

WCB Prop 1 Solicitation - Public Comments

Commenter	Section	Comment
Donna Rupp, Trinity County RCD		I did not see any discussion on what compromises a "small scale project" other than the paragraph stating that they need to be grouped together. Would it be more clear to define the minimum size of acceptable projects and then suggest that small-scale projects can be grouped together to meet the minimum? If I overlooked this somewhere, can you please let me know?
Grant Davis Sonoma County Water Agency	3.0	We request that WCB allow an application period of at least 60 days between the date when the final PSN is released and the date when proposals are due. The California Stream Flow Enhancement Program is a new and innovative program, and many applicants likely do not have substantial experience complying with the requirements outlined in the PSN. As a result, preparing applications pursuant to the PSN will likely require a substantial amount of time.
Alan Lessik California Assoc. of Local Conservation Corps	5.3 Pg 18	Please correct an error in Section 5.3 that appears on page 18 of the Solicitation and on page 16 of the Guidelines. The Section states that "applicants shall consult with the California Conservation Corps (CCC) or a certified local conservation corps," but should instead state that "applicants shall consult with the California Conservation Corps (CCC) and a certified local conservation corps" as required in the consultation guidance and other parts of the Guidelines and Solicitation.
Terrie Mitchell, Regional San	Table 2 3.0	Regional San suggests that the weighting factor and maximum criteria score be increased for the "Co-Benefits" scoring criteria. We also suggest developing criteria where multi benefit projects are awarded one point for each benefit they provide, so that multi benefit projects with the highest number of benefits receive more points than multi benefit projects with fewer benefits. This would help ensure that projects with multiple benefits are prioritized above projects with more limited or narrowly focused benefits. Additional water and habitat benefits are an essential consideration for long-term sustainability our water system, and will help build the foundation for California's future drought resilience. Regional San encourages WCB to allow an application period of at least 90 days between the release of the final PSN and when proposals are due. This is a new program and has additional technical requirements that many potential applicants may not have experience complying with. The applications will also likely require a significant amount of time to prepare. An application period of at least 90 days will help ensure that WCB receives the best and most well thought out proposals.
Christine Alford, American Rivers		In the scoring table that starts on pg 12 there are several categories that simply state "See Standard Scoring Criteria" in the scoring standards column but I didn't see any further mention in the PSN as to what these criteria are or where to find them. Is this something that the Natural Resources Agency is developing for all Prop 1 programs or something else? Are they currently available?
Jane Dolan, Sacramento River Forum		We believe that clarification may be needed in regards to review of planning proposals. Some of the criteria as they are currently described may not fit planning proposals. Following are suggestions for language to clarify how the criterion will be applied to planning projects: <ul style="list-style-type: none"> • Project Outcomes – Durability of Investment: Recommended language: Planning proposals should describe how the planning project will result in future implementation projects and how it will address long term sustainability of future implementation. • Project Readiness: Recommended language: Planning proposals should describe completed work or work underway that will support implementation of the planning project. • Monitoring and Assessment: Comment: This criterion may not be applicable to planning projects. Previous monitoring work could be addressed under the proposed language for Project Readiness above. If the WCB does intend that monitoring be included in planning projects, Section 4.4.1 Monitoring and Assessment should describe what should be included in the project scope and this criterion should include how that will be evaluated.

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		<p>We also recommend some additional language in regards to leveraged funds. On page 21, Section 6.3 Incidental Project Costs, the draft PSP states: "Grantees can use a federally recognized overhead rate for this justification, but WCB will allow the federal rate or ten percent of project cost, whichever is lower." We recommend that the forgone incidental costs be allowable as leveraged funds. This is consistent with the draft Department of Fish and Wildlife Proposal Solicitation Notice.</p> <p>The notice does not specify during what time period leveraged funds can be applied to cost share. We recommend that cost share be eligible from the date of guidelines or proposal solicitation notice adoption.</p>
Daniel Mountjoy, Sustainable Conservation		<p>To start, we are gratified to see that small-scale projects, and particularly single applications for proposals consisting of multiple small-scale projects, are explicitly provided for in the Notice. Many regions of the state contain habitat that can be vastly improved by relatively small interventions (culvert replacement, fish passage restoration, riparian fencing, invasive plant removal, etc.). The cumulative effect for stream flow enhancement of a number of such projects implemented in a region can be at least as great as that of a single large project, and the cost is likely to be significantly lower. Small-scale projects can also be completed, and their benefits seen and accounted for, much more quickly. We applaud WCB for recognizing the importance of these projects and providing for their funding in the Notice.</p> <p>Concerning Section 2.3.1 itself, we have the following comments:</p> <ul style="list-style-type: none"> • The language concerning the California Environmental Quality Act (CEQA) needs to be refined and clarified in order to better incentivize applications consisting of multiple small-scale projects administered by a single entity. <ul style="list-style-type: none"> o One of the principal benefits to be gained from combining individual small-scale projects into one application is the reduction of administrative burdens and costs for agencies. We are concerned that the current CEQA language in Section 2.3.1 could preclude the efficient and appropriate use of Categorical Exemption 15333 (and other exemptions) for small-scale projects, and act as a disincentive for eligible entities to submit "bundled" applications -- unless they already have a programmatic CEQA document in place. This language could unintentionally encourage individual project applications, which would result in more work for WCB and other agencies and fewer projects getting done. Further, individual small-scale project applications may not be competitive with larger projects in terms of statewide significance and may effectively have little chance of receiving Prop. 1 funding. o As currently written, this section can be read to imply that there <u>will</u> be cumulative impacts resulting from multi-project applications. Cumulative impacts cannot be presumed for projects undertaken in the same county, watershed or administrative jurisdiction of an agency/organization - and certainly cannot be presumed on a regional or statewide basis. The likelihood of cumulative impacts occurring from multiple projects depends on many factors, including, but not limited to, the project location and construction details, environmental protection measures, work timing, and the proximity of individual projects to one another. o We propose, as a way to promote multi-project applications, that the CEQA language in Section 2.3.1 be modified to encourage proposals in which all of the component projects would qualify for a categorical exemption under CCR Title 14, Sec. 15333 (and other appropriate sections), provided that the bundled application states that cumulative impacts are not expected due to project locations, environmental protection measures, and other factors. <p>Our remaining comments concern the ways in which the Readiness/Feasibility and Project Readiness categories of the Technical Review Evaluation Criteria and Scoring Standards will be applied to Section 2.3.1 multi-project applications.</p> <ul style="list-style-type: none"> • Under the Readiness/Feasibility heading, the evaluation criteria for Project Description - Implementation call for a "project description [that] is sufficiently detailed to serve as a statement of work for a grant agreement." In the case of an application consisting of multiple small-scale projects, this criterion should be applied to the proposal as a whole rather than to the individual projects bundled within the proposal. <ul style="list-style-type: none"> o Section 2.3.1 states explicitly that "the evaluation [of the proposal] will be based on the merit of the of the entire proposal as a whole versus the merit of an individual component." Basing the application of the project description criterion on individual small-scale projects rather than the proposal of which they are part would conflict with the stated evaluation language, and unnecessarily limit the number of multi-project applications. The overall proposal could be quite sufficiently detailed in terms of its objectives, strategy, methods and technologies to be used, etc., while including individual projects at varying levels of development.

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		<ul style="list-style-type: none"> • We urge the WCB to incorporate the use of expedited permitting processes in the scoring criteria for Project Readiness when applied to small-scale projects. <ul style="list-style-type: none"> o There are a number of existing simplified permits for small-scale restoration, including, but not limited to, the 2014 Habitat Restoration and Enhancement Act, that could substantially expedite implementation of stream flow enhancement projects. o Providing scoring incentives for multi-project applications that employ the Habitat Restoration and Enhancement Act or other expedited permitting processes will encourage the use of these valuable tools and ensure more timely implementation of these projects. o The requirements that individual projects within a multi-project application need to meet to qualify for expedited permitting can also satisfy many if not all of WCB's proposed criteria for project benefits, readiness/feasibility, and monitoring and assessment. As a result, encouraging the use of the Habitat Restoration and Enhancement Act and other expedited permitting processes by applicants for multi-project grants can streamline many parts of the application process, and further accelerate project implementation and their subsequent benefits accruing to the state. <p>Again, thank you for the opportunity to provide comments on the WCB's draft Proposal Solicitation Notice. Sustainable Conservation looks forward to working with WCB and our many conservation partners to successfully implement this important stream flow enhancement program.</p>
Grant Wilson, Earth Law Center		<p>The draft Proposal Solicitation Notice includes scoring criteria and standards, amongst other project guidance, that are important for successfully carrying out the intent of Proposition 1 and the California Water Action Plan.[1] [2] ELC is writing to urge the WCB to revise the draft Proposal Solicitation Notice in two ways: first, to call for greater inter-agency collaboration in order to maximize the potential benefits of overlapping Proposition 1 funding and mandates; and second, to further prioritize projects that provide permanent, necessary watershed and waterway protection and restoration. Background on these issues is discussed in greater detail in ELC's April 24, 2015 comment letter on the WCB's related Proposition 1 Guidelines (attached for reference). We also attach for your consideration specific, suggested line edits to the Notice (attached).</p> <p>I. The Draft Proposal Solicitation Notice Should Place a Greater Emphasis on Inter-Agency Collaboration toward Implementation of Multibenefit Projects</p> <p>ELC requests the WCB to revise the draft Proposal Solicitation Notice to further prioritize inter-agency collaboration that supports multibenefit projects (e.g., those that achieve improved flows, ecosystem restoration, and so forth). Such prioritization is consistent with Proposition 1's focus on collaboration to maximize fund utility and leveraging of all existing funds, and is also consistent with the California Water Action Plan, as discussed in the attached letter. Specific benefits of greater inter-agency collaboration include potential restoration of additional, permanent flows for less cost; enhanced coordination and dialogue to determine existing instream flow compliance obligations, as required by Proposition 1[3]; and further movement towards fulfilling the WCB's mission to ". . .protect[], restore[] and enhance[] California's spectacular natural resources [.] in partnership with conservation groups, government agencies and the people of California." (Emphasis added.) Finally, WCB programs that embrace inter-agency collaboration have proven successful, such as the WCB's land acquisition program, carried out in partnership with the California Department of Fish and Wildlife (CDFW).[4]</p> <p>The draft Proposal Solicitation Notice does contemplate inter-agency collaboration, such as by calling for CDFW and State Water Resources Control Board representatives (as appropriate) to serve as technical reviewers (Section 4.2), and by allowing for representatives from other agencies and organizations to serve on Selection Panels (Section 4.3). However, this does not reach the deeper levels of inter-agency collaboration envisioned by Proposition 1 or the California Water Action Plan. The WCB can better prioritize inter-agency collaboration within the draft Proposal Solicitation Notice by: strengthening inter-agency representation on the Selection Panel (Section 4.3), particularly for agencies that work on stream flow; establishing a new scoring criterion of "the extent to which the project advances inter-agency collaborations (e.g., toward a common flow goal)"; and by increasing the value of the "Co-Benefits - Description" criterion (which favors projects that have "multiple benefits" and thus are strong candidates for multi-agency coordination) from 3 points to 6 points. Such revisions will better achieve the intent of Proposition 1 and the California Water Action Plan.</p> <p>II. The Draft Proposal Solicitation Notice Should Further Prioritize Permanent, Necessary Ecosystem, Watershed and Waterway Protection and Restoration</p> <p>ELC also requests the WCB to revise the draft Proposal Solicitation Notice to further prioritize permanent, necessary watershed and waterway protection and restoration projects. Adequate flow in particular is fundamental to overall ecosystem health. In many over-diverted and under-replenished waterways - such as the Scott and Shasta Rivers in the North Coast, and many others statewide - low flows threaten the very existence of numerous fish species, including salmon. With Sierra snowpack recently measured at a dismal five percent of the historic average, we must act quickly and boldly to permanently restore flow to those waterways most in need. Permanent flow restoration provides a suite of ecosystem benefits - including to anadromous fish, estuarine habitats, and more. It thus effectively fulfills the purpose of California Stream Flow Enhancement Program to "provide funding to support implementation of multibenefit ecosystem and watershed protection and restoration projects in accordance with statewide priorities." It also supports the purpose of Proposition 1's Chapter 6 ("Protecting Rivers, Lakes, Streams, Coastal Waters, and Watersheds") to fund "multibenefit ecosystem and watershed protection and restoration projects in accordance with statewide priorities."</p>

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		<p>There are numerous ways that the WCB can revise the draft Proposal Solicitation Notice to immediately and permanently meet waterway needs, including with the following revisions:</p> <ul style="list-style-type: none"> • The WCB should include “instream water rights projects” as an eligible project type. California can learn from other states (such as Oregon, within limits) that have established instream water rights programs, and countries (such as semi-arid Australia) that have wisely reduced water usage. By funding projects that explore instream water rights - that is, pilot projects that apply a legally robust instream water rights system - we may find new methods to better meet the water needs of both humans and ecosystems in California. • Water conserved with Proposition 1 funds should be dedicated to instream use. As further described in the attached letter, we recommend that the WCB collaborate with other state and federal agencies to require that all or a percentage of water conserved with Proposition 1 funds be permanently dedicated to instream use with the original priority date. Requiring that some or all conserved water remains instream will help ensure that publicly-funded flow restoration projects are not negated by new off-stream consumption. Oregon has successfully implemented a similar model through its Allocation of Conserved Water Program,[5] which allocates to the state at least twenty-five percent (after mitigating effects on other water rights holders) of water conserved through certain activities. California should implement a similar, sensible approach with Proposition 1 funds. • The WCB should prioritize projects that provide permanent, enforceable, needed flow restoration. California’s waterways face numerous challenges - including the over-allocation of water rights, climate change, a historic drought, and more - which necessitate swift, permanent action to protect and restore conserved in those waterways most in need. To help achieve these important gains, the draft Proposal Solicitation Notice should give priority to projects that offer “permanent benefits to streams that provide critical habitat for endangered fish species” and/or “permanent stream flow enhancement to completely or severely dewatered streams.” Second, the WCB should revise the “Project Outcomes - Diversity and Significance of the Benefits” criterion by placing a greater emphasis on projects that meet specific waterway and/or ecosystem needs (such as restoring flow to waterways identified as being severely dewatered), in order to direct funding towards the most imperiled rivers and streams. Finally, in addition to the requirement for projects that change a stream’s hydrograph to “demonstrate how the changes will be protected for the entire reach of stream within the project limits,” ELC asks that the WCB explicitly require that all acquisitions demonstrate “full protection against downstream diversions,” with higher priority going to those that can demonstrate greater surety of long-term benefits. This will better ensure that hard-fought gains in stream flow are not voided by downstream diversions. <p>We urge the WCB to incorporate these and the attached line-edits into its final Proposal Solicitation Notice, to better protect our waterways and fulfill the mandates of Proposition 1 and the California Water Action Plan. Thank you for your consideration of these comments.</p> <p>[1] https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=101268. [2] http://resources.ca.gov/docs/california_water_action_plan/Final_California_Water_Action_Plan.pdf. [3] Determining such compliance obligations is necessary to fulfill Proposition 1’s requirement that WCB funds can only be used to “provide fisheries or ecosystem benefits or improvements that are greater than required applicable environmental mitigation measures or compliance obligations,” except for specific water transfers to fulfill the Central Valley Project Improvement Act. [4] https://www.wcb.ca.gov/Programs/Acquisition. [5] http://www.oregon.gov/OWRD/pages/mgmt_conserved_water.aspx.</p>
Melissa Guerrero, LA City		<p>The LARiverWorks team in the Office of Los Angeles Mayor Eric Garcetti acknowledges the invaluable work the Wildlife Conservation Board (WCB) has done to preserve the ecosystem function of California’s rivers and open spaces. Along the Los Angeles River approximately one million residents don’t live within walking distance of parks and are heavily disadvantaged by social and environmental factors. We believe the WCB’s Proposition 1 Guidelines will enhance the innovative and important environmental work being done in the nation’s second largest City for the benefit of residents and visitors alike. Below we offer our comments for your consideration:</p> <ol style="list-style-type: none"> 1. Consider including site remediation as an eligible expenditure, particularly if it utilizes innovative technology, provides educational benefits or accommodates nearer-term public access/use of the site; 2. Consider inserting these changes in the opening paragraph of section 2.3 “WCB will allocate Program funds to projects that enhance stream flows and are consistent with objectives and actions outlined in the California Water Action Plan, with an emphasis on providing and protecting enhanced stream flow, especially in those streams that support wildlife corridors; anadromous fish; special status, threatened, endangered or at risk species; or establish critical ecosystem values or biodiversity building blocks to enable future attraction or establishment of such species; or provide resilience to climate change.” 3. Consider adding the following to the examples of project types in Section 2.3: “Projects, that, through design, will improve the flood protection of existing residential, particularly disadvantaged, communities” 4. Consider changing “flood flows” to “storm season flows” in certain cases, such as on p. 7, Section 2.3. 5. In Section 3.3.2, under “Compatibility with Statewide and Regional Plans or Policies” consider adding: “Extent to which the project complies with a plan adopted by a local legislative body”

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		<p>6. In Section 3.3.2, under “Disadvantaged Communities” consider using the definition CalFire and CalEPA are using, suggested language is: “Projects must be located in or immediately adjacent to Disadvantaged Communities as defined as the 25% most impacted census tracts per the CalEnviroScreen 2.0 tool and as defined by CalEPA’s October 31, 2014 Press Release: http://www.calepa.ca.gov/PressRoom/Releases/2014/SB535Invest.pdf” Thank you again for the consideration of our comments above. Feel free to contact me at (213) 978-1140 or Melissa.Guerrero@lacity.org for further questions or discussion.</p>
<p>The following comments are from the agencies and staff noted below. Chris Coburn, Santa Cruz County RCD Rachel Saunders, Big Sur Land Trust Loren Clark, Placer County Community Development</p>		
Loren Clark, Rachel Saunders, Chris Coburn		<p>Section 2.2 Proposal Categories</p> <ul style="list-style-type: none"> • These sections provide a list of all the approved proposal categories for this program and examples of eligible project types. “The acquisition of land or interest in land that provide direct and measureable enhancement of stream flow” is included in the list on Page 6 and elsewhere in the document. Can WCB provide more clear direction on what qualifies as “direct and measurable enhancement of stream flow?” The extent to which WCB can clarify the science based evidence considered as effective for demonstrating “direct and measureable” results will assist potential applicants in ensuring their projects are competitive and that the effort made in preparing an application is an appropriate use of time.
Chris Coburn		<p>Section 2.3 Eligible Project Types</p> <ul style="list-style-type: none"> • We would like to clarify that groundwater recharge is an eligible project type, presumably contained within the groundwater storage and conjunctive use project type. We feel that several streams in Santa Cruz County would benefit from recovering groundwater basins, and that managed aquifer recharge (along with conservation) is a key element to affecting recovery. For example, a technical analysis of the Santa Margarita groundwater basin in Santa Cruz County found that recovering the basin would have a direct benefit to Bean Creek, a stream identified by NOAA as critical for Coho recovery.
Loren Clark, Rachel Saunders, Chris Coburn		<p>Section 2.3.1 Small-Scale Projects</p> <p>The County supports the decision by WCB to include small-scale projects in the groups of projects eligible for funding through this program. Greater clarification on the specific characteristics of a small-scale project (e.g. size, funding request) per WCB would enable eligible applicants to prepare the most competitive grant for this program. Understanding the qualifications of a small-scale project during the grant preparation period would enable applicants to work to assess the feasibility of grouping together several small-scale projects under one application.</p> <p>Additionally, the CEQA requirement in this section is confusing. Many small-scale projects can receive categorical exemptions. If cumulative effects are being measured across multiple projects, could this potentially trigger a larger CEQA process?</p>
Loren Clark, Rachel Saunders, Chris Coburn		<p>Section 3.0 - Submission Procedures</p> <p>The draft guidelines indicate that the application form is provided as Appendix A in this section. Appendix A is actually the Acronyms and Abbreviations included in the document. The table of contents indicates that Appendix E includes the proposal application form and instructions, however, no proposal application is provided in the guidelines.</p>
Loren Clark, Rachel Saunders, Chris Coburn		<p>Table 1-Administrative Review Evaluation Criteria</p> <p>A completed consultation form from the California Conservation Corps or the California Association of Local Conservation Corps is included as part of the administrative review evaluation criteria. The County applauds WCB’s work to provide a clear process by which to meet this requirement. The County fully supports these efforts to encourage collaboration with the CCC or local conservation corps to carry out projects funded through Proposition 1 funded programs. Was an evaluation of the CCC’s capacity to handle a potentially substantial increase in workload as a result of this and other Proposition 1 funding programs been conducted? Is the Corps aware of the upcoming Stream Flow program deadline and prepared to process the inquiries that will be directed to its programs? What process will the Corps use to evaluate projects and determine which is the best fit for its programs? Will inquiries be processed first come first serve?</p>
Loren Clark, Rachel Saunders, Chris Coburn		<p>Table 3 Technical Review Evaluation Criteria and Scoring Standards</p> <p>WCB staff have clearly put a lot of thought into the evaluation criteria and scoring standards. However, there are a few evaluation metrics that may not be applicable to specific types of projects included in the eligible project types list. For example:</p> <ul style="list-style-type: none"> o Project Readiness - This criterion may be challenging in the case of land acquisitions as many unforeseeable factors may delay a transaction, o Monitoring and Assessment - Will this be a requirement of land or water rights acquisition projects? If not, will land or water rights acquisition projects receive lower scores in this section? o New or Innovative Technology practices - How would this apply to land or water rights acquisition projects?

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Loren Clark, Rachel Saunders, Chris Coburn		<p>Section 5.4 Durability of Investment</p> <ul style="list-style-type: none"> Long-term management and maintenance plans are identified as requirements for implementation and acquisition grants in this section. However, this requirement does not appear in the scoring criteria. Perhaps it could replace the monitoring and assessment metric in the case of land or water rights acquisitions.
Chris Coburn		<p>Section 6.3 Incidental Project Costs</p> <ul style="list-style-type: none"> As an RCD that relies largely on grants for project implementation and has only a small operating fund, increasing restrictions on allowable indirect costs are a significant challenge to our operations. We simply cannot recover our costs when grants impose arbitrary restrictions on allowable indirect. To address this concern, the RCDSCC prepared a cost allocation plan to establish our indirect rate, and we strongly urge that we be allowed to use that rate without the 10% cap proposed in the guidelines.
Walter Moore Peninsula Open Space Trust		<p>Section 2.3 Eligible Project Types</p> <p>We suggest expanding study projects to more broadly include hydrologic assessments to protect and enhance stream flow in a watershed. Locations lacking adequate hydrologic assessments or modeling will benefit from this information in designing effective restoration projects, particularly with regard to climate change and groundwater management.</p> <p>Section 2.3.1 Small-Scale Projects</p> <p>We support the inclusion of small-scale projects as eligible for funding, and suggest (1) clarifying the specific characteristics that qualify projects as small, and (2) considering separate evaluations for small and large projects.</p> <p>The requirement that all small projects combined for the purposes of this grant program be combined for CEQA evaluation is confusing and potentially problematic. We suggest the definition of small scale projects be such that CEQA evaluation of combined projects is achievable and not overly burdensome for project proponents.</p> <p>Section 4.0 Table 3. Technical Review and Evaluation Criteria and Scoring Standard</p> <p>For "Project Readiness," we suggest expanding the criteria for full points to be nine months instead of six. Given the unpredictable timeline for grant execution, this will allow project proponents a more flexible window in which to execute the project.</p> <p>To receive maximum points in the "Other Funding" category on page 14, it would appear that an applicant should have greater than 40% funding from other state sources and greater than 40% funding from non-state sources. Is the intention for this program to fund less than 20% of the proposed project budget? If not, please clarify.</p> <p>Regarding "Innovative Technology or Practices," please specify criteria for scoring acquisition projects.</p> <p>Section 5.4 Durability of Investment</p> <p>We support WCB's monitoring of projects. Specifically for easement acquisitions, we suggest including an option for qualified nonprofit organizations to submit to WCB monitoring reports already required by law to meet this need.</p> <p>Section 6.0 Additional Information if Funded</p> <p>We appreciate the risk of performing work before grant contract execution; however, there may be circumstances in which this is desirable for all parties. We suggest allowing reimbursement of expenses after the award is made but prior to contract execution when agreed to in advance by WCB and the awardee.</p>
Sandy Dean		<p>In response to the DRAFT Prop 1 Solicitation Notice, we submit the following comment</p> <p>In 1.1 there is a generic description of some of the things that are hoped to be accomplished of the WCB Prop 1 funds.</p> <p>2.2 says that funds can be used for 1) planning, 2) implementation, 3) acquisition and 4) scientific studies, monitoring and assessments.</p> <p>2.3 talks about eligible projects types, and says "Projects must measurably enhance stream flows at a time and location necessary to provide fisheries or ecosystems benefits or improvements that improve upon existing flow conditions and are greater than required by applicable environmental mitigation measures or compliance obligations"</p> <p>2.3 goes on to talk about types of projects that might be applicable</p> <p>4.1 has some minimum application requirements and 4.2 has technical and scientific review. The tehcnical review criteria appears to be very much processed based....</p> <p>is the applicant qualified?</p> <p>is there a detailed project description?</p> <p>is there sufficient analysis and documentation?</p> <p>are climate change considerations taken into account?</p> <p>is the project compatible with existing conservation... policies</p> <p>are there co benefits and are they measurable</p> <p>will the investment be durable?</p> <p>with the exception of the last item, the criteria here remain generic, processed based and without any articulated clear goal</p> <p>I urge the WCB to be clear – what is the goal of the funds? is it the language in 2.3 or something else? It would be highly desirable for the WCB to state the goal of Prop 1 funds in a fashion where projects can be evaluated on the basis of progress towards the goal relative to funds expended. Absent this clarity on a goal or goals, the WCB will continue to be making apples to oranges comparisons as it weighs a vast number of possible project types and proposals.</p>

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Cindy Messer, Delta Stewardship Council		<p>The mission of the Delta Stewardship Council (Council) is to promote the coequal goals of water supply reliability and ecosystem restoration in a manner that protects and enhances the unique values of the Delta as an evolving place (CA Water Code Section 85054). The Council has a legally enforceable management framework for the Delta and Suisun Marsh called the Delta Plan which applies a common sense approach based on the best available science to achieve the coequal goals. It is expected that some of the projects that WCB will fund through the Stream Flow Program will occur within the Delta and Suisun Marsh, and those projects could be considered "covered actions" subject to Delta Plan regulations.</p> <p>One of the requirements of the Delta Plan is that all covered actions need to document use of best available science and that ecosystem restoration actions must assure the continued implementation of adaptive management. Although we anticipate that most of the projects that will be funded by the Stream Flow Program will be located outside the Delta and Suisun, many stream flow enhancement and habitat restoration actions located upstream in the Sacramento and San Joaquin River watersheds can contribute to the coequal goals and recommendations contained in the Delta Plan. These recommendations can be addressed by projects that restore more natural flow regimes in tributaries, those that enhance water supply reliability via enhancements to watershed storage capacity, restoration of floodplains and flood basins, and restoration of migratory corridors for fish and wildlife. Council staff offers the following comments, which are intended to improve consistency with the Delta Plan, and encourages the WCB to consider them as it finalizes the Proposal Solicitation for the Stream Flow Program.</p> <p style="text-align: center;"><i>"Coequal goals" means the two goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem. The coequal goals shall be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place. "</i></p> <p style="text-align: center;"><i>- CA Water Code §85054</i></p> <p>Enhancing Stream Flow</p> <p>The Delta Plan calls for returning to a more naturally variable hydrograph as a key component for ecosystem restoration because the hydrograph works with habitat restoration to produce diverse and interconnected food webs, refuge options, spawning habitat, and regional food supplies to benefit native species. The Delta Plan also clarifies that a more natural hydrograph is more than changes in water volumes, but also include seasonal timing, magnitude, frequency, duration, and rate-of-change in flows. One of the performance measures of the Delta Plan associated with Delta Plan Recommendation ER R1 (Update Delta Flow Objectives) is measuring progress toward restoring in-Delta flows to more natural functional flow patterns to support a healthy estuary. Additionally, Delta Plan Recommendation ER R2 calls for projects that restore Delta habitat including restoration of natural flows to enhance floodplain habitat at certain areas within the Delta, including the lower San Joaquin River, the Yolo Bypass, and the Cosumnes-Mokelumne River confluence, to benefit salmonids and other native floodplain-dependent species.</p> <p>Proposition 1 presents an important opportunity to make progress toward the Delta Plan's goal of achieving more natural flows, as it calls for the WCB to administer \$200 million "for projects that result in enhanced stream flows." However, we are concerned that neither the administrative review nor the technical review criteria specifically require projects to have stream flow enhancement as their primary objective. The WCB's draft Proposal Solicitation Notice sets the technical review criteria for "Project Description - Purpose and Need", and "Project Outcomes - Diversity and Significance of the Benefits" at 6% and 9%, respectively, of the total maximum score. However, the proposal solicitation does not explicitly require evidence that a project will provide enhancