state</u></p> <p><u>4.More resilient fisheries</u></p> <p><u>5.Healthier marine or estuarine ecosystems</u></p> <p><u>6. Watershed and coastal habitat restoration</u></p> <p><u>7. Water quality improvement and protection</u></p> <p><u>Among others</u></p> <p><u>Benefits will be evaluated based on the quantity of benefits as well as to the quality or extent the benefit improves or protects the aquatic environment. This evaluation will be based on a factored analysis by the technical review committee that considers qualitative and quantitative data provided by the Grantee, and relative value of the proposed benefits as compared to other proposals in the same solicitation period.-</u></p>	15
<u>Utilizes green infrastructure, natural systems, or systems that mimic natural systems.</u>	10
Removes or <del>reduces mitigates</del> 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
Is consistent with best available science. Applicant demonstrates how science used is up to date and appropriate <del>for projects</del> <u>for projects</u> 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 ( <u>Section 4.7 of these guidelines</u> ).	10
Contains technical/scientific merit. Project has a high likelihood to fulfill its stated goals and objectives. Determining project effectiveness is very feasible.	10
Has greater than local interest. Letters supporting the project come from outside of the project area.	10
Demonstrates that project has community support. Community members submit correspondence demonstrating their support of the project.	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). <u>Funds for completing an environmental review process such as CEQA are not considered matching funds.</u>	5
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Total **100125**

Bonus points:

Advances the management of individual MMAs or the statewide MMA network	<u>1015</u>
<u>Advances the resiliency of marine, estuarine, and diadromous fish populations and the human communities that depend upon them in the face of a changing climate. Advances climate ready marine, estuarine, and anadromous diadromous fisheries</u>	10
<u>Project benefits disadvantaged communities (as defined by DWR<sup>8</sup>; community with less than 80% of State's median income) (California Water Code §79505.5a and §79735c)</u>	<u>10</u>
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. OPC may reduce grant amounts from that requested.

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 approved the issuance of a grant at a public meeting. 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, the total amount of funding available for Prop 1 projects, the urgency of the project relative to the other eligible projects, the OPC's Key Issue Areas for Prop 1 Funding, and the OPC's Strategic Plan.

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

<sup>8</sup> <http://gis.water.ca.gov/app/dacs/>

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. Grant agreements are not executed until signed by both the authorized representative of the grant recipient and the OPC. Work performed prior to an executed grant agreement will not be reimbursed.

### **Typical Grant Agreement Conditions**

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. This means the grantee pays for services, products or supplies, submits and invoice that must be approved by the grant manager, and is then reimbursed by OPC.
- Generally, the OPC will only allow total grant administration costs (including indirect costs, CEQA, and overhead ) costs up to 25% of the whole grant amount  
—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.
- Grantees are typically responsible for operation, maintenance and monitoring of completed projects for 20 years



All OPC grantees should expect to be audited by the State of California. It is the grantees responsibility to maintain all necessary records to substantiate and document all payments made pursuant to an OPC grant. If a grantee cannot provide adequate records when they are audited, they may be required to repay grant funds. See Appendix F for additional state auditing requirements (refer to CWC §79708[b-c]).

The Grant Agreement describes these and other requirements in greater detail and will be the controlling document. If there are any questions about the Grant Agreement, discuss them with the OPC Project Manager. Close review of and compliance with the Grant Agreement is essential and is the grantee's responsibility.

### **Waiver of Sovereign Immunity**

For the limited purpose of enforcing any grant agreement developed pursuant to these guidelines, the governing entity of the Tribal government that has the authority to expressly waive immunity will be asked to approve a Waiver of Sovereign Immunity acceptable to the OPC before entering into a grant agreement

### **Land Tenure/Site Control**

Applicants for projects conducting on-the-ground work must submit documentation showing that they have adequate tenure to, and site control of, the properties to be improved or restored generally for 20 years.

Proof of adequate land tenure includes, but is not necessarily limited to:

- Fee title ownership.
- An easement or license agreement.
- Other legally enforceable license and agreement between the applicant and the fee title owner, or the owner of an easement in the property, sufficient to give the applicant adequate site control for the purposes of developing the project and long-term management.
- For projects involving multiple landowners, all landowners or an appointed designee must provide written permission to complete the project.

When an applicant does not have tenure at the time of proposal submission, but intends to establish tenure via an agreement that will be signed upon grant authorization, the applicant must submit a template copy of the proposed agreement, memorandum of understanding (MOU), or permission form at the time of proposal submission. Once a project has been awarded, the applicant must submit documentation of land tenure before a complete grant agreement can be executed and any funding can be expended.

OPC shall have access to the project site at least once every twelve months from the start date of the grant for 20 years, or an appropriate term negotiated prior to grant execution. This includes a final inspection of the project where OPC will determine if the work is consistent with the approved project scope and ensure compliance with the signage requirements

## 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.~~

### ~~4.2.1 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.

### ~~4.3.2 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](#)).

### ~~4.4.3 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 as well as the official OPC logo (CWC §79707[g]). If a project received points during the scoring process of the letter of intent and full proposal for benefits to MMAs, signage for the project will incorporate information regarding the MMA(s) the project is benefiting. This-These requirements 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.~~

#### **4.6.4 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.

Projects that are in the process of CEQA may apply; however, CEQA needs to be finalized before the full proposal is evaluated by the review committee. This date will be finalized in each solicitation period.

#### **4.7.5 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.

#### **4.8-6 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.

#### **4.7 Carbon Offset Projects on Acquired or Restored Lands**

Assuming there is some right or interest associated with the absorption by plants of carbon dioxide or other greenhouse gas emissions from the atmosphere, and its conversion to carbon stored in trees, sediment, water, and other vegetation and associated roots, surface duff, and organic elements in the soil, such rights or interest shall remain with the Property being restored or acquired through this program, (hereafter "Reserved Rights/ Interests"). OPC prefers and shall assume in the absence of information in a competitive application that Grantee shall take title to or otherwise acquire such rights or interests, and will then immediately retire all such Reserved Rights or Interests associated with or connected to Property or Restoration Project. However if they have stated such an intent in their original application, Grantees or any authorized successor in interest, may, during development of a written grant agreement, seek written permission from the Executive Director to create, own, hold, sell, exchange, transfer, trade, or gift any or all of the rights to carbon offset credits or Climate Reserve Tonnes (CRT's) issued by a third party entity such as the Climate Action Reserve, the Air Resources Board, or any other ecosystem service provider, or any or all similar rights that may exist now or in the future, that are appurtenant to or associated with the Property and attributable to the Reserved Rights ("Carbon Credits").

The exchange of Carbon Credits creates issues of additionality, as well as the potential for private gain from publicly funded grant projects, among other things. The OPC anticipates granting funds to acquire property or develop projects that include carbon sequestration benefits as one co-benefit, hence the requirement that any such potential rights or interests be obtained with site control and retired thereafter. Accordingly, the Executive Director may only authorize the creation and exchange of Carbon Credits for the offset of emissions elsewhere if all proceeds, or other in-kind values are to be used by grantee or grantee's successors in interest for the ongoing management and operation of the Property or the Project funded by OPC. Such carbon projects, and the requirements that the funds go back into the management of the Property or Project, will be expressly stated in conservation easement or other appropriate instrument, and is only allowable where to do so would not otherwise hinder the overall

Project's or Acquisition's competitive standing, and where such rights or interests are not part of the underlying program's anticipated conservation activity. In such cases, all revenues generated by the sale or transfer of Carbon Credits must be deposited back into a non-wasting trust for the benefit of ongoing management and operation of the Property being acquired or restored with grant dollars, and for any other exchange of value, the Executive Director will be required to certify that the Reserved Rights have been exchanged in proportional benefit to the Property or Project, and acceptable documentation must be provided that illustrates how the development of Carbon Credits for offsets is a result of management additional to the conservation planned for and underlying the benefit of the grant. Where appropriate, the Executive Director may, in addition to seeking a non-wasting trust for ongoing operation and management, request that the Grantee or its successor in interest, repay the grant at the legal rate of interest as dictated by the Office of the Treasurer. This repayment shall not result in abandonment or quit claim of any associated conservation easement acquired through the OPC program. In such instances where permission has been obtained for the sale of Carbon Credits, Grantee or its successor in interest shall ensure that the terms and conditions of all conservation easements incorporate the requirement for such potential proceeds to benefit the Property, and articulate that Reserved Rights/Interests which have been converted into Carbon Credits are encumbered by the easement.

