



SACRAMENTO - SAN JOAQUIN

**DELTA CONSERVANCY**

*A California State Agency*

## **GRANT GUIDELINES**

Fiscal Year 2016-17

**PROPOSITION 1**

**Delta Conservancy Ecosystem Restoration and Water  
Quality Grant Program**

**FUNDED BY THE**

**Water Quality, Supply, and Infrastructure  
Improvement Act of 2014**



## Table of Contents

### Contents

<b>Introduction.....</b>	<b>4</b>
A. Background.....	4
B. Purpose of Grant Guidelines .....	4
<b>Eligibility Requirements .....</b>	<b>5</b>
A. Grant Categories .....	5
B. Funding Available .....	5
C. Geographic Area of Focus.....	6
D. Eligible Projects .....	6
E. Ineligible Projects .....	8
F. Eligible Applicants.....	8
G. Eligible Costs.....	9
H. Ineligible Costs.....	9
<b>General Program Requirements .....</b>	<b>10</b>
A. Conflict of Interest.....	10
B. Confidentiality .....	10
C. California Conservation Corps .....	10
D. Labor Code Compliance.....	11
E. Environmental Compliance .....	11
F. Water Law .....	11
G. Signage and Recognition .....	13
H. Performance Measures .....	13
I. Reporting .....	14
J. Performance Monitoring and Assessment .....	14
K. Adaptive Management .....	16
L. Long-Term Management and Maintenance.....	17
M. Land Tenure.....	18

N. Land Acquisitions.....	18
O. Federal and Local Cost Share and State-Leveraged Funds .....	20
P. Consultation and Cooperation with State and Local Agencies and Demonstration of Local Support .....	21
Q. Grant Provisions .....	21
<b>Proposal Solicitation .....</b>	<b>22</b>
A. Application, Review and Selection Process .....	22
B. Grant Cycle and Important Dates .....	24
C. Evaluation Criteria for Concept Proposal .....	25
D. Evaluation Criteria for Full Proposal .....	27
<b>Application Process .....</b>	<b>31</b>
A. Concept Proposal Instructions.....	31
B. Full Proposal Instructions .....	33
<b>Appendices .....</b>	<b>38</b>
Appendix A: Glossary of Terms .....	38
Appendix B: Key State, Federal, and Local Plans and Tools .....	41
Appendix C: Concept Proposal Application Form and Budget Template .....	43
Appendix D: Performance Measures Table.....	46
Appendix E: California Conservation Corps Guidelines .....	50
Appendix F: Land Acquisition Checklist .....	53
Appendix G: Acquisition Table .....	57
Appendix H: State Auditing Requirements.....	59

## Introduction

### A. Background

The Sacramento-San Joaquin Delta Conservancy (Conservancy) is a primary state agency in the implementation of ecosystem restoration in the Delta and supports efforts that advance environmental protection and the economic well-being of Delta residents. The Conservancy collaborates and cooperates with local communities and other parties to preserve, protect, and restore the natural resources, economy, and agriculture of the Sacramento-San Joaquin Delta and Suisun Marsh. The Conservancy's goals include a set of programs that implement complex economic and environmental objectives, resulting in a rich, diverse, resilient, and accessible Sacramento-San Joaquin Delta and Suisun Marsh.

The Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Prop. 1) was approved by voters in November 2014. Prop. 1 provides funding to implement the three objectives of the California Water Action Plan: more reliable water supplies, restoration of important species and habitat, and a more resilient and sustainably managed water infrastructure. The Conservancy's Ecosystem Restoration and Water Quality Grant Program is focused on the restoration of important species and habitat.

In Prop. 1, \$50 million is identified for the Conservancy "for competitive grants for multibenefit ecosystem and watershed protection and restoration projects in accordance with statewide priorities (Sec. 79730 and 79731)." Per Prop. 1 and the Conservancy's enabling legislation, emphasis will be placed on projects using public lands and private lands purchased with public funds and that "maximize voluntary landowner participation in projects that provide measureable and long-lasting habitat or species improvements in the Delta." To the extent feasible, projects need to promote state planning priorities and sustainable communities strategies consistent with Government Code 65080(b)(2)(B). Furthermore, all proposed projects must be consistent with statewide priorities as identified in Prop. 1, the California Water Action Plan, the Conservancy's enabling legislation, the Delta Plan, the Conservancy's Strategic Plan, as well as applicable recovery plans. Links to Prop. 1 and the other plans and documents can be found in Appendix B.

### B. Purpose of Grant Guidelines

The Grant Guidelines (Guidelines) establish the process and criteria that the Conservancy will use to administer competitive grants for multibenefit ecosystem restoration and water quality projects. These Guidelines include the required information and documentation for Prop. 1 grants, and provide instructions for completing the required concept proposal and full proposal for the Conservancy's grant program. Prior to their initial adoption [in 2015](#), the Guidelines were posted on the Conservancy's web site for 30 days and vetted via three public meetings (Sec. 79706(b)). This revised version of the Guidelines has also been posted on the Conservancy's web site for 30 days prior to approval, and was vetted at a public meeting.

## Eligibility Requirements

### A. Grant Categories

Comment [JL1]: Deleted redundant information, organized for clarity

The Conservancy will release funds for two grant categories, Category 1 planning projects and Category 2 implementation projects. ~~Category 1 proposals are limited to pre-project activities (e.g., planning, permits, etc.) that are necessary for a specific future on-the-ground project that meets the Conservancy Prop. 1 Grant Program criteria. Category 2 proposals are on-the-ground implementation and land acquisition projects. Please note that the awarding of a Category 1 grant for a project does not guarantee that a Category 2 grant will be awarded for the same project.~~

#### Category 1: Planning

Proposals are limited to pre-project activities necessary for a specific future on-the-ground project that meets the Conservancy Prop 1. Grant Program criteria. ~~A Category 1 proposal must meet all of the requirements for Category 2 proposals if it were to make it to the Category 2 stage. Please note that the awarding of a Category 1 grant for a project does not guarantee that a Category 2 grant will be awarded for the same project.~~

Examples of Category 1 activities include:

- Planning
- Permitting
- Studies (that will aid in a future on-the-ground project)
- Designs
- CEQA activities

#### Category 2: Implementation

Proposals include on-the-ground, implementation projects and land acquisition projects. Category 2 projects are subject to the State General Obligation Bond Law which requires that capital outlay projects be maintained for a minimum of 15 years (section 16727(a)).

Examples of Category 2 activities include:

- Habitat enhancement, restoration, and protection
- Pollution runoff reduction
- Working landscape enhancements
- Agricultural sustainability projects

### B. Funding Available

In Prop. 1, \$50 million is identified for the Conservancy “for competitive grants for multibenefit ecosystem and watershed protection and restoration projects in accordance with statewide priorities (Sec. 79730 and 79731).” In the 2015-2016 grant cycle, the Conservancy awarded approximately six million dollars. The Conservancy will award up to \$10 million during the 2016-2017 grant cycle.

Grants will be awarded for Category 1 planning proposals ~~(necessary activities that will lead to on-the-ground projects, e.g., planning, permits, etc.)~~ and Category 2 implementation proposals

~~(on-the-ground projects)~~ to eligible entities subject to approval by the Conservancy pursuant to these Guidelines. Up to \$1,000,000 is available during each funding cycle for Category 1 proposals. Category 1 proposals may range from \$20,000 to \$200,000. A minimum of \$9,000,000 is available during each funding cycle for Category 2 proposals. Category 2 proposals may range from \$25,000 to \$3,000,000.

Category 1 planning proposals may use 100 percent of awarded funds for planning ~~activities,activities~~; however, these planning funds must relate to a future Category 2 and may not exceed 10 percent of the total project funds (Category 1 and Category 2 combined) requested from the Conservancy.

Funding recommendations and decisions will be based upon the scores received, the reasonableness of the costs, as well as the diversity of the types of projects and their locations, which together will create the maximum ecosystem benefit within the Delta as a whole. When eligible projects (those receiving at least 75 points) exceed the amount of funds available in the funding cycle, the Conservancy may choose not to fund some of the eligible projects or to award partial funding. The Board may, within its discretion, approve a conditional award of funds or a reservation of funds to accommodate pending compliance actions (e.g., CEQA).

### C. Geographic Area of Focus

The Conservancy will fund projects within or near the statutory Delta and Suisun Marsh. The statutory Delta and the Suisun Marsh are defined in Public Resources Code Section 85058.

The Conservancy may take or fund an action outside the Delta and Suisun Marsh if the Board makes all of the following findings (Sacramento-San Joaquin Delta Reform Act of 2009, Sec. 32360.5):

- The project implements the ecosystem goals of the Delta Plan.
- The project is consistent with the requirements of any applicable state and federal permits.
- The Conservancy has given notice to and reviewed any comments received from affected local jurisdictions and the Delta Protection Commission.
- The Conservancy has given notice to and reviewed any comments received from any state conservancy where the project is located.
- The project will provide significant benefits to the Delta.

### D. Eligible Projects

Prop. 1 identifies projects to protect and restore California rivers, lakes, streams, and watersheds that can be funded with Prop. 1 funding (Sec. 79732 *et seq.*). The Conservancy's highest priority projects will address the following:

- **Restoration and Enhancement.** Examples include:
  - Channel margin enhancement projects and riparian habitat restoration or enhancement projects.
  - Watershed adaptation projects to reduce the impacts of climate change on California's communities and ecosystems.

- Restoration and protection projects of aquatic, wetland, and migratory bird ecosystems, including fish and wildlife corridors.
- Fish passage barrier removal projects.
- Endangered, threatened, or migratory species recovery projects that improve watershed health, inland wetland restoration, or other means, such as natural community conservation plan and habitat conservation plan implementation.
- Projects that enhance habitat values on working lands.
- Projects that recover anadromous fish populations and their habitats.
- **Water Quality.** Examples include:
  - Polluted runoff reduction projects that restore impaired waterbodies, prevent pollution, improve water management, and increase water conservation.
  - Pollution reduction projects that focus on the contamination of rivers, lakes, or streams, 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.
  - Projects that implement management activities that lead to reduction and/or prevention of pollutants that threaten or impair surface and ground waters.
  - Structural and nonstructural projects that reduce contaminant runoff into waterbodies.
  - Projects that address invasive, exotic species resulting in enhancement of water quality.
  - Projects that restore, enhance or protect sensitive watershed lands through easement/fee title, acquisitions or other means to avoid or reduce water quality impacts from encroaching land uses.
  - Projects that augment stormwater retention and increase dry season flow.
- **Water-related Agricultural Sustainability.** Examples include:
  - Agricultural analysis and investment strategy projects that will lead to on-the-ground changes.
  - Projects that support agricultural sustainability in areas where agriculture is impacted by restoration or other water-related projects.
  - Projects that protect and increase the economic benefits arising from healthy watersheds.
  - Agricultural conservation that will result in pollution runoff reduction.

Comment [JL2]: Added for clarity.

This list is offered as guidance for potential applicants and is not exhaustive nor a guarantee of individual project eligibility or funding. Eligibility and funding determinations will be made on a project-by-project basis during the application review process. Projects must comply with all legal requirements, including the State General Obligation Bond Law in order to be deemed eligible. The State General Obligation Bond Law limits the use of bond funds to the construction, acquisition, and long term improvement of capital assets that have an expected useful life of at least fifteen years.

**NOTE:** Any grantee acquiring land with Prop. 1 may use the Natural Heritage Preservation Tax Credit Act of 2000 (Division 28 (commencing with Section 37000) of the Public Resources Code) (Section 79711[h]).

## E. Ineligible Projects

Examples of ineligible projects and costs include:

- Any [Category 2](#) implementation project that will not result in the construction, acquisition, or long term enhancement of a capital asset.
- [Category 1](#)-Planning projects that do not relate to an eligible implementation project.
- Construction equipment purchased solely for purposes of implementing a single project.
- Projects dictated by a legal settlement or mandated to address a violation of, or an order (citation) to comply with, a law or regulation.
- Education, outreach, or event related projects, although these types of activities may be included as part of the overall implementation of a project eligible for Conservancy grant funds.
- Projects that subsidize or decrease the mitigation obligations of any party.
- Projects to design, construct, operate, mitigate, or maintain Delta conveyance facilities.
- Projects that do not comply with all legal requirements of Prop. 1 and other applicable laws.

**NOTE:** Funds will 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.

## F. Eligible Applicants

Eligible grant applicants include [California](#) public agencies, nonprofit organizations, public utilities, federally recognized Tribes, state Tribes listed on the Native American Heritage Commission's California Tribal Consultation List, and mutual water companies that will have an eligible proposal or project that provides a public benefit in the Delta (Public Resources Code Section 75004) and that will satisfy all the grant requirements. Specifically, eligible applicants are:

- [California](#) public agencies (any city, county, district, or joint powers authority; state agency; public university; or federal agency). To be eligible, public utilities that are regulated by the Public Utilities Commission must have a clear and definite public purpose and shall benefit the customers and not the investors.
- Qualifying 501(c)(3) nonprofit organizations. "Nonprofit Organization" means an organization that is qualified to do business in California and qualified under Section 501(c)(3) of Title 26 of the United States Code.
- Eligible tribal organizations (includes any Indian Tribe, band, nation, or other organized group or community, or a tribal agency authorized by a tribe, which is listed on the National Heritage Commission's California Tribal List or is federally recognized).
- Mutual water companies, including local and regional companies. Additionally, in order to be eligible:
  - Mutual water companies must have a clear and definite public purpose and shall benefit the customers of the water system and not the investors.
  - An urban water supplier shall adopt and submit an urban water management plan in accordance with the Urban Water Management Planning Act.



- An agricultural water supplier shall adopt and submit an agricultural water management plan in accordance with the Agricultural Water Management Planning Act.
- An agricultural water supplier or an urban water supplier is ineligible for funding unless it complies with the requirements of Part 2.55 of their respective water management planning acts.

**NOTE:** As a general rule, organizations or individuals performing non-grant related work for the Conservancy under contract are ineligible to apply for a grant from the Conservancy during the life of the contract. This policy applies to organizations that:

- Contract directly with the Conservancy.
- Are providing services as a subcontractor to an individual or organization contracting directly with the Conservancy.
- Employ an individual, on an ongoing basis, who is performing work for the Conservancy under a contract whether as a contractor or as a subcontractor.

If you have a contract with the Conservancy and are contemplating applying for a grant, please consult with Conservancy staff to determine eligibility. For more information, refer to the Conflict of Interest section.

## G. Eligible Costs

Comment [JL3]: Refined per SSM

~~Only project costs for items~~ Direct costs for work performed within the terms, including scope of and budget, of the grant agreement the project and within the time frame of the project agreement are will be eligible for reimbursement. Costs related to project-specific performance measures and reporting are required to be addressed in the project budget. Eligible expenses incurred upon the start date listed in the grant agreement and prior to the project completion date may be directly reimbursed.

~~Eligible indirect costs~~ must be directly related to the project and ~~may the rate will be calculated be~~ up to twenty (20) percent of the project implementation cost. To determine the amount of eligible indirect costs, the applicant must first determine the cost of implementing the project, not including any indirect costs. Once the project implementation cost has been determined, the applicant may calculate indirect costs and include them in the total grant request up to the allowable twenty percent cap. Subcontractors and equipment line items may not be used in calculation of indirect costs. Indirect costs must be reasonable, allocable, and applicable and may include administrative support (e.g., personnel time for accounting, legal, executive, IT, or other staff who support the implementation of the proposed project but who are not directly billing their time to the project), and office-related expenses (e.g., , insurance, rent, utilities, printing/copying equipment, computer equipment, and janitorial expenses) . These costs are subject to audit and must be documented by the grantee. Indirect expenses may not be added into the hourly rate for personnel billing directly to the grant. Personnel rates may only include salary and wages, fringe benefits, and payroll taxes.

## H. Ineligible Costs

Grant funding may not be used to establish or increase a legal defense fund or endowment, make a monetary donation to other organizations, pay for food or refreshments, pay for tours,

or for eminent domain processes. No part of the Conservancy's grant funding may be used to subsidize or decrease the mitigation obligations of any party. For Category 2 projects, CEQA/NEPA completion is required prior to grant award so these costs are ineligible for the Category 2 proposal.

If ineligible costs are included in the project budget, it could result in the project being deemed ineligible. In some cases, the project may be approved for funding with the total amount of the award reduced by the amount of the ineligible costs. In that event, the Conservancy will contact the applicant to confirm that the project is still viable. Applicants should avoid including ineligible costs in the application and should contact Conservancy staff with questions.

## General Program Requirements

### A. Conflict of Interest

All applicants and individuals who participate in the review of submitted proposals are subject to state and federal conflict of interest laws. Any individual who has participated in planning or setting priorities for a specific solicitation or who will participate in any part of the grant development and negotiation process on behalf of the public is ineligible to receive funds or personally benefit from funds awarded through that solicitation. Employees of state and federal agencies may participate in the review process as scientific/technical reviewers but are subject to the same state and federal conflict of interest laws.

Failure to comply with the conflict of interest laws, including business and financial disclosure provisions, will result in the proposal being rejected and any subsequent grant agreement being declared void. Other legal actions may also be taken. Applicable statutes include, but are not limited to, California Government Code Section 1090 and Public Contract Code Sections 10365.5, 10410 and 10411.

### B. Confidentiality

Once ~~the a p~~Proposal has been submitted to the Conservancy, any privacy rights, as well as other confidentiality protections afforded by law with respect to the application package, will be waived. Unsealed proposals are public records under the California Government Code Sections 6250-6276.48, and will be provided to the public upon request.

### C. California Conservation Corps

For Category 2 implementation projects, applicants 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 using their services as defined in section 14507.5 of the Public Resources Code to implement projects (CWC §79734). See Appendix E for guidance and requirements necessary to ensure compliance with this provision. Applicants that fail to engage in consultation with the CCC and a certified local conservation corps will not be eligible to receive the Conservancy's Proposition 1 funding.

## D. Labor Code Compliance

Grants awarded through the Conservancy's Ecosystem Restoration and Water Quality Grant Program may be subject to prevailing wage provisions of Part 7 of Division 2 of the California Labor Code (CLC), commencing with Section 1720. Typically, the types of projects that are subject to the prevailing wage requirements are public works projects. Existing law defines "public works" as, among other things, construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds. Assembly Bill 2690 (Hancock, Chapter 330, Statutes of 2004) amended California Labor Code (CLC) Section 1720.4 to exclude most work performed by volunteers from the prevailing wage requirements until January 1, 2017.

The grantee shall pay prevailing wage to all persons employed in the performance of any part of the project if required by law to do so. Any questions of interpretation regarding the CLC should be directed to the Director of the Department of Industrial Relations (DIR), the state department having jurisdiction in these matters. For more details, please refer to the DIR website at <http://www.dir.ca.gov>.

## E. Environmental Compliance

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), Delta Plan, and other environmental permitting requirements. The applicant is solely responsible for project compliance. For most projects, the Conservancy will serve as a responsible agency, unless there is no other public agency responsible for carrying out or approving the project for which the applicant seeks funding. Conservancy is the sole public partner, in which case the Conservancy will serve as the lead agency.

Comment [JL4]: Updated per Legal

Proposals may include in their budgets the funding necessary for compliance related tasks, however awards for Category 2 projects cannot be finally approved until the required CEQA documents have been completed and the necessary findings made. The Board may, within its discretion, approve a conditional award of funds or a reservation of funds to accommodate pending compliance actions (e.g., CEQA). A Category 1 grant may be made in order for an applicant to complete the CEQA process in advance of a potential Category 2 application. Approval of a Category 1 grant, however, is not a guarantee of final project approval and the Conservancy retains full discretion to approve or reject an associated Category 2 application.

For grant proposals that include an action that is likely to be deemed a covered action, pursuant to California Water Code (CWC) Section 85057.5, the applicant is responsible for ensuring consistency with the Delta Plan. In such instances, the proposal shall include a description of the approach through which consistency will be achieved, and may include in their budgets the funding necessary to complete related tasks.

## F. Water Law

Comment [JL5]: Updated to reflect Board decision made at 7/27 Board mtg

Funded grants that address stream flows and water use shall comply with the CWC, as well as any applicable state or federal laws or regulations. Any proposal that would require a change to water rights, including, but not limited to, bypass flows, point of diversion, location of use,

purpose of use, or off-stream storage shall demonstrate in their grant proposal an understanding of the State Water Resources Control Board (SWRCB) processes, timelines, and costs necessary for project approvals by SWRCB and the ability to meet those timelines within the term of a grant. In addition, any proposal that involves modification of water rights for an adjudicated stream shall identify the required legal process for the change as well as associated legal costs. Projects that propose to acquire a permanent dedication of water must be in accordance with Section 1707 of the CWC; specifically, the acquisition must be specified by the SWRCB that the water proposed for acquisition is in addition to the water that is required for regulatory requirement (section 79709(a)). Applicants may apply for funding from the Conservancy to complete this process, but approval from the Water Board must be received prior to the dispersal of funds for any other project tasks. Prior to its completion, any water right acquisition must be supported by a water rights appraisal approved by the Department of General Services Real Property Services Section.

Comment [JL6]: Updated per Legal

All it is the responsibility of the applicant to uphold the terms of Proposition 1 and comply with State Water Resources Control Board's "existing authority regulations regarding to regulate the diversion and use of water, including insuring that the applicant has adequate water rights to complete the project and that the project will not reduce or otherwise affect the rights of other water rights holder." (section 79711(d)). s must demonstrate to the Conservancy For Category 2 implementation projects that require water application (e.g., restoration, working lands enhancements, etc.), applicants will be asked to submit a statement or application number for the water right they propose to use, as well as a short, narrative statement demonstrating that the project's water use has been considered, is reasonable, and that there is sufficient water to implement and maintain the project without causing adverse impacts to downstream users or surrounding landowners. Conservancy staff will provide the office of the Delta Watermaster with the statement or application numbers for all of the projects that propose to use water. The Delta Watermaster will review the water rights affiliated with the proposed projects and will provide an informal opinion as to whether or not these water rights appear to be subject to challenge. Staff will consider the Watermaster's input and any issues flagged during internal review when recommending a project for funding,

If the applicant is not the water right holder and the landowner is the water rights holder, the applicant will be asked to submit, as a condition of the grant agreement, a landowner access agreement with that includes a clause that specifically grants the applicant the right to use water for the purposes of implementing the proposed project (see Land Tenure section of this document for more information about the landowner access agreement: page 3, paragraph 4 of the template includes the water rights cause referenced here). If neither the applicant nor the landowner is the water right holder, the applicant will be asked to submit a written statement from the water right holder that verifies that the water rights holder has the right to deliver water to the property on which the proposed project will be implemented, and that the water rights holder recognizes its obligation to provide water to that property for the purposes of implementing the proposed project. The Conservancy may at any time request that an applicant or grantee provide additional proof that they it have has a legal right to divert water and sufficient documentation regarding actual water availability and use. For post-1914 water rights, the applicant must submit a copy of a water right permit or license on file with the SWRCB. Applicants who divert water based on a riparian or pre-1914 water right must submit written evidence of the right to divert water and the priority in the watershed of that diversion right with their proposal. All applicants must include past water diversion and use information

reported to the SWRCB, required by CWC Section 5101. Such reports include Progress Reports of Permittee and Reports of Licensee for post-1914 rights, and Supplemental Statements of Water Diversion and Use for riparian and pre-1914 water rights. All water rights must be accompanied by any operational conditions, agreements or court orders associated with the right, as well as any SWRCB orders affecting the water right.

## G. Signage and Recognition

Comment [JL7]: Updated with language in Grant Agreement and upon advice of Legal.

To the extent practicable, grantees shall inform the public that the project received funds through the Delta Conservancy and from the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (CWC §79707[g]). Grantees shall recognize the Conservancy on signs, websites, press or promotional materials, advertisements, publications, or exhibits that they prepare or approve and that reference funding of a project. For Category 2 projects, grantees shall post signs at the project site acknowledging the source of the funds. Size, location and number of signs shall be determined by the Conservancy. Required signage must be in place prior to final distribution of grant funds. Grantees will include signage, to the extent practicable, informing the public that the project received funds through the Delta Conservancy and from the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (CWC §79707[g]).

## H. Performance Measures

Performance measures must be designed so the Conservancy can ensure that projects meet their intended objectives, achieve measurable outcomes, and provide value to the State of California. The Conservancy requires that all grant funded projects monitor and report project performance with respect to the stated ecosystem and/or watershed goals and objectives identified in the grant proposal. For the purposes of this grant program, goals are broad statements of purpose and intention; objectives are -specific actions that support the attainment of the associated goal.

Applicants are required to prepare and submit a Performance Measures Table, specific to their proposed project, as part of the full proposal. Appendix D includes a sample Performance Measures Table. The goals of the Performance Measures Table are to:

- Provide a framework for assessment and evaluation of project performance.
- Identify measures that can be used to monitor progress towards achieving project goals and desired outcomes.
- Provide a tool for grantees and grant managers to monitor and measure project progress and guide final project performance reporting that will fulfill the grant agreement requirements.
- Provide information to help improve current and future projects.
- Quantify the value of public expenditures to achieve environmental results.

The Performance Measures Table requires applicants to align their project objectives with measurable outcomes and outputs. For the purposes of this grant program, project outcomes are defined as:

*The benefits or long-term changes that are sought from undertaking the project. They are achieved from the utilization of the project's outputs. Outcomes are linked with objectives, in that if the outcomes are achieved then the project's objective(s) have been met. Targeted outcomes will have a measurable benefit and will be used to gauge the success of the project. At the end of the project the measures will help answer such questions as 'what have we achieved?' and 'how do we know?'*

Project outputs are defined as:

*Products/deliverables expected to be achieved through the completion of the proposed project to meet the identified outcomes. Project outputs are the things that will be produced as a result of working toward your objective.*

For Category 2 projects, the Monitoring and Assessment Plan, described in the following section, will explain how the applicant will measure environmental performance. Many projects include multiple activities that will require measurement of several parameters to evaluate overall project performance. Successful applicants must be prepared to demonstrate the success of the project through the development and measurement of the appropriate metrics. These metrics may include acres of habitat restored; measurement-based estimates of pollution load reductions; feet of stream channel stabilized or restored; improved water supply reliability and flexibility; or other quantitative measures or indicators. These and other measures or indicators should be selected to fit the performance evaluation needs of the project. If a project is likely to be deemed a covered action pursuant to CWC Section 85057.5, the applicant should consider the applicability of incorporating Delta Plan performance measures.

## I. Reporting

All projects will be required to provide periodic progress reports during implementation of the project and a final report prior to project completion. Specific reporting requirements will be included in the grant agreement. Among other requirements, all such reports will include an evaluation of project performance that links to the project's performance measures. The final report will include, among other things, a discussion of findings, conclusions, or recommendations for follow-up, ongoing, or future activities.

## J. Performance Monitoring and Assessment

All Category 2 implementation grant proposals must include a monitoring and assessment plan that explains how the ecosystem and/or watershed benefits of the project will be measured and reported. The monitoring and assessment plan will vary depending on the scope and nature of the project. A key attribute will be the inclusion of project-specific performance measures that will be used to assess progress toward achieving the project's stated objectives.

~~Monitoring and assessment plans should incorporate standardized approaches, where applicable, into their monitoring plans and evaluate opportunities to coordinate with existing monitoring efforts (e.g., California Coastal Monitoring Program, Surface Water Ambient Monitoring Program (SWAMP; website provided in Appendix B)) or produce information that can readily be integrated into such efforts.~~

Comment [JL8]: Moved and integrated below.

-The monitoring plan should include the following elements:

- What will be monitored and linkages to Performance Measures Table (Appendix D);
- Monitoring objectives;
- Clearly stated assessment questions;
- The specific metrics that will be measured and the methods / protocol(s) that will be used;
- Linkages to relevant conceptual model(s);
- The timeframe and frequency of monitoring (including pre- and post-project monitoring, and opportunities to extend beyond the life of the grant);
- The spatial scope of the monitoring effort;
- Quality assurance/quality control procedures;
- Compliance with all permit requirements for monitoring activities (Scientific Collecting Permits, incidental take permits for listed species, etc.);
- Description of relationships to existing monitoring efforts; and
- How the resulting data will be analyzed, interpreted and reported.

Applicants are required to develop and utilize science-based adaptive management frameworks for ecosystem restoration and watershed management actions that are consistent with the Delta Plan's adaptive management framework. ~~Applicants are required to demonstrate alignment with the Delta Science Plan, complete the Delta Stewardship Council's covered action requirements as applicable, and upload all relevant information to EcoAtlas. Links to these items are listed in Appendix B: Key State, Federal, and Regional Plans. Applicants are required to develop and utilize science-based adaptive management frameworks for ecosystem restoration and watershed management actions that are consistent with the Delta Plan's adaptive management framework.~~

**Comment [JL9]:** Already mentioned in Env. Compliance section

**Comment [JL10]:** Integrated into the Adaptive Management section.

#### Data Collection and Management

Each proposal must describe how data and other information generated by the project will be collected, handled, stored, and shared. Monitoring and assessment plans should incorporate standardized approaches, where applicable, into their monitoring plans and evaluate opportunities to coordinate with existing monitoring efforts or produce information that can readily be integrated into such efforts. Applicants are required to upload all relevant information to EcoAtlas. Links to these items are listed in Appendix B: Key State, Federal, and Regional Plans. ~~Projects must include data collection and management activities that support incorporation of project data into statewide data systems, where applicable.~~ Environmental data and information collected under these grant programs must be made visible, accessible, and independently understandable to general users in a timely manner, except where limited by law, regulation, policy, or security requirements. Unless otherwise stipulated, all data collected and created is a required deliverable and will become the property of the Conservancy.

**Comment [JL11]:** Moved from above

Types of standardized methods and related data portals include:

- Water quality, toxicity, and bioassessment data: SWAMP for data collection, CEDEN for data reporting
- Coastal salmonids: California Coastal Monitoring Program for both methods and reporting

- Wetland and riparian restoration: WRAMP framework for data collection, EcoAtlas for data reporting

Comment [JL12]: Explained for clarity

Additional specifications of relevance to water quality and wetland and riparian restoration data are described below. Unless otherwise stipulated, all data collected and created is a required deliverable and will become the property of the Conservancy.

#### Water Quality Surface Water Monitoring Data

If applicable, applicants should incorporate standardized approaches, such as those outlined by the Surface Water Ambient Monitoring Program (SWAMP), for data collection. If the project includes water quality, toxicity, and/or bioassessment monitoring data collection, it shall be collected using standardized approaches such as SWAMP and reported to the California Environmental Data Exchange Network [CEDEN] for surface water data (CWC §79704). The grantee shall be responsible for uploading the data and providing a receipt of successful data submission, generated by CEDEN, to the grant manager prior to submitting a final invoice. Guidance for submitting data, including minimum data elements, data formats, and contact information for the Regional Data Centers, is available on the CEDEN website. For more information, please see the CEDEN website (Appendix B).

#### Wetland and Riparian Restoration Data

Wetland and riparian restoration projects shall collect and report project and monitoring data in a manner that is compatible and consistent with the Wetland and Riparian Area Monitoring Program (WRAMP) framework and tools administered by the California Wetlands Monitoring Workgroup (CWMW) of the Water Quality Monitoring Council. The framework can be used to decide on the kinds of data to collect based on how they will be used. The tools include the California Aquatic Resource Inventory for classifying the distribution and abundance of wetlands throughout the state, rapid assessment tools, such as the California Rapid Assessment Method, for assessing the overall condition of wetlands, and EcoAtlas for tracking project information and aggregating and visualizing data from multiple sources. For more information, please see the *California Wetlands Monitoring Workgroup* website (Appendix B). Monitoring data shall be uploaded to statewide data systems, as applicable, in a manner that is compatible and consistent with the WRAMP framework.

Wetland and riparian restoration project data shall be uploaded to EcoAtlas. For the purpose of this requirement, examples of project data include project proponent, project name, location (e.g., latitude/longitude, project boundary), pertinent dates (e.g., site construction), activity type (e.g., restoration), and habitat type and amount. For additional information, refer to the "Project Tracker" online tool on the EcoAtlas website.

Comment [JL13]: Explained for clarity.

### **K. Adaptive Management**

Adaptive management is the framework for taking actions to achieve desired outcomes through an iterative learning process that advances scientific understanding and helps adjust operations. Adaptive management acknowledges uncertainty, and it promotes flexible decision making that can be adjusted in the face of uncertainties as outcomes from management actions and other events, such as climate change, become better understood. Successful adaptive management

Comment [JL14]: Added following 3 sections because these things were not previously explained and applicants struggled with them during the last round.



includes involving stakeholders early in the process, and is not a “trial and error” approach but rather a means to more effective decision-making and enhanced benefits. Applicants are required to develop and utilize science-based adaptive management frameworks for ecosystem restoration and watershed management actions that are consistent with the Delta Plan’s adaptive management framework, found here:

[http://deltacouncil.ca.gov/sites/default/files/documents/files/AppA\\_Adaptive%20Management\\_Nov2012.pdf](http://deltacouncil.ca.gov/sites/default/files/documents/files/AppA_Adaptive%20Management_Nov2012.pdf)

Applicant submitting full proposals for Category 2 implementation projects will be required to describe their adaptive management plan. An adaptive management plan creates a mechanism for testing uncertainties and assumptions about a project’s outcomes by using monitoring data, and then adjusting long term management to reflect lessons learned. Applicants must describe how the project will incorporate information provided in the performance measures table, monitoring and assessment plan and the long-term management and maintenance plan into an adaptive management plan, and how this adaptive management plan will persist beyond the award period. The adaptive management plan should describe how uncertainty will be accommodated and how challenges will be responded to. A complete adaptive management plan will include the steps found in the Plan-Do-Evaluate and Respond framework set forth in the Delta Plan.

A complete adaptive management plan should include the following steps:

- What is the defined/redefined problem?
- What are the established goals and objectives?
- What mathematical or conceptual models are being used to link goals and objectives to proposed actions?
- How are actions selected and what performance measures are put in place?
- How will selected actions be designed and implemented?
- How will designed and implemented actions be monitored?
- How will results of the selected actions be analyzed, synthesized, and evaluated?
- How will results be communicated, and to whom?
- What steps are needed to adapt to challenges, redefine the problem(s), and to move forward with the project?

## **L. Long-Term Management and Maintenance**

The goal of long-term management and maintenance is to foster the long-term success of the project and long-term viability of the site’s natural resources. Applicants submitting full proposals for Category 2 implementation projects must describe future management and maintenance activities beyond the award period, and how the project will deliver sustainable outcomes in the long-term through appropriate stewardship. Applicants will be asked to explain their long-term management and maintenance plan for the project, including who will manage

the project, how the project will be maintained, how management and maintenance will be funded, and how long term management will be integrated into the project's adaptive management plan. A long term management and maintenance plan should document how the site will be managed for at least 15 years. Properties restored, enhanced, or protected, and facilities constructed or enhanced with funds provided by the Conservancy shall be operated, used, and maintained consistent with the purposes of the grant.

## **M. Land Tenure**

**Comment [JL15]:** Updated to reflect Board decision made at 7/27 Board mtg

Category 2 projects must submit documentation showing that they have adequate tenure to, and site control of, the properties to be improved or restored, including adequate control for maintenance of the project for a minimum of 15 years. Category 2 projects are subject to the which requires that capital outlay projects be maintained for a minimum of 15 years (section 16727(a)). If the applicant does not own the land on which the project will be implemented, a landowner access agreement that references the grant agreement and with a minimum term of 15 years will be required as a condition of the grant agreement and must be provided-executed and recorded before a grantee begins work on a project funds are disbursed. Grantees may assign without novation the responsibility to implement, monitor, and maintain a project. A sample landowner access agreement template can be found on the Conservancy's website. Grantees opting not to use the template must submit an alternate agreement that conforms to the terms of the template,

Land tenure agreements must include the following provisions:

The agreement must be signed by both the grantee and all landowners, and must be approved as to form by the Conservancy.

The agreement must give the grantee at least 15 years of site access and appropriate site control.

The agreement must give the grantee the authority to implement, monitor, and maintain the project in accordance with the grant provisions.

The agreement must allow for annual site visits by the Conservancy for the entire duration of the agreement.

The agreement may only be terminated for cause or by mutual consent, and with approval from the Conservancy.

## **K.N. Land Acquisitions**

**Comment [JL16]:** Updated to reflect the information gathered by talking with SCC, SNC, WCB, CNRA, and TNC, and to integrate feedback of the EO and Legal

The Conservancy may recommend awards up to \$3,000,000 for a land acquisition project. Acquisition costs may include personnel time, appraisal and appraisal review, due diligence costs, closing costs, and the purchase of real property. In total, appraisal and appraisal review, personnel time, due diligence costs, and closing costs may not exceed ten percent of the land acquisition cost that is being requested from the Delta Conservancy. Note that the land acquisition cost may not be factored into the indirect cost calculation. Funding will be dispersed quarterly in areas for all costs save for the acquisition of property, for which funds will be

transferred into escrow once all requirements have been met. The Conservancy will not directly pay ~~for~~ the Department of General Services (DGS) to review and approve the required appraisal; the grantee must pay DGS directly for this expense and seek reimbursement from the Conservancy.

Acquisition projects must adhere to the following requirements:

- Property must be acquired from a willing seller and in compliance with current laws governing ~~relocation and~~ acquisition of real property by public agencies<sup>1,2</sup> in an amount not to exceed Fair Market Value, as approved by the State.
- If a signed purchase and sale or option agreement is unavailable to be submitted with the application, a Willing Seller Letter is required from each landowner indicating they are a willing participant in the proposed real estate transaction. The letter should clearly identify the parcels to be purchased and state that “if grant funds are awarded, the seller is willing to enter into negotiations for sale of the property at a purchase price not to exceed fair market value.”
- Once funds are awarded and an agreement is signed with the Conservancy, another property cannot be substituted for the property specified in the application. Therefore it is imperative ~~that the the~~ Applicant demonstrate that the seller is negotiating in good faith, and that discussions have proceeded to a point of confidence.
- ~~The Department of General Services (DGS) must review and approve all appraisals of real property. Applicant must budget \$10,000 for the appraisal and/or transaction review, which is not an eligible project cost and must be covered by match funds.~~

Proposals for acquisition of real property must address the following, as required by section 32364.5 (b) of the Conservancy’s enabling legislation:

1. The intended use of the property.
2. The manner in which the land will be managed.
3. How the cost of ongoing operations, maintenance, and management will be provided, including an analysis of the maintaining entity’s financial capacity to support those ongoing costs.
4. Grantees shall demonstrate, where applicable, how they will provide payments in lieu of taxes, assessments, or charges otherwise due to local government.

For projects that propose to acquire an interest in real property, the following information is required at the time of application:

- A table including: parcel numbers, acreage, willing seller name and address, breakdown of how the funds will be budgeted, and an acquisition schedule (see Appendix G for a sample table)

<sup>1</sup> Government Code, Chapter 16, Section 7260 et seq.

<sup>2</sup> Government Code, Chapter 16, Section 7260 et seq.,

- Copy of the Purchase and Sale or Option Agreement, or a Willing Seller Letter(s)
- Appraisal or Estimation of Fair Market Value
- ~~Preliminary Title Report~~
- ~~Letter stating that applicant will directly pay DGS for review of appraisal and associated materials~~
- Map showing lands that will be acquired, including parcel lines and numbers
- ~~Map of plotted easements or fee title~~
- ~~Underlying documents to title exceptions, upon request~~
- ~~Analysis of mineral rights issues, if applicable~~

Acquisition projects will be subject to a specific set of requirements that must be met prior to and immediately after closing escrow. For more information, please refer to the checklist provided in Appendix F.

## O. Federal and Local Cost Share and State-Leveraged Funds

The Conservancy will provide points to proposals with a federal, local, or private cost share component (other state funds may not count toward the cost share). Cost sharing is the portion of the project not borne by the Conservancy's grant monies. Cost sharing encourages collaboration and cooperation. Applicants are encouraged to develop a cost share program to support their project. Only cost share commitments made explicitly for the project may count toward the cost percentage for grant proposal and ranking purposes. Applicants stating that they have a cost share component must have commitment letters from cost share partners at the time the full proposal is submitted and include letters of commitment as part of the proposal requirements.

At both the concept and full proposal stages, for every 10 percent of cost share, a project will score one point, to a maximum of five points. Up to 50 percent of a cost share may be in-kind. For example, if the cost share is \$50,000, \$25,000 of that may be from in-kind sources. All in-kind cost share must be matched with cash at a one-to-one ratio. For projects without any cash match, in-kind cost share will not be calculated into the project's cost share score. Cost share will be calculated by dividing the total eligible cost share (only that from federal, local, or private sources, with all in-kind matched one-to-one with cash) by the total dollar amount requested from the Conservancy.

The Conservancy will also provide points (see evaluation criteria) for proposals that leverage state funds for multi-benefit projects. These projects must support multiple objectives as identified in various planning documents (see Appendix B). State funds may not count toward the cost share. Applicants stating that they are leveraging other state funds must have commitment letters from leverage partners at the time of the full proposal.

**Comment [JL17]:** Following two sections have been moved from a later section, but have not been changed at all.

## **P. Consultation and Cooperation with State and Local Agencies and Demonstration of Local Support**

In compliance with the Conservancy’s governing statute (Public Resources Code Section 32363) and Prop. 1, local government agencies—such as counties, cities, and local districts—will be notified by the Conservancy about eligible grant projects being considered for funding in their area. The Conservancy shall coordinate and consult with the city or county in which a grant is proposed to be implemented or an interest in real property is proposed to be acquired, and with the Delta Protection Commission. The Conservancy will also coordinate with the appropriate departments in state government that are doing work in the Sacramento-San Joaquin Delta, including the Central Valley Flood Protection Board. For all applications under consideration, Conservancy staff will also notify the applicable public water agency, levee, flood control, or drainage agency (when appropriate), and request comments within 15 business days following notification. The individual Conservancy Board members representing each of the five Delta counties will also be notified at this time and may wish to communicate with the affected entities as well.

The Conservancy will work with the grantee to make all reasonable efforts to address concerns raised by local governments. Please note that it is also the applicant’s responsibility to contact, seek support from, and coordinate with applicable state agencies, cities, counties, and local districts. If an applicant has a project-specific resolution of support from the affected city or county and local district, it should be included in the application package in order to facilitate the overall assessment process.

### **L.O. Grant Provisions**

For each awarded grant, the Conservancy will develop an individual grant agreement with detailed provisions and requirements specific to that project. Please be aware that if you are authorized to receive a grant from the Conservancy, the provisions listed below will apply:

- Actual awards are conditional upon funds being available from the State.
- Grant eligible costs may be incurred by the grantee only after the grantee has entered into a fully executed agreement with the Conservancy; only these costs will be eligible for reimbursement.

#### Land Tenure Documents

- For all Category 2 implementation projects, adequate proof of land tenure agreements must be in place allowing the applicant/grantee to access property to construct and maintain the proposed project must be in place prior to the dispersal of funds. If appropriate, define what, if any, agreements are in place, or plans (including a timeline) to acquire those agreements. Please be aware that a grant agreement will not be executed without proof of land tenure.

- —
- —

#### • Leases or Agreements

**Comment [JL18]:** Updated per Board decision on 7/27

- ~~If appropriate, provide copies of all leases, agreements, memoranda of understanding, etc., not already addressed affecting project lands or the future operation and maintenance thereof.~~
- Grant eligible costs will only be paid in arrears on a reimbursement basis, require supporting documentation upon request, and may be subject to audit (see Appendix H).
- Grantees will not be paid if any of the following conditions occur:
  - the applicant has been non-responsive or does not meet the conditions outlined in the grant proposal and grant agreement;
  - the project has received alternative funding from other sources that duplicates the portion or work or costs funded by a Conservancy grant;
  - the project description has changed and is no longer eligible for funding; or
  - the applicant requests to end the project.

## Proposal Solicitation

### A. Applying for a Grant Application, Review and Selection Process

**Comment [JL19]:** Combined two very redundant sections.

The Delta Conservancy runs a two-part proposal solicitation process. Concept proposals are invited from any eligible applicant. Concept proposals are scored by Conservancy staff, and those only those projects that meet or exceed the minimum point threshold at the concept proposal stage are invited to submit full proposals.

The following steps will be followed during a grant cycle:

#### Concept Proposal

- The Conservancy will hold a proposal submission workshop. Questions received at the proposal submission workshop, or subsequently over the phone or via email, and staff's response will be posted on the Conservancy's Prop. 1 Grant Program web page to assist others with similar questions.
- If potential applicants have questions that are not answered on the Conservancy's Grant Program web page or via the proposal submission workshop, potential applicants are encouraged to contact Conservancy grant staff before submitting a proposal. Once a proposal has been submitted, Conservancy staff will only be able to provide status updates.
- Potential applicants will submit a concept proposal. Only proposals submitted prior to the submission deadline will be considered.
- The concept proposals will be reviewed for administrative and technical purposes as outlined in the concept proposal evaluation criteria. If the concept proposal is complete, meets all concept proposal requirements, and scores a minimum of 75 points, a full proposal will be requested.

### Full Proposal

- Please note that a project's full proposal documents will not be accepted unless a completed concept proposal has been submitted for review, scored, and the Conservancy requests a full proposal. Only full proposals submitted prior to the submission deadline will be considered.
- The full proposals will be reviewed and scored by the Conservancy grant team according to the proposal evaluation criteria below. Conservancy staff will conduct a project site visit with each eligible applicant.
- The full proposals will also be reviewed by an independent professional review panel made up of state and federal agency technical experts. The professional review panel will provide an additional independent review of staff's evaluation and scoring.
- Following professional review, the staff team will assign final scores to each application.
- ~~The final score will be posted on the Conservancy's website for final Board approval at a public meeting. Funding recommendation(s) will be made by staff and scheduled for a Board meeting agenda as an action item at the direction of the Executive Officer. The Board will be provided with a list of all proposals received, and a staff recommendation for projects to be funded.~~
- ~~The Board will be provided with a list of all applications received, their final scores, and the staff recommendation for projects to be funded. Full proposals will be made available upon request.~~ The Board action will involve ratification of the projects' scores and action on staff's funding recommendation. Applicants and members of the public will have the opportunity to appear before the Board at this time.
- If a grant proposal is approved, Conservancy staff will work with the applicant to complete a grant agreement that outlines reporting requirements, specific performance measures, invoice protocol, and grant funding disbursement.
- ~~If a project scores 75 points or higher during either the concept or full proposal stages but cannot demonstrate strong local support or a lack of significant conflict from local interests, the Conservancy reserves the right not to fund the project until the conflict is satisfactorily resolved.~~
- ~~Funding recommendation(s) will be made by staff and scheduled for a Board meeting agenda as an action item at the direction of the Executive Officer. The Board will be provided with a list of all proposals received, and a staff recommendation for projects to be funded.~~

A score of 75 points during either the concept or full proposal stage does not guarantee that a grant award will be made or that a project will receive all of the requested funding. Funding recommendations and decisions will be based upon the scores received, the reasonableness of the costs, as well as the diversity of the types of projects and their locations, which together will create the maximum ecosystem benefit within the Delta as a whole. When eligible projects (those receiving at least 75 points) exceed the amount of funds available in the funding cycle,

the Conservancy may choose not to fund some of the eligible projects or to award partial funding. The Board may, within its discretion, approve a conditional award of funds as needed to allow an applicant to complete administrative steps, or a reservation of funds to accommodate pending compliance actions (e.g., CEQA).

If a project scores 75 points or higher during either the concept or full proposal stages but cannot demonstrate strong local support or a lack of significant conflict from local interests, the Conservancy reserves the right not to fund the project until the conflict is satisfactorily resolved.

Proposals and scoring information will be made available upon request.

- ~~The Board may, within its discretion, approve a conditional award of funds or a reservation of funds to accommodate pending compliance actions (e.g., CEQA).~~
- ~~If a grant proposal is approved, Conservancy staff will work with the applicant to complete a grant agreement that outlines reporting requirements, specific performance measures, invoice protocol, and grant funding disbursement.~~

## B. Grant Cycle and Important Dates

The Conservancy's grant cycle is approximately 9 months long. Concept proposals are solicited in the fall, full proposals are invited in the winter, and funding is awarded the following spring. If all funds during a fiscal year are expended but proposals have been submitted that otherwise could be approved for funding, these proposals may be held and re-considered during the next grant cycle. All dates for the Conservancy's 2016-2017 grant cycle are subject to change. Please check the Prop. 1 Grant Program web page for the most up-to-date information.

Important dates for the 2016-17 grant cycle are:

- Concept Proposal Solicitation – September 1, 2016 - September 30, 2016
- Full Proposal Solicitation – November 28, 2016 – January 13~~20~~, 2017
- Board Approval of Full Proposals – April 26, 2017

## Proposal Selection

Comment [JL20]: Combined with section above.

## C. Proposal Review and Selection Process

~~Those interested in applying for Prop. 1 funds through the Conservancy must submit a concept proposal, which must clearly demonstrate the value of the project and provide the Conservancy with adequate information to evaluate the project. The concept proposal will be scored by Conservancy staff based on the concept proposal evaluation criteria.~~



~~If the concept proposal meets the scoring threshold of 75 points (as well as all concept proposal requirements), the applicant will be invited to submit a full proposal. Please note that a project's full proposal documents will not be accepted unless a completed concept proposal has been submitted for review, scored, and the Conservancy requests a full proposal.~~

~~Full proposals will be reviewed and scored by the Conservancy grant team and a professional review panel to evaluate benefits, project design and readiness, and other factors (see full proposal evaluation criteria below). The professional review panel will be made up of state and federal agency technical experts, and will review staff's evaluation and scoring of full proposals to provide an independent review of staff's evaluation and scoring. A minimum of 75 points are required for a full proposal to be considered for funding. Conservancy staff will conduct a project site visit with each eligible applicant.~~

~~If a project scores 75 points or higher during either the concept or full proposal stages but cannot demonstrate strong local support or a lack of significant conflict from local interests, the Conservancy reserves the right not to fund the project until the conflict is satisfactorily resolved.~~

~~Funding recommendation(s) will be made by staff and scheduled for a Board meeting agenda as an action item at the direction of the Executive Officer. The Board will be provided with a list of all proposals received, and a staff recommendation for projects to be funded.~~

~~Proposals and scoring information will be made available upon request.~~

~~If a grant proposal is approved, Conservancy staff will work with the applicant to complete a grant agreement that outlines reporting requirements, specific performance measures, invoice protocol, and grant funding disbursement.~~

#### **D.C. \_\_\_\_\_ Evaluation Criteria for Concept Proposal**

Conservancy staff will determine the eligibility of a concept proposal using the criteria outlined below. If a concept proposal passes all three eligibility criteria, its merit will be evaluated by Conservancy staff using the concept proposal criteria listed below.

##### Eligibility Review

Conservancy staff will assess a project's eligibility based on the three criteria below, assigning a pass or fail for each criterion. A passing score will be assigned if the project meets all of the criteria as listed, or if the project could meet all of the criteria with minimal modifications. Projects that pass the eligibility review but require modifications to be eligible will be notified about eligibility requirements if they are invited to submit a full proposal. Eligibility will be reassessed during the full proposal review process.

##### *Eligibility Criteria (Pass/Fail)*

1. Will the project result in the construction, acquisition or long term improvement of a capital asset or is the project a planning effort that will lead to such project? A capital asset is tangible physical property that has a useful life of at least fifteen years.
2. Will the project produce ecosystem and/or water quality and/or agricultural sustainability benefits?
3. Is the project consistent with Proposition 1, the California Water Action Plan, the Conservancy's enabling legislation, and the Delta Plan?

### Evaluation and Scoring

Staff will score projects based on the evaluation criteria below. If a project scores a minimum of 75 points (out of 100), a full proposal will be requested. The number in parentheses reflects the maximum number of points allocated to each criterion.

#### *Project Description and Organizational Capacity (12 points)*

1. The degree to which the project description clearly explains the location, need, goals and objectives, tasks, deliverables, and budget for the project, as well as the related experience and qualifications of all parties working on the project.

#### *State Priorities/Project Benefits (25 points)*

2. (a). For Category 1 projects, the degree to which the project considers climate change, and the degree to which the specific, on-the-ground project for which planning is being conducted will yield multiple benefits that further Prop. 1 and state priorities, including implementation of the California Water Action Plan, the Conservancy's enabling legislation and Strategic Plan, the Delta Plan, and applicable recovery plans.
2. (b). For Category 2 projects, the degree to which the project integrates climate change considerations, and the degree to which it will yield multiple benefits that further Prop. 1 and state priorities, including implementation of the California Water Action Plan, the Conservancy's enabling legislation and Strategic Plan, the Delta Plan, and applicable recovery plans .

#### *Readiness (15 points)*

3. (a) For a Category 1 project, the degree to which the proposal demonstrates how the proposed planning activities will advance the project toward implementation in a timely manner, and how previous and subsequent phases will ensure that environmental compliance and all data gaps are addressed.
3. (b). For a Category 2 project, the degree to which planning is complete and the project is ready to begin.

#### *Local Support (20 points)*

4. (a). For Category 1 projects, the degree to which potentially affected parties will be informed and consulted as part of the planning process, and the degree to which the project has local support, is consistent with similar efforts on nearby or surrounding lands, and is part of larger plans or identified partnerships.
4. (b). For Category 2 projects, the degree to which potentially affected parties have been informed and consulted, and the degree to which the project has local support, is consistent with similar efforts on nearby or surrounding lands, and is part of larger plans or identified partnerships.

#### *Scientific Merit and Performance Measures (20 points)*

5. (a). For Category 1 projects, the extent to which the scientific basis of the proposed project is clearly described, adaptive management is addressed, and to which outputs and outcomes are presented.
5. (b). For category 2 projects, the extent to which the scientific basis of the proposed project is clearly described, and to which outputs, outcomes, and a plan for tracking performance are described. Applicants should outline a monitoring framework for measuring progress toward achieving stated objectives and outcomes, and discuss how adaptive management will be implemented. If scientific basis and adaptive management are not relevant for this project (e.g., a sustainable agriculture project), the extent to which best industry practices are used.

*Funding: Cost Share and Leveraging (8 points)*

6. The degree to which the project develops a cost share with private, federal, or local funding to maximize benefits. For every 10 percent of cost share, a project will score one point for this evaluation criterion, to a maximum of 5 points. (5 points)
7. The degree to which the project leverages other state funds. (3 points)

**E.D. Evaluation Criteria for Full Proposal**

Eligibility Review

Conservancy staff will assess a project's eligibility based on the three criteria below, assigning a pass or fail for each criterion. A passing score will be assigned only if the project meets all of the criteria as listed.

*Eligibility Criteria (Pass/Fail)*

1. Will the project result in the construction, acquisition or long term improvement of a capital asset or is the project a planning effort that will lead to such project? A capital asset is tangible physical property that has a useful life of at least fifteen years.
2. Will the project produce ecosystem and/or water quality benefits and/or agricultural sustainability?
3. Is the project consistent with Proposition 1, the California Water Action Plan, the Conservancy's enabling legislation, and the Delta Plan?

Evaluation and Scoring

If a concept proposal scores a minimum of 75 points and a full proposal is invited, full proposals will be evaluated using the following criteria (for a maximum of 100 points). Projects will need a score of 75 points or better to be considered for funding.

Project Description and Organizational Capacity

1. Does the applicant provide a clear description of the project that addresses the need for the project, and project goals and objectives, tasks, deliverables, and budget? How well can the applicant manage and complete the proposed project considering related experience, staff qualifications and knowledge; and what is the applicant's performance

on prior federal or state assistance agreements awarded in the past three years? Does the project description include a detailed project plan or implementation schedule; and budget with reasonable costs and clear identification of grant funds and cost share contributions? For acquisition projects, has the applicant satisfactorily provided all required additional information? (10)

State Priorities/ Project Benefits

2. (a). For Category 1 projects, how well does the specific, on-the-ground project for which planning is being done demonstrate consistency with Prop. 1 and State priorities, including implementation of the California Water Action Plan, the Conservancy's enabling legislation and Strategic Plan, the Delta Plan, and applicable recovery plans? Where relevant, projects should demonstrate consistency with regional plans (see Appendix B for a list of relevant plans) (15).
2. (b). For Category 2 projects, how well does the project demonstrate consistency with Prop. 1 and State priorities, including implementation of the California Water Action Plan, the Conservancy's enabling legislation and Strategic Plan, the Delta Plan, and applicable recovery plans? Where relevant, projects should demonstrate consistency with regional plans (see Appendix B for a list of relevant plans). For acquisition projects, does the proposal address the factors required by the Conservancy's enabling legislation? (15)
3. (a). For Category 1 projects, does the applicant explain how the planning effort will include efforts to develop a plan to maintain environmental benefits for the required minimum of 15 years, and for developing and implementing an adaptive management plan? (5)
3. (b). For Category 2 projects, how well does the applicant demonstrate plans for long-term management and sustainability of the project for the required minimum of 15 years or longer, and how for the implementation of an adaptive management plan as required and defined in the Delta Plan? (5)
4. (a). For Category 1 projects, the extent to which the project considers climate change, and provides a mechanism for incorporating climate change considerations into the planning process. (5)
4. (b). For Category 2 projects, the extent to which the project integrates climate change considerations. If an agricultural sustainability project, the extent to which the impacts of climate change are vetted and deemed relevant or applicable to the project (5).

Readiness

5. (a). For Category 1 projects, how well does the proposal demonstrate how the proposed planning activities will advance the project toward implementation in a timely manner, and how previous and subsequent phases will ensure that environmental compliance and all data gaps are addressed? (15)

5. (b). For Category 2 projects, how complete is project planning, what is the status of CEQA and permitting efforts, and when will the project be ready to begin implementation? (15)

Local support

6. How well does the applicant demonstrate that they have local support? Full point will be provided only if a resolution of support from the County is included. (7)
7. To what extent has the applicant developed appropriate and necessary partnerships to help implement the project, and, if applicable, has the project been incorporated into larger plans or existing partnerships? (5)
8. (a). For Category 1 projects, how well does the proposal demonstrate plans inform and consult potentially affected parties, and to avoid, reduce, or mitigate conflicts with existing and adjacent land uses? (5)
8. (b). For Category 2 projects, has the applicant informed and consulted potentially affected parties, how consistent is the project with similar efforts on nearby or surrounding lands, and how well does the project avoid, reduce, or mitigate conflicts with existing and adjacent land uses? (5)

Funding: Cost Share and Leveraging

9. Does the project develop a cost share with private, federal, or local funding to maximize benefits? For every 10 percent of cost share, a project will score one point for this evaluation criterion, to a maximum of 5 points. (5)
10. Does the project leverage other state funds? (3)

Scientific Merit and Performance Measures

11. How well does the applicant explain the scientific basis of the proposed project and the degree to which best available science has been adopted? If scientific basis is not relevant for this project (e.g., a sustainable agriculture project), what is the extent to which best industry practices are used, and to which the impacts of climate change are vetted? (10)
12. (a). For Category 1 projects, how clear are the project's outputs and outcomes, and how well does the proposal ~~demonstrate~~ demonstrate a plan for tracking progress toward stated performance measures? (10)
12. (b). For Category 2 projects, how clear are the project's outputs and outcomes, and how well does the proposal demonstrate a plan for measuring, monitoring, tracking, and reporting progress toward achieving these results? To what extent does the proposal demonstrate a plan and approach for collecting and managing data consistent with existing State efforts, and for reporting project results or methods to private, State, and/or local government agencies beyond their own organization? (10)

13. How well does the project employ new or innovative technology or practices, including decision support tools? If an agricultural sustainability proposal, how well does the project vet the relevancy and applicability of new or innovative technology or practices (5).

Comment [JL21]: Moved to previous section.

## **F. Federal and Local Cost Share and State-Leveraged Funds**

The Conservancy will provide points to proposals with a federal, local, or private cost share component (other state funds may not count toward the cost share). Cost sharing is the portion of the project not borne by the Conservancy's grant monies. Cost sharing encourages collaboration and cooperation beyond in-kind and written support. Applicants are encouraged to develop a cost share program to support their project. Only cost share commitments made explicitly for the project may count toward the cost percentage for grant proposal and ranking purposes. Applicants stating that they have a cost share component must have commitment letters from cost share partners at the time the full proposal is submitted and include letters of commitment as part of the proposal requirements.

At both the concept and full proposal stages, for every 10 percent of cost share, a project will score one point, to a maximum of five points. Up to 50 percent of a cost share may be in-kind. For example, if the cost share is \$50,000, \$25,000 of that may be from in-kind sources. All in-kind cost share must be matched with cash at a one-to-one ratio. For projects without any cash match, in-kind cost share will not be calculated into the project's cost share score. Cost share will be calculated by dividing the total eligible cost share (only that from federal, local, or private sources, with all in-kind matched one-to-one with cash) by the total dollar amount requested from the Conservancy.

The Conservancy will also provide points (see evaluation criteria) for proposals that leverage state funds for multi-benefit projects. These projects must support multiple objectives as identified in various planning documents (see Appendix B). State funds may not count toward the cost share. Applicants stating that they are leveraging other state funds must have commitment letters from leverage partners at the time of the full proposal.

## **G. Consultation and Cooperation with State and Local Agencies and Demonstration of Local Support**

In compliance with the Conservancy's governing statute (Public Resources Code Section 32363) and Prop. 1, local government agencies—such as counties, cities, and local districts—will be notified by the Conservancy about eligible grant projects being considered for funding in their area. The Conservancy shall coordinate and consult with the city or county in which a grant is proposed to be implemented or an interest in real property is proposed to be acquired, and with the Delta Protection Commission. The Conservancy will also coordinate with the appropriate departments in state government that are doing work in the Sacramento-San Joaquin Delta, including the Central Valley Flood Protection Board. For all applications under consideration, Conservancy staff will also notify the applicable public water agency, levee, flood control, or drainage agency (when appropriate), and request comments within 15 business days following notification. The individual Conservancy Board members representing each of the five Delta counties will also be notified at this time and may wish to communicate with the affected entities as well.

~~The Conservancy will work with the grantee to make all reasonable efforts to address concerns raised by local governments. Please note that it is also the applicant's responsibility to contact, seek support from, and coordinate with applicable state agencies, cities, counties, and local districts. If an applicant has a project-specific resolution of support from the affected city or county and local district, it should be included in the application package in order to facilitate the overall assessment process.~~

## Application Process

This section describes the information and documents that must be submitted for both a concept and a full proposal.

### A. Concept Proposal Instructions

Please read the instructions below to submit a complete, clear, and responsive concept proposal. All files should be submitted electronically one of two ways: 1) via email to [prop1grants@deltaconservancy.ca.gov](mailto:prop1grants@deltaconservancy.ca.gov) ; or 2) via USB or CD and mailed or hand delivered to 1450 Halyard Drive, Suite 6, West Sacramento, CA 95691. The concept proposal should not exceed ten pages (not including the application form, budget, and support letters).

#### Concept Proposal Application Form

The form (please see Appendix C) should be completed with additional pages for the items listed below. Please use at least 11-point standard font, single line spacing with one-inch page margins. The following information will be scored using the concept proposal evaluation criteria.

**a. Applicant Information**

Applicant must list its organizational/agency name, address, the primary contact's name and contact information, and the organization's federal tax ID number. Applicant must also identify the type of organization it is.

**b. Project Information**

Applicant must provide specific information about the project. Name, location (county, city/community, and any information that is more specific to the project site), proposed start date, and the estimated completion date.

#### Project Description and Organizational Capacity

Provide a clear, detailed description of the project proposed for Conservancy funding. Include:

- Location of project,
- Specific need for the project,
- The project's goals and objectives,
- Specific tasks that will be undertaken,
- Work products or deliverables, and
- Experience and qualifications of all parties working on the project.

### State Priorities/Project Benefits

Demonstrate that the project will yield multiple benefits that are aligned with state priorities. Describe how the project's outcomes are consistent with the following:

- Proposition 1
- California Water Action Plan
- The Conservancy's enabling legislation
- The Conservancy's strategic plan
- The Delta Plan
- Applicable recovery plans and other related efforts

Category 1 projects should describe the consistency of the specific, on-the-ground project for which planning is being conducted. Projects selected to submit a full proposal will be required to substantiate this consistency.

Also, describe how climate change considerations are being taken into account. For planning projects, note how climate change will be considered as part of the planning process. For implementation projects, describe any risks posed by climate change and how the project has been designed to mitigate those risks, and explain any projected climate-related impacts or benefits of the project. If these are not relevant for this project (e.g., a sustainable agriculture project), then describe how best industry practices have been incorporated.

### Readiness

Describe the readiness to proceed with the project, indicating any work that has already been done and any additional work that will need to be done:

- Discuss the readiness of the project to begin.
- For planning projects, describe how the proposed planning activities will advance the project toward implementation.
- List any data needs or identified data gaps, and a process for addressing them.
- Describe any permits and landowner agreements that will be required, if applicable. This includes the status of CEQA compliance.
- Discuss the status of cost share efforts, including the leveraging of state funds.

### Local Support

List individuals and organizations who will be participating in the project, cooperating (providing guidance, etc.), and supporting the project (not actively engaged, but aware of the project and supportive). Describe how you have informed and consulted with affected parties and/or incorporated good neighbor practices into the project. For Category 1 projects, describe how affected parties will be informed and consulted during the planning process, if they have not been already. Discuss how projects are consistent with similar efforts in surrounding areas, and integrated into larger plans and partnership. Applicants should include letters of support from applicable local government agencies, and should consult with the Delta Protection Commission (letters do not count toward ten page maximum).

### Scientific Merit and Performance Measures

Describe the scientific basis of the proposed project and how best available science and adaptive management practices have or will be integrated into the project and implemented. Include a general description of project outcomes and outputs, describing the benefits they will



yield. For Category 2 projects, describe the approach to measuring and reporting the project's effectiveness, including how successes will be quantified.

#### Funding Request and Budget

Applicant must provide information about the total project cost as well as the amount requested from the Conservancy. Information about cash and in-kind contributions, including sources, must also be included. For Category 2 grants, planning and monitoring costs may not exceed 20 percent. Category 1, planning proposals, may use 100 percent of awarded funds for planning activities, however, these planning funds must relate to a future Category 2 and may not exceed 10 percent of the total project funds (Category 1 and Category 2 combined) requested from the Conservancy. Please use the Concept Proposal Budget Template in Appendix C. Explain how budget items in the attached table align with project tasks described in the project description. Include grant management and reporting, and performance measure tracking costs in the total funding request.

## **B. Full Proposal Instructions**

As described in the preceding section, all prospective applicants are required to submit a concept proposal. An applicant will be invited to submit a full proposal if the concept proposal has met all of the criteria and receives the minimum score. Only applicants invited to submit a full proposal will be reviewed and considered.

Applicants who are invited to submit a full proposal will be sent proposal submission instructions, which will include a fillable PDF application form and other required attachments. Prospective applicants should be prepared to submit the following information in a full proposal.

#### Authorization or Resolution to Apply

Applicants will be required to provide a copy of documentation authorizing them to submit an application for grant funding to the Conservancy. A project-specific governing board resolution is required for nonprofit organizations, tribes and local government agencies. However, if the organization's governing board has delegated authority to a specific officer to act on behalf of that organization, that officer may, in lieu of a resolution, submit a letter of authorization along with documentation of the delegated authority. The documentation of delegated authority must include the language granting such authority and the date of delegation.

For both letters and resolutions, the authorized representative may be a particular person (or persons) or a position (or positions). The advantage of having a position named as the authorized representative is that a new letter or resolution would not be required should the person currently holding the position change. In lieu of a resolution, state and federal agencies may submit a letter authorizing the application. The letter must be on the agency's letterhead, and must identify the position (job title) of the authorized representative.

#### Documents Required of Nonprofit Applicants

Nonprofit applicants are required to submit Articles of Incorporation, IRS letters, and signed Bylaws. If a nonprofit organization has submitted these documents to the Conservancy in prior funding cycles and its status has not changed, the applicant should notify Conservancy staff. If these documents are not already on file at the Conservancy, they must be submitted to the Conservancy if invited to submit a full proposal.

A nonprofit must meet eligibility requirements at the time of concept proposal submittal. Nonprofits incorporated outside of California must submit documentation from the California Secretary of State at the time of the application showing that they are permitted to do business in the State of California.

As required by statute, an eligible nonprofit organization is one that qualifies for exempt status under Section 501(c)(3) of Title 26 of the United States Code and has charitable purposes that are consistent with the purposes of the Conservancy.

Documents Required of Public Utility

Public utilities regulated by the Public Utilities Commission must demonstrate that it has a clear and definite public purpose and that benefits the customers and not the investors.

Documents Required of Native American Tribe

Native American tribes must show proof of its inclusion on the National Heritage Commission's California Tribal List, or proof of federal recognition.

Documents Required of Mutual Water Company

Mutual water companies are required to submit a document that demonstrates a clear and definite public purpose and that it benefits the customers of the water system and not the investors.

Urban water suppliers must submit its 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 must submit its agricultural water management plan in accordance with the Agricultural Water Management Planning Act (Part 2.8 (commencing with Section 10800) of Division 6).

Urban water suppliers and agricultural water suppliers must show proof of how it complies with the requirements of Part 2.55 (commencing with Section 10608) of Division 6).

Supplemental Documents

**a. Partner and Community Letters of Support**

Provide letters of support for the project, including support and commitment letters from partners providing a cost share, and from the landowner of the project site, if the applicant is not the landowner. If applicable, applicants are strongly encouraged to provide a letter of support from the entity providing water for a Category 2 implementation project.

**b. Resolutions of Support from Applicable Local Government Agencies**

Provide resolutions of support for the project from the county/counties in which the project is located.

**c. Consultation with the Delta Protection Commission**

Provide proof that the Delta Protection Commission has been consulted about the proposed project.

**d. Proof of Consultation with the California Conservation Corps**

For Category 2 implementation projects, provide proof that the Corps have been consulted about the proposed project. See Appendix E for guidance and requirements necessary to ensure compliance with this provision.

**d-e. Information Required for Acquisition Projects**

For projects that propose to acquire an interest in real property, the following information is required at the time of application:

1. A table including: parcel numbers, acreage, willing seller name and address, breakdown of how the funds will be budgeted, and an acquisition schedule (see Appendix G for a sample table)
  2. Copy of the Purchase and Sale or Option Agreement, or Willing Seller Letter(s)
  3. Appraisal or Estimation of Fair Market Value
  4. Map showing lands that will be acquired, including parcel lines and numbers
- ~~• A table including: parcel numbers, acreage, willing seller name and address, breakdown of how the funds will be budgeted, and an acquisition schedule~~
  - ~~• Copy of the Purchase Agreement or a Willing Seller Letter~~
  - ~~• Appraisal or Estimation of Fair Market Value~~
  - ~~• Preliminary Title Report~~
  - ~~• Letter stating that applicant will directly pay DGS for review of appraisal and associated materials~~
  - ~~• Map of plotted easements or fee title~~
  - ~~• Underlying documents to title exceptions, upon request~~
  - ~~• Analysis of mineral rights issues, if applicable~~

Acquisition projects will be subject to a specific set of requirements that must be met prior to and immediately after closing escrow. For more information, please refer to the checklist provided in Appendix F.

**e-f. Maps, Photos, and Site Plans**

*Project Location Map*

Provide a map identifying the project site. The map should provide sufficient detail to allow a person unfamiliar with the area to locate the project. Applicants are encouraged to provide a satellite image or aerial photograph as the background of the map, if available.

*Parcel Map with County Assessor's Parcel Number(s)*

For all acquisition projects (required), and as applicable for other projects, provide an Assessor's Parcel Map of the project area with the parcel(s) identified by parcel number.

*Topographic Map*

If applicable, submit a topographic map (preferred 1:24,000 scale) that is detailed enough to identify the project area and elements as described in the project description narrative.

*Photos of the Project Site*

If applicable, submit no more than 10 photos showing the area(s) to be restored, protected, or acquired. Photos should be appropriately captioned for greatest usefulness.

*Site Plan*

If applicable, provide a drawing or depiction indicating scale, project orientation (north-south), what work the grantee will accomplish, where the work will be done and the approximate square footage of any improvements that are part of the grant scope. The plan should also indicate access points to the site.

~~f.g. **Land Tenure Documents**~~

~~For all projects, agreements must be in place allowing the applicant to access property to construct and maintain the proposed project. If appropriate, define what, if any, agreements are in place, or plans (including a timeline) to acquire those agreements. Please be aware that a grant agreement will not be executed without proof of land tenure.~~

**Comment [JL22]:** Now required after grant agreement execution. Deleted and added language to Grant Provisions section.

~~g.h. **Leases or Agreements**~~

~~If appropriate, provide copies of all leases, agreements, memoranda of understanding, etc., not already addressed affecting project lands or the future operation and maintenance thereof.~~

~~h.i. **Regulatory Requirements/Permits**~~

~~Provide a list and descriptions of existing and additional required permits for the project. If not applicable, declare that permits are not applicable, and provide the reason(s) why. The applicant will be required to certify that it understands that it is its responsibility to comply with all federal, state and local laws that apply to the Project.~~

**Comment [JL23]:** Revised per Legal

~~At the time of application, the applicant must identify who it believes is the lead agency for the project and how it intends to comply with CEQA. If the Delta Conservancy will be the lead agency, the applicant should indicate whether the project is exempt and provide an explanation. If the project is not exempt, the Delta Conservancy will have to complete the necessary CEQA documentation. If another agency is the lead agency and has completed its CEQA process, the applicant shall provide documentation showing that the lead agency has found the project to be exempt or copies of all environmental documents and findings made by the lead agency. Applicants should ensure that all environmental documents are current enough to describe the current environmental conditions. If the lead agency has not completed its CEQA process at the time of application, the applicant shall indicate when it anticipates CEQA to be complete. The Conservancy cannot approve a Category 2 grant until the required CEQA documents have been completed and the necessary findings made~~

~~If NEPA is applicable to the proposed project, the applicant must complete the NEPA section of the CEQA/NEPA compliance form. Please check the box that describes the NEPA status of the project and complete the documentation component of the form. Applicants should also submit any permits, surveys, or reports that support the NEPA status including any~~

adopted and relevant NEPA environmental compliance documents, such as a Record of Decision/Draft and Final Environmental Impact Statement, Finding of No Significant Impact/Environmental Assessment, or a Decision Notice/Categorical Exclusion.

Regulatory Requirements/Permits: Provide a list and descriptions of existing and additional required permits for the project. If not applicable, declare that permits are not applicable, and provide the reason(s) why. At the time of application, the applicant must identify who it believes is the lead agency for the project and how it intends to comply with CEQA. If another agency is the lead agency, the applicant shall provide, at a minimum: (1) a filed Notice of Exemption, or (2) an initial study with a description of how the applicant will comply with CEQA. The Conservancy cannot approve a Category 2 grant until the required CEQA documents have been completed and the necessary findings made

If NEPA is applicable to the proposed project, the applicant must complete the NEPA section of the CEQA/NEPA compliance form. Please check the box that describes the NEPA status of the project and complete the documentation component of the form. Applicants should also submit any permits, surveys, or reports that support the NEPA status.

Attach copies of adopted Environmental Impact Reports (EIR)—Public Review Draft and Final versions—Negative Declarations or Mitigated Negative Declarations and Initial Studies, or Notices of Exemption, if a public agency has acted to provide CEQA compliance.

If applicable, attach copies of all adopted and relevant NEPA environmental compliance documents, such as a Record of Decision/Draft and Final Environmental Impact Statement, Finding of No Significant Impact/Environmental Assessment, or a Decision Notice/Categorical Exclusion. Applicants should ensure that all environmental documents are current enough to describe the current environmental conditions.

## Appendices

### Appendix A: Glossary of Terms

Adaptive Management - a framework and flexible decision making process for ongoing knowledge acquisition, monitoring, and evaluation leading to continuous improvements in management planning and implementation of a project to achieve specified objectives.

Application – The individual application form and its required attachments for grants pursuant to the Conservancy’s Ecosystem Restoration and Water Quality Grant Program.

Best Available Science - Science with the following elements: (a) well-stated objectives; (b) a clear conceptual or mathematical model; (c) a good experimental design with standardized methods for data collection; (d) statistical rigor and sound logic for analysis and interpretation; and (e) clear documentation of methods, results, and conclusions.

Best Industry Practices - A best practice is a method or technique that has consistently shown results superior to those achieved with other means, used as a benchmark or standardizes, the most efficient and effective way to accomplish a desired outcome. A best practice is used to describe the process of developing and following a standard way of doing things that multiple organizations can use.

CEQA – The California Environmental Quality Act as set forth in the Public Resources Code Section 21000 et seq. CEQA is a law establishing policies and procedures that require agencies to identify, disclose to decision makers and the public, and attempt to lessen significant impacts to environmental and historical resources that may occur as a result of a proposed project to be undertaken, funded, or approved by a local or state agency. For more information, refer to <http://resources.ca.gov/ceqa>. <http://ceres.ca.gov/ceqa>.

Conservancy – See Sacramento-San Joaquin Delta Conservancy.

Cost Share – The portion of the project borne by private, federal, or locals funds that will supplement the Conservancy’s Prop. 1 funding.

Eligible Costs – Approved expenses incurred by the grantee during the performance period of the grant agreement.

Encroachment Permits - An encroachment permit is a contract between a public agency and an encroachment permit holder, (permittee), that describes the terms and conditions under which the permit holder is granted permissive authority to enter onto a public right-of-way to perform an activity. An encroachment permit grants permission to the permittee or their agent (a contractor) to perform the within the public right-of-way, and assignment to another party is prohibited.

Grant – Funds made available to a grantee for eligible costs during an agreement performance period.

Grant Agreement – An agreement between the Conservancy and the grantee specifying the payment of funds by the Conservancy for the performance of the project scope within the specific performance period.

Impaired Waterbody – A waterbody listed on Federal Clean Water Act Sec. 303(d). A waterbody (i.e., stream reaches, lakes, waterbody segments) with chronic or recurring monitored violations of the applicable numeric and/or narrative water quality criteria.

Indirect Costs – Indirect costs include any expense which does not relate directly to project implementation. Indirect costs may include administrative support (e.g., personnel time for accounting, legal, executive, IT, or other staff who support the implementation of the proposed project but who are not directly billing their time to the project), and office-related expenses (e.g., insurance, rent, utilities, printing/copying equipment, computer equipment, and janitorial expenses).

In-kind Contributions – Non-monetary donations that are used on the project, including materials and services. These donations shall be eligible as “other sources of funds” when providing budgetary information on grant applications.

Lead Agency - [The public agency which has the principal responsibility for carrying out or approving a project under CEQA \(see <http://resources.ca.gov/ceqa/guidelines/art20.html>\).](http://resources.ca.gov/ceqa/guidelines/art20.html)

Monitoring Activities – The collection and analysis of observations or data repeated over time and in relation to a conservation or management objective.

Natural System Functions - Features of wetlands, waterways, riparian areas and other vegetation that enable them to function as a natural system. Good practices can help in restoring natural system functions such as reducing surface run-off; filter sediments, nutrients and chemicals; provide habitat for fish and animals, native plants and create suitable habitat for nesting sites on wetlands

Nonprofit Organization – A private, nonprofit organization that qualifies for exempt status under Section 501(c)(3) of Title 26 of the United States Code, and whose charitable purposes are consistent with those of the Conservancy as set forth in Public Resources Code Section 32320 et seq.

Outcomes – The benefits or long-term changes that are sought from undertaking the project. They are achieved from the utilization of the project’s outputs. Outcomes are linked with objectives, in that if the outcomes are achieved then the project’s objective(s) have been met. Targeted outcomes will have a measurable benefit and will be used to gauge the success of the project. At the end of the project the measures will help answer such questions as ‘what have we achieved?’ and ‘how do we know?’

Outputs - Products/deliverables expected to be achieved through the completion of the proposed project to meet the identified outcomes.

Performance Measure – A quantitative measure agreed upon by the Conservancy and grantee to track progress toward project objectives and desired outcomes.

Planning Activities – Initial project development work, including but not limited to permits, mapping, partner coordination, and planning exercises. Planning activities must have a direct link and provide a direct path to future on-the-ground activities.

Pollutant – As defined in Clean Water Act Sec. 502(6), a pollutant means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

Pollution – The man-made or man-induced alteration of the chemical, physical or radiological integrity of water.

Protection - Action taken, often by securing a conservation easement, to ensure that habitat or conservation values are maintained.

Public Agencies – Any city, county, district, or joint powers authority; state agency; public university; or federal agency.

Reasonable Costs – Costs that are consistent with what a reasonable person would pay in the same or similar circumstances.

Responsible Agency - Includes all public agencies other than the Lead Agency which have discretionary approval power over the project under CEQA (see <http://resources.ca.gov/ceqa/guidelines/art20.html>).

Restoration - Habitat is considered restored when actions have been taken that re-establish or substantially rehabilitate that habitat with the goal of returning natural or historic functions and characteristics.

Sacramento-San Joaquin Delta – The confluence of the Sacramento River and San Joaquin River basins, forming an inland delta.

Sacramento-San Joaquin Delta Conservancy - As defined in Public Resources Code Section 32320, the Conservancy acts as a primary state agency to implement ecosystem restoration in the Delta and support efforts that advance environmental protection and the economic well-being of Delta residents. The Conservancy's service area is the statutory Delta (see Water Code Section 12220) and Suisun Marsh.

Statutory Delta – As defined in Water Code Section 12220. The legal definition can be found at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=wat&group=12001-13000&file=12220>. A map of the statutory Delta can be found at <http://mavensnotebook.com/the-bdcp-road-map/environmental-impacts-of-alternative-4/bdcp-eir-ch-13-fig-13-1-statutory-delta/>.

Suisun Marsh – The largest contiguous brackish water marsh remaining on the west coast of North America and a critical part of the San Francisco Bay and Sacramento-San Joaquin River Delta estuary ecosystem. The Suisun Marsh Preservation Act—further defining the Marsh—can be found at [http://www.bcdc.ca.gov/laws\\_plans/suisun\\_marsh\\_preservation\\_act.shtml](http://www.bcdc.ca.gov/laws_plans/suisun_marsh_preservation_act.shtml).



## Appendix B: Key State, Federal, and Local Plans and Tools

Links to potentially relevant resources are provided below under the primary authoring agency (in alphabetical order).

### Bureau of Reclamation

*Suisun Marsh Habitat Management, Preservation, and Restoration Plan*. Bureau of Reclamation (2013): [http://www.usbr.gov/mp/nepa/nepa\\_proidetails.cfm?Project\\_ID=781](http://www.usbr.gov/mp/nepa/nepa_proidetails.cfm?Project_ID=781)

### California State Parks

*Recreation Proposal for the Sacramento-San Joaquin Delta and Suisun Marsh*. California State Parks (2011): [http://www.parks.ca.gov/pages/795/files/delta%20rec%20proposal\\_08\\_02\\_11.pdf](http://www.parks.ca.gov/pages/795/files/delta%20rec%20proposal_08_02_11.pdf)

### California Water Quality Monitoring Council

*California Wetlands Monitoring Workgroup*: [http://www.mywaterquality.ca.gov/monitoring\\_council/wetland\\_workgroup/](http://www.mywaterquality.ca.gov/monitoring_council/wetland_workgroup/)

*Wetland and Riparian Area Monitoring Plan (WRAMP)*: [http://www.mywaterquality.ca.gov/monitoring\\_council/wetland\\_workgroup/index.html#frame](http://www.mywaterquality.ca.gov/monitoring_council/wetland_workgroup/index.html#frame)

*California Aquatic Resources Inventory*: [www.sfei.org/it/gis/cari](http://www.sfei.org/it/gis/cari)

*California Rapid Assessment Method*: [www.cramwetlands.org](http://www.cramwetlands.org)

*EcoAtlas*: [www.ecoatlas.org](http://www.ecoatlas.org)

### Central Valley Joint Venture

*2006 Implementation Plan*. Central Valley Joint Venture (2006): <http://www.centralvalleyjointventure.org/science>

### Delta Stewardship Council

*Delta Plan*. Delta Stewardship Council (2013): <http://deltacouncil.ca.gov/delta-plan-0>

*Delta Science Plan*. <http://deltacouncil.ca.gov/sites/default/files/documents/files/Delta-Science-Plan-12-30-2013.pdf>.

*Delta Stewardship Council Covered Actions*: <http://deltacouncil.ca.gov/covered-actions>

### Department of Water Resources

*Department of Water Resources Agricultural Land Stewardship Strategies*: <https://agriculturallandstewardship.water.ca.gov/>

*Central Valley Flood Protection*

Plan: [http://www.water.ca.gov/floodsafe/fessro/docs/flood\\_tab\\_cvfpp.pdf](http://www.water.ca.gov/floodsafe/fessro/docs/flood_tab_cvfpp.pdf)

Delta Protection Commission

*Land Use and Resource Management Plan*. Delta Protection Commission: <http://www.delta.ca.gov/plan.htm>

*Economic Sustainability Plan for the Sacramento-San Joaquin Delta*. Delta Protection Commission (2012): [http://www.delta.ca.gov/res/docs/ESP/ESP\\_P2\\_FINAL.pdf](http://www.delta.ca.gov/res/docs/ESP/ESP_P2_FINAL.pdf)

National Oceanic and Atmospheric Administration

*National Oceanic and Atmospheric Administration's Recovery*

Plans: [http://www.westcoast.fisheries.noaa.gov/protected\\_species/salmon\\_steelhead/recovery\\_planning\\_and\\_implementation/](http://www.westcoast.fisheries.noaa.gov/protected_species/salmon_steelhead/recovery_planning_and_implementation/)

Natural Resources Agency

Proposition 1: <http://bondaccountability.resources.ca.gov/p1.aspx>;  
[http://bondaccountability.resources.ca.gov/PDF/Prop1/PROPOSITION\\_1\\_text.pdf](http://bondaccountability.resources.ca.gov/PDF/Prop1/PROPOSITION_1_text.pdf)

*California Water Action*

Plan: [http://resources.ca.gov/california\\_water\\_action\\_plan/Final\\_California\\_Water\\_Action\\_Plan.pdf](http://resources.ca.gov/california_water_action_plan/Final_California_Water_Action_Plan.pdf)

Sacramento-San Joaquin Delta Conservancy

*Delta Conservancy's Enabling Legislation*: <http://deltaconservancy.ca.gov/about-delta-conservancy>.

*2012 Strategic Plan*. Sacramento-San Joaquin Delta Conservancy

(2012): [http://www.deltaconservancy.ca.gov/sites/default/files/docs/Delta\\_Conservancy\\_Strategic\\_Plan\\_Designed\\_20June2012.pdf](http://www.deltaconservancy.ca.gov/sites/default/files/docs/Delta_Conservancy_Strategic_Plan_Designed_20June2012.pdf)

State Water Resources Control Board

*Surface Water Ambient Monitoring Program*:

[http://www.waterboards.ca.gov/water\\_issues/programs/quality\\_assurance/comparability.shtml](http://www.waterboards.ca.gov/water_issues/programs/quality_assurance/comparability.shtml).

*California Environmental Data Exchange Network*: <http://www.ceden.org>

Yolo County

*Yolo County Agricultural Economic Development Fund*. Consero Solutions (2014): <http://www.yolocounty.org/home/showdocument?id=26874>

## Appendix C: Concept Proposal Application Form and Budget Template

### Concept Proposal Application Form

**\*\*Submit this document and the required attachments in PDF\*\***

#### Applicant Information

Applicant Name (organization): \_\_\_\_\_

Type of Organization (circle one): Public Agency      Nonprofit      Public Utility  
Native American Tribe      Mutual Water Company

Address: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Federal Tax ID#: \_\_\_\_\_

#### Project Information

Project Name: \_\_\_\_\_

Project Location \_\_\_\_\_

**\*\*\*Please submit a map with the concept proposal\*\*\***

County: \_\_\_\_\_ City/Community: \_\_\_\_\_ Specific Location: \_\_\_\_\_

Grant Category (circle one):    Category 1                      Category 2

Funding Priority (circle all that apply):      Restoration and Enhancement  
Water Quality  
Water-related Agricultural Sustainability

Proposed Start Date: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_

## Concept Proposal Budget Template

**Comment [JL24]:** Made consistent with full proposal and grant agreement!

Include costs for grant management and reporting, and performance measure tracking. All costs should be explained in the proposal.

Budget Category	Total Cost	
	Conservancy	Cost Share (Please note source, and indicate cash or in-kind)
Personnel*		
<del>Travel</del> General Operating Expenses^		
<del>Supplies</del> Subcontractors		
Equipment		
<del>Contractual</del>		
<del>Other (describe)</del>		
Indirect**		
Other		
<b>TOTAL</b>		

\*Personnel rates may only include salary and wages, fringe benefits, and payroll taxes.

^ General Operating Expenses include travel, meetings, supplies, and other expenses.

\*\* Indirect costs must be directly related to the project and the rate will be calculated up to twenty (20) percent of the project implementation cost. To determine the amount of eligible indirect costs, the applicant must first determine the cost of implementing the project, not including any indirect costs. Once the project implementation cost has been determined, the applicant may calculate indirect costs and include them in the total grant request up to the allowable twenty percent cap. Subcontractors and equipment line items may not be used in calculation of indirect costs. Indirect costs must be reasonable, allocable, and applicable and may include administrative support (e.g., personnel time for accounting, legal, executive, IT, or other staff who support the implementation of the proposed project but who are not directly billing their time to the project), and office-related expenses (e.g., , insurance, rent, utilities, printing/copying equipment, computer equipment, and janitorial expenses) . These costs are subject to audit and must be documented by the grantee. Indirect expenses may not be added into the hourly rate for personnel billing directly to the grant. Personnel rates may only include salary and wages, fringe benefits, and payroll taxes.

**NOTE: Category 1, planning proposals, may use 100 percent of awarded funds for planning activities, however, these planning funds must relate to a future Category 2 and may not exceed 10 percent of the total project funds (Category 1 and Category 2 combined) requested from the Conservancy.**

DRAFT

## Appendix D: Performance Measures Table

The performance measures are used to track progress of individual projects towards the overall grant objectives of “multibenefit ecosystem and watershed protection and restoration.” Using the table below, applicants must develop environmentally relevant performance measures to which they will be held accountable if funding is awarded. Administrative tasks (such as completion of progress reports, invoices, or other financial or contractual tasks) will be tracked through a schedule of deliverables and regularly submitted reports, and should not be included in the table below. Performance will be tracked by submitting quarterly and annual reports, through field audits, and by regular communication with the Conservancy Project Manager.

The table should be used to link the project’s environmental objectives with outcomes and outputs. An objective may have more than one outcome or output associated with it. For the purposes of this grant program, objectives are specific actions that support the attainment of the project’s goal. Multi-faceted projects will require measurement of several parameters to evaluate overall project performance, including multiple objectives, outcomes, and/or outputs.

Project outcomes track ecological response to a project, and are defined as:

*The benefits or long-term ecosystem and watershed changes that are sought from undertaking the project. They are achieved from the utilization of the project’s outputs. Outcomes are linked with objectives, in that if the outcomes are achieved then the project’s objective(s) have been met. Targeted outcomes will have a measurable benefit and will be used to gauge the success of the project. At the end of the project the measures will help answer such questions as ‘what have we achieved?’ and ‘how do we know?’*

Project outputs track project implementation, and are defined as:

*Products/deliverables expected to be achieved through the completion of the proposed project to meet the identified outcomes. Project outputs are the things that will be produced as a result of working toward your objective.*

For Category 2 implementation projects, the outcomes and outputs should be linked to the tools and methods of measurement described in the Monitoring and Assessment Plan. The Monitoring and Assessment Plan will describe how the applicant will measure and verify a project’s outputs and outcomes. If a project is likely to be deemed a covered action pursuant to CWC Section 85057.5, the applicant should consider the applicability of incorporating Delta Plan performance measures.

**In the table below, describe project objectives, outcomes, and outputs that lead to environmental benefits. Note when outputs will be completed (this date should be within the three-year timeframe of a grant agreement). The examples provided below are intended to be illustrative and not prescriptive.**

**Performance Measures Table.** Please fill out with the appropriate information for the project being proposed for funding. The information in the table is an example only.

Objective	Outcome	Outputs	Related Tasks	Output Completion Dates
<i>Definition: A specific action that supports the attainment of the project's goal.</i>	<i>Definition: The benefits or long-term ecosystem and/or watershed changes that are sought from undertaking the project.</i>	<i>Definition: Products/deliverables expected to be achieved through the completion of the proposed project to meet the identified ecosystem and/or watershed outcomes.</i>	<i>Instructions: Identify which tasks (as identified in the Schedule and List of Deliverables) are related to the outputs.?</i>	<i>Instructions: These Note completion dates should be within the 3-year duration of the grant agreement.</i>
<b>Example 1. Category 1 Planning Project: Subsidence Reversal Wetlands</b>				
1. Complete all environmental compliance and other planning to prepare for the construction of 500 acres of viable, durable, multi-benefit wetland habitat in the West Delta to benefit wetland-affiliate wildlife and to reverse subsidence in areas at high risk of levee failure.	<p>A. By 20XX, all planning and permits are in place, funding is secured, and the project is ready to break ground.</p> <p>B. By 20XX, construction of 500-ac wetland complex is <del>is</del> complete.</p> <p>C. By 20XX, the project is yielding habitat and flood protection benefits.</p>	<p>1.1 Evaluate baseline habitat conditions and document in a report.</p> <p>1.2 Completion of a wetland delineation report.</p> <p>1.3 Completion of 30% and 60% design drawings.</p> <p>1.4 CEQA documents complete.</p>	<p>1.1 Task 2</p> <p>1.2 Task 2</p> <p>1.3 Task 3</p> <p>1.4 Tasks 2, 3, 4</p>	<p>1.1 December 2017</p> <p>1.2 December 2017</p> <p>1.3 March 2018</p> <p>1.4 June 2019</p>
<b>Example 2. Category 2 Implementation Project: Channel Margin Habitat Restoration</b>				
1. Restore 1,000 linear feet of channel margin habitat along denuded channels in the Delta to improve habitat for migratory fish species.	<p>A. By 20XX, salmonids will use restored habitat at the project site for some portion of their life history more frequently than under baseline and reference conditions.</p> <p>B. By 20XX, fish on or adjacent to restoration the project sites will have higher food consumption, resulting in higher condition factor and growth rate relative to baseline and reference conditions.</p>	<p>1.1 1,000 linear feet of levee are setback and graded.</p> <p>1.2 1,000 linear feet of channel margin habitat is planted with mixed riparian and upland scrub species.</p> <p>1.3 Post-planting surveys indicate 85% survival of woody and non-woody vegetation.</p>	<p>1.1 Task 2</p> <p>1.2 Task 3</p> <p>1.3 Task 4</p>	<p>1.1 October 2018</p> <p>1.2 October 2019</p> <p>1.3 June 2020</p>
2. Establish 1,000 linear feet of vegetation on the channel-side of levees on Twitchell	A. By 20XX, 1,000 linear feet of vegetation has been established and provides a corridor of functional channel margin habitat.			

Island to enhance the habitat value of the levees.	B. By 20XX, abundance and diversity riparian species <u>at the project site</u> has increased X% over baseline.			
Objective	Outcome	Outputs	Related Tasks	Output Completion Dates
<i><b>Definition:</b> A specific action that supports the attainment of the project's goal.</i>	<i><b>Definition:</b> The benefits or long-term ecosystem and/or watershed changes that are sought from undertaking the project.</i>	<i><b>Definition:</b> Products/deliverables expected to be achieved through the completion of the proposed project to meet the identified ecosystem and/or watershed outcomes.</i>	<i><b>Instructions:</b> Identify which tasks (as identified in the Schedule and List of Deliverables) are related to the outputs. Which tasks (as identified in the Schedule and List of Deliverables) are related to the outputs?</i>	<i><b>Instructions:</b> Note completion dates within the 3-year duration of the grant agreement. These should be within the 3-year duration of the grant agreement.</i>
<b>Example 3. Category 2 Implementation Project: Upland Conservation Easement Acquisition</b>				
1. Protect 1,200 acres of upland habitat in perpetuity through the purchase of a conservation easement.	A. Conservation values of 1,200-acre property are maintained at or above baseline conditions as documented by annual easement monitoring.	1.1 Conservation easement is purchased for 1,200-acre ranch in Solano County. 1.2 Easement monitoring plan is established and on-going monitoring is funded through an endowment.	1.1 Tasks 2, 4, 5 1.2 Task 3	1.3 December 2019 1.4 December 2019



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## Appendix E: California Conservation Corps Guidelines

### California Conservation Corps and Certified Community Conservation Corps

#### Proposition 1 - Water Bond Guidelines – Chapter 6

##### Corps Consultation Process

June 2015

This process has been developed to ensure compliance with Division 26.7 of the Water Code, Chapter 6, Section 79734 that specifies the involvement of the CCC and the certified community conservation corps (as represented by the California Association of Local Conservation Corps-CALCC).

Section 79734 states “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.***”

Applicants for funds to complete restoration and ecosystem protection projects ***shall*** consult with representatives of the California Conservation Corps (CCC) AND the California Association of Local Conservation Corps (CALCC), the entity representing the certified community conservation corps, to determine the feasibility of the Corps participation. Unless otherwise exempted (see notes below), applicants that fail to engage in such consultation should not be eligible to receive Chapter 6 funds. 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 (template attached) 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 five 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 five 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 has 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.
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.

**California Conservation Corps and Certified Community Conservation Corps  
Proposition 1 - Water Bond  
Corps Consultation Review Document  
June 2015**

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 has been consulted will be deemed “noncompliant” and will not be considered for funding.

1. Name of Applicant: \_\_\_\_\_ Project Title: \_\_\_\_\_

Department/Conservancy to which you are applying for funding: \_\_\_\_\_

**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 BUSINESS OF RECEIPT AS VERIFICATION OF CONSULTATION. APPLICANT WILL INCLUDE COPY OF THIS DOCUMENT **AND PROOF OF COMMUNICATION WITH CCC AND CALCC** AS PART OF THE PROJECT APPLICATION.

## Appendix F: Land Acquisition Checklist

**Comment [JL26]:** Updated to reflect the information gathered by talking with SCC, SNC, WCB, CNRA, and TNC, and to integrate feedback of the EO and Legal

### Checklist for Conservation Easement or Fee Title Proposals

#### **I. Information Submitted with Application**

- A table including: parcel numbers, acreage, willing seller name and address, breakdown of how the funds will be budgeted, and an acquisition schedule
- Copy of Purchase and Sale or Option Agreement, or Willing Seller Letter(s)
- Appraisal or Estimation of Fair Market Value
- Map showing lands that will be acquired, including parcel lines and numbers

#### **II. Information Required Prior to Execution of Grant Agreement**

- Grantee Board resolution for Grant Authority that certifies:
  - i. Signatory has authority
  - ii. Acceptance of grant
  - iii. Acceptance of property interest

#### **III. Information Required as a Condition of the Grant Agreement**

- Purchase and Sale or Option Agreement, if not provided at application stage
- Appraisal that has been reviewed and approved by the Department of General Services (DGS)
  - DGS APPRAISAL GUIDELINES*
- Assessment of State Land Commission holdings, if applicable
- Preliminary Title Report
- Analysis of mineral rights issues, if applicable
- Environmental documentation/hazardous materials assessment
- Draft grant deed or conservation easement<sup>3</sup>
- Copies of any instruments that create a covenant, obligation, or restriction affecting the property to be acquired
- Stewardship plan:
  - i. Management Plan for fee title
  - ii. Easement Monitoring Plan for conservation easements
- Plan for signs

#### **IV. Information Required Prior to Transfer of Funds into Escrow**

- Disbursement request with an original signature of Grantee's authorized signatory and the following information/attachments:
  - i. Name and address of grantee
  - ii. Agreement number
  - iii. Dollar amount requested

<sup>3</sup> Grant deed or conservation easement should, if possible, reflect as an attachment the grant agreement. If the County Recorder's Office will not allow the grant agreement to be recorded as an attachment, the grantee will file a Notice of Unrecorded Grant Agreement (NUGA).

- iv. Statement of other funds that have been or will be deposited into escrow prior to or at the time of deposit of Conservancy's grant funds
- v. Anticipated date of escrow close
- vi. This checklist, indicating that all prerequisites for transfer of funds into escrow have been met
- vii. Buyer's closing statement
- viii. Baseline conditions report
- ix. Original, certified copy of the fully-executed grant deed of conservation easement certified by the escrow offer holding the document
- x. Escrow instructions:
  - 1. Title company (or escrow holder) name, address, and telephone number
  - 2. Escrow officer
  - 3. Escrow account number
- Payee Data Record (STD 204) for the title company (which completes and signs); must include address to send escrow payment

**V. Information Required After Close of Escrow**

- Final title policy
- Final recorded deeds, including Notice of Unrecorded Grant Agreement, if applicable

**Delta Conservancy Proposition 1 Grant Program  
Checklist for Conservation Easement or Fee Title Proposals**

**Project  
No:**

- - -

**Project  
Name:**

- - -

**I. Information Submitted with Application:**

- A table including: parcel numbers, acreage, willing seller name and address, breakdown of how the funds will be budgeted, and an acquisition schedule
- Copy of the Purchase Agreement or a Willing Seller Letter
- Appraisal or Estimation of Fair Market Value
- Preliminary Title Report
- Letter stating that applicant will directly pay DGS for review of appraisal and associated materials
- Map of plotted easements or fee title
- Underlying documents to title exceptions, upon request
- Analysis of mineral rights issues, if applicable

**II. Staff Review and Evaluation:**

- Staff will review and evaluate all submitted information and work with Legal Counsel to determine if these supporting documents are adequate and consistent with the requirements of the grant funds
- POLICIES GOVERNING GRANT AGREEMENT FOR CONSERVATION EASEMENT OR FEE TITLE*

**III. Board Approval:**

Staff recommendations for Board Approval include the following:

- A copy of the table including: parcel numbers, acreage, willing seller name and address, breakdown of how the funds will be budgeted, and an acquisition schedule
- A copy of the Purchase Agreement or a Willing Seller Letter
- A copy of the Appraisal or Estimation of Fair Market Value
- A copy of the Preliminary Title Report
- A copy of the map of plotted easements or fee title
- A copy of underlying documents to title exceptions, if requested
- A copy of the analysis of mineral rights issues, if applicable

**IV. Before Execution of Agreement:**

- Applicant submits the appraisal to the Conservancy for DGS review and approval  
*DGS APPRAISAL GUIDELINES*
  - Staff reviews State Lands Commission holdings, if applicable
  - Applicant submits draft grant deed or conservation easement
  - Applicant provides any updates to PTR
  - Applicant's board provides a resolution for Grant Authority certifying that:
    - ▲ Signatory has authority
    - ▲ Acceptance of grant
    - ▲ Acceptance of property interest*SAMPLE RESOLUTION DOCUMENT*
  - Staff reviews mineral rights, if applicable
  - Applicant submits Phase 1 Environmental Site Assessment for review/approval by DC PL
  - Applicant submits stewardship plan
  - Applicant submits escrow instructions for review/approval by DC PL
  - Applicant submits an original, certified copy of the fully executed grant deed or conservation easement certified by the escrow officer holding the document
  - Applicant submits Disbursement Request with an original signature of Grantee's authorized signatory  
*SAMPLE DISBURSEMENT REQUEST DOCUMENT*
  - Board approved the project (Date: \_\_\_\_\_)
  - Grant Agreement must be fully executed by Grantee & DC Executive Officer
- V. Conservation Easement Grant or Fee Title – Closing Escrow (Before final invoice is paid):**  
DC PL must review/approve:
- Baseline report  
*MINIMUM REQUIREMENTS FOR BASELINE REPORTS*
  - Monitoring protocol  
*MINIMUM REQUIREMENTS FOR MONITORING PROTOCOLS*
- VI. CLOSING THE PROJECT**— After COE, applicant submit the following to DC PL (Before grant is closed):
- A copy of the recorded deed
  - A copy of the recorded NOUGA (original to follow via County Recorder)
  - A copy of the title insurance policy
  - Escrow closing statement



## **Appendix G: Acquisition Table**

**Please complete one form for each separate escrow**

<b><u>Project Title:</u></b>					
<b><u>Assessor's Parcel Number(s)</u></b>	<b><u>Acreage</u></b>	<b><u>Indicate Fee or Easement</u></b>	<b><u>Willing Seller Name and Address</u></b>		
<b><u>ACQUISITION COST ESTIMATE</u></b>					
	<b><u>Total Costs</u></b>	<b><u>Delta Conservancy Grant</u></b>	<b><u>Other Funding Source (Name)</u></b>	<b><u>Other Funding Source (Name)</u></b>	<b><u>Other Funding Source (Name)</u></b>
<b><u>A. Acquisition Cost (purchase price of real property)</u></b>					
<b><u>Estimated Fair Market Value of property</u></b>					
<b><u>B. Project Costs</u></b>					
<b><u>Appraisal</u></b>					
<b><u>DGS approval of appraisal</u></b>					
<b><u>Preliminary Title Reports</u></b>					
<b><u>Due Diligence (Phase 1, surveys, etc.)</u></b>					
<b><u>Escrow Fees, Title Insurance, Closing Costs.</u></b>					
<b><u>Direct costs (staff and consultants)</u></b>					
<b><u>Other (specify)</u></b>					
<b><u>Total A</u></b>					
<b><u>Total B</u></b> <small>(For request to Conservancy, may not exceed 10% of Total A)</small>					
<b><u>Indirect</u></b> <small>(For request to Conservancy, may not exceed 20% of Total B)</small>					
<b><u>Grand Total</u></b>					
<b><u>Acquisition Schedule</u></b>			<b><u>Completion Date</u></b>		
<b><u>Complete appraisal</u></b>					
<b><u>Submit appraisal and purchase docs to Conservancy</u></b>					
<b><u>Open escrow &amp; request advance into escrow</u></b>					
<b><u>Close escrow (submit final closing documents to Conservancy)</u></b>					

|

## **Appendix H: State Auditing Requirements**

**Comment [JL27]:** Added for clarification of audit 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.

Indirect Costs:

1. Supporting documents showing the calculation of indirect costs.

Personnel:

2. List of all contractors and grant recipient staff that worked on the State funded project.
3. 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.