## 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 forgoing information via email concurrently to the CCC and CALCC representatives:

California Conservation Corps representative:

Name: CCC Prop 1 Coordinator Email: [Prop1@ccc.ca.gov](mailto:Prop1@ccc.ca.gov)

Phone: (916) 341-3100

California Association of Local Conservation Corps representative:

Name: Crystal Muhlenkamp Email:

[inquiry@prop1communitycorps.org](mailto: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 BC**) 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.

## **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](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](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](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](http://www.opc.ca.gov/webmaster/ftp/pdf/docs/2013_SLR_Guidance_Update_FINAL1.pdf)

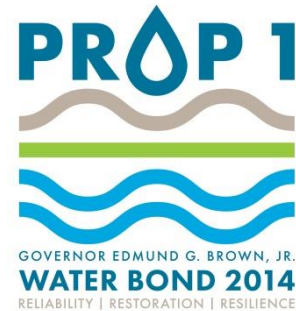
OPC Resolution of Sea-level Rise:  
[http://www.opc.ca.gov/webmaster/ftp/pdf/agenda\\_items/20140827/Item5 OPC Aug2014 Exhibit 1 Safeguarding Resolution ADOPTED.pdf](http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20140827/Item5 OPC Aug2014 Exhibit 1 Safeguarding Resolution ADOPTED.pdf)

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](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 Template

### Ocean Protection Council Proposition 1 Grant Funding



#### Section 1: General Information

<b>1.1</b> <u>Project Title</u>	<u>Provide a brief, descriptive project title.</u>
<b>1.2</b> <u>Applicant Name</u>	<u>The applicant is solely responsible to ensure all grant provisions are met.</u>
<b>1.3</b> <u>Contact Person</u>	<u>This person will be contacted regarding any technical and administrative questions for the project.</u>
<b>1.4</b> <u>Contact Person Information</u>	<u>Telephone:</u>  <u>Email:</u>  <u>Mailing Address:</u>
<b>1.5</b> <u>Organization Type</u>	<u>Please indicate if you are a</u> <input type="checkbox"/> <u>Public Agency</u> <input type="checkbox"/> <u>Nonprofit Organization</u> <input type="checkbox"/> <u>Public Utility*</u> <input type="checkbox"/> <u>State Indian Tribe listed on the Native American Heritage Commission's California Tribal Consultation List</u> <input type="checkbox"/> <u>Mutual Water Company*</u>  <u>*Public utilities and mutual water companies must describe a clear and definite public purpose and benefit to the customers of the water system:</u> <hr/> <hr/>
<b>1.6</b> <u>Nonprofit Organization</u>	<u>Is applicant qualified to do business in California and qualified under Section 501(c)(3).</u> <input type="checkbox"/> Yes <input type="checkbox"/> No <u>If yes, please provide 501(c)(3) nonprofit organization number:</u> <hr/>



<b><u>1.7</u></b> <b><u>Water</u></b> <b><u>Supplies</u></b>	<u>Check box where appropriate:</u> <input type="checkbox"/> Urban Water Management Plan (if Urban Water Supplier) <input type="checkbox"/> Agricultural Water Management Plan (if Agricultural Water Supplier) <input type="checkbox"/> Not Applicable
<b><u>1.8</u></b> <b><u>General</u></b> <b><u>Obligation</u></b> <b><u>Bond Law</u></b>	<u>Is your project consistent with general obligation bond law? Please explain. (see Government Code §16727)</u>
<b><u>1.9</u></b> <b><u>Prop 1</u></b> <b><u>Chapter 6</u></b>	<u>Does the project address at least one of the purposes of Prop 1 Chapter 6? (select all that apply)</u> <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 10 <input type="checkbox"/> 11 <input type="checkbox"/> 12 <input type="checkbox"/> 13
<b><u>1.10</u></b> <b><u>OPC's Key</u></b> <b><u>Issue Areas</u></b>	<u>Does the project address at least one of OPC's Key Issue Areas for Prop 1? (select all that apply)</u> <input type="checkbox"/> Marine Managed Areas <input type="checkbox"/> Coastal and Ocean Water Quality Impacts <input type="checkbox"/> Marine Debris <input type="checkbox"/> Innovative Marine and Estuarine Fisheries Management <input type="checkbox"/> Climate Change
<b><u>1.11</u></b> <b><u>Mitigation</u></b>	<u>Is the proposed project required mitigation or is it to be used for mitigation under laws such as CEQA, NEPA, CESA, ESA, CWA, or other pertinent laws and regulations, or a permit issued by any local, state or federal agency. If yes, project is ineligible.</u> <input type="checkbox"/> Yes <input type="checkbox"/> No

## **Section 2: Project Details**

<b><u>2.1</u></b> <b><u>Climate Change</u></b>	<u>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?</u> <input type="checkbox"/> Yes <input type="checkbox"/> No
	<u>If answered "Yes" to 2.1a, please explain how the following policies are incorporated or addressed 2.1a-2.1d.</u>
<b><u>2.1a</u></b> <b><u>Climate Change</u></b>	<u>Executive Order S-13-08</u>
<b><u>2.1b</u></b> <b><u>Climate Change</u></b>	<u>OPC Resolution on Sea-level Rise (March 2011)</u>

<b>2.1c</b> <u>Climate Change</u>	<u>OPC Resolution on Implementation of Safeguarding California Plan (August 2014)</u>
<b>2.1d</b> <u>Climate Change</u>	<u>State Sea-level Rise Guidance document (2013)</u>
<b>2.2a</b> <u>Project Location</u>	<u>Is the project located in a county that abuts the coast or San Francisco Bay or provides direct and measurable environmental benefits to the Coastal Zone (PRC §30103)</u> <input type="checkbox"/> Yes <input type="checkbox"/> No <u>Please identify the project county, city, and other geographic information (Latitude/Longitude in NAD83) if possible.</u>
<b>2.2b</b> <u>Project Location Districts</u>	<u>Provide California State Senate District Number</u>  <u>Provide California State Assembly District Number</u>
<b>2.2b</b> <u>Project Area Ownership</u>	<u>Check box if land where project will occur (or will require access to enter) is owned by a private entity, state, federal, or other. If yes on any box, provide name of land owner(s):</u>  Private <input type="checkbox"/> Yes <input type="checkbox"/> No   If yes, name: _____ State <input type="checkbox"/> Yes <input type="checkbox"/> No   If yes, name: _____ Federal <input type="checkbox"/> Yes <input type="checkbox"/> No   If yes, name: _____ Other <input type="checkbox"/> Yes <input type="checkbox"/> No   If yes, name: _____

<p><b><u>2.3</u></b> <b><u>Disadvantaged Community</u></b></p>	<p><u>Check box if project will occur in a Disadvantaged Community as defined in CWC § 79505.5(a). (see DWR's map)</u></p> <p><input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><u>Check box if project will benefit a Disadvantaged Community</u></p> <p><input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p><u>If yes, describe benefit(s):</u></p>
<p><b><u>2.4</u></b> <b><u>Multiple Benefits</u></b></p>	<p><u>Please select and articulate the benefits your project will provide.</u></p> <p><input type="checkbox"/> Reduction of GHG emissions or improved carbon sequestration</p> <p><input type="checkbox"/> Improved resiliency and adaptation to climate change</p> <p><input type="checkbox"/> Reduced pollution into waters of the state</p> <p><input type="checkbox"/> More resilient fisheries</p> <p><input type="checkbox"/> Healthier marine or estuarine ecosystems</p> <p><input type="checkbox"/> Watershed and coastal habitat restoration</p> <p><input type="checkbox"/> Water quality improvement and protection</p>
<p><b><u>2.5 Implement Actions of the California Water Action Plan</u></b></p>	<p><u>Check whether the project implements actions in the CWAP, and if yes, identify those actions:</u></p> <p><input type="checkbox"/> Yes. If yes, identify actions:</p> <p><input type="checkbox"/> No</p>

<b>2.6</b> <b>Ocean and Coastal Stressors</b>	Check whether the project removes or reduces stressors from the ocean and near coastal environment: <input type="checkbox"/> Yes. If yes, identify stressors:           <input type="checkbox"/> No
<b>2.7</b> <b>Green Infrastructure</b>	Check whether the project utilizes green infrastructure, natural systems, or systems that mimic natural systems. <input type="checkbox"/> Yes. If yes, identify the infrastructure or system(s):           <input type="checkbox"/> No
<b>2.8 Technologies</b>	Check whether the project employs new, innovative or proven technologies or practices. <input type="checkbox"/> Yes. If yes, identify technologies or practices:           <input type="checkbox"/> No
<b>2.9 Sustainable Outcomes</b>	Will the project deliver sustainable outcomes in the long-term? <input type="checkbox"/> Yes. If yes, identify the outcomes and provide a timeline for the outcomes.           <input type="checkbox"/> No
<b>2.10 Project Readiness</b>	Is the project ready to implement and the grantee will start and finish the project in a timely manner? Please explain.

<p><b>2.11</b> <b>Data and Mapping</b></p>	<p><u>Will the project provide mapping and/or data that can enhance current understanding? Can the maps and/or data be used on other projects in the area or other coastal regions?</u></p>
<p><b>2.12</b> <b>Greater Application</b></p>	<p><u>Will the project demonstrate solutions that can be implemented regionally and/or statewide?</u>  <input type="checkbox"/> Yes. If yes, please provide possible locations where this project will inform potential solutions.</p> <p><input type="checkbox"/> No</p>
<p><b>2.13</b> <b>Other Prop 1 Funding Opportunities</b></p>	<p><u>Check whether a proposal has been submitted (or will be submitted) to another Proposition 1 grant program for this project (i.e., that would fund the same project components applied for in this application.) The OPC intends to coordinate with other agencies funding projects under Proposition 1.</u>  <input type="checkbox"/> Yes. If yes, identify agencies and status of proposal:</p> <p><input type="checkbox"/> No</p>
<p><b>2.14</b> <b>Marine Managed Areas</b></p>	<p><u>Check whether the project will benefit a Marine Managed Area (PRC § 36700-36900).</u>  <input type="checkbox"/> Yes. If yes, identify which Marine Managed Area(s) and how the project will benefit an individual area or network:</p> <p><input type="checkbox"/> No</p>
<p><b>2.15</b> <b>Climate Ready Fisheries</b></p>	<p><u>Check whether the project will advance the resiliency of marine, estuarine, and diadromous fish populations and the human communities that depend upon them in the face of a changing climate..</u>  <input type="checkbox"/> Yes. If yes, identify the impact on fish populations and/or fisheries:</p>

	<input type="checkbox"/> No
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### **Section 3. Project Budget and Schedule**

<b><u>3.1</u></b> <b><u>Project Timeline</u></b>	<u>Project Start Date:</u>  <u>Project End Date:</u>
<b><u>3.2</u></b> <b><u>Project Requested Amount</u></b>	<u>Provide the project amount requested from OPC.</u>
<b><u>3.3</u></b> <b><u>Total Project Cost</u></b>	<u>Provide the total cost of the project.</u>
<b><u>3.4</u></b> <b><u>Sources of Funding</u></b>	<u>Please describe other sources of funding and their funding allotments dedicated for this project including in-kind work.</u>

### **Section 4. CEQA Information**

Projects that receive funding shall comply with all applicable laws and regulations including the California Environmental Quality Act (CEQA).

<b>4.1</b> <b><u>CEQA Compliance</u></b>	<p><u>If the project meets the definition of a "project" in PRC §21065 identify the Lead Agency and contact person and justification for why the lead agency was selected.</u></p> <p>Name: _____</p> <p>Address: _____</p> <p>Phone Number and Email: _____</p> <p>Justification: _____</p>
<b>4.2</b> <b><u>CEQA Documentation</u></b>	<p><u>Check types of CEQA documentation to be prepared:</u></p> <p><input type="checkbox"/> Initial Study</p> <p><input type="checkbox"/> Notice of Exemption</p> <p><input type="checkbox"/> Negative Declaration/Mitigated Negative Declaration</p> <p><input type="checkbox"/> Environmental Impact Report</p> <p><input type="checkbox"/> Not Applicable</p>
<b>4.3</b> <b><u>CEQA Status</u></b>	<p><u>Briefly describe the status of the CEQA documents, expected date of completion, and Initial Study if applicable. Provide a cost estimate if requesting OPC funds relating to CEQA compliance. Note: only work done during the term of the project may be eligible for reimbursement.</u></p>
<b>4.4</b> <b><u>CEQA Document Name</u></b>	<p><u>If the CEQA document has been completed, provide the name of the document and the State Clearinghouse number if available. Submit a copy of the documentation:</u></p> <p>Document Name: _____</p> <p>State Clearinghouse Number: _____</p> <p><input type="checkbox"/> Not Applicable</p>

## **Section 5. Project Description**

### **5.1 Project Summary**

Please provide a brief description of the project. Please include background, overview, implementation, management, and outcomes.



## **Appendix F: State Auditing Requirements**

The list below details the documents or records that State Auditors may need to review in the event of a grant agreement being audited. Grant recipients should ensure that such records are maintained for each State funded project. For additional details including specific audit tasks performed during a bond audit, see the California Department of Finance Bond Accountability and Audits Guide and the Bond Audit Bulletins ([www.dof.ca.gov/osae/prior\\_bond\\_audits/](http://www.dof.ca.gov/osae/prior_bond_audits/)).

### State Audit Document Requirements Internal Controls:

1. Organization chart (e.g. Grant recipient's overall organization chart and organization chart for the State funded project).
2. Written internal procedures and flowcharts for the following:
  - a. Receipts and deposits
  - b. Disbursements
  - c. State reimbursement requests
  - d. State funding expenditure tracking
  - e. Guidelines, policies, and procedures on State funded project
3. Audit reports of the Grant recipient's internal control structure and financial statements within the last two years.
4. Prior audit reports on State funded projects.

### State Funding:

1. Original grant agreement, any amendment(s) and budget modification documents.
2. A list of all bond-funded grants, loans or subventions received from the State.
3. A list of all other funding sources for each project.

### Agreements:

1. All subcontractor and consultant contracts and related documents, if applicable.
2. Agreements between the grant recipient, member agencies, and project partners as related to the State funded project.

### Invoices:

1. Invoices from vendors and subcontractors for expenditures submitted to the State for payments under the grant agreement.
2. Documentation linking subcontractor invoices to State reimbursement requests and related grant agreement budget line items.
3. Reimbursement requests submitted to the State for the grant agreement.

### Cash Documents:

1. Receipts (copies of warrants) showing payments received from the State.
2. Deposit slips or bank statements showing deposit of the payments received from the State.
3. Cancelled checks or disbursement documents showing payments made to vendors, subcontractors, consultants, or agents under the grant agreement.

### Accounting Records:

1. Ledgers showing receipts and cash disbursement entries for State funding.

2. Ledgers showing receipts and cash disbursement entries of other funding sources.
3. Bridging documents that tie the general ledger to reimbursement requests submitted to the State for the grant agreement

Administration Costs:

1. Supporting documents showing the calculation of administration costs.

Personnel:

1. List of all contractors and grant recipient staff that worked on the State funded project.
2. Payroll records including timesheets for contractor staff and the grant recipient's

Project Files:

1. All supporting documentation maintained in the files
2. All grant agreement related correspondence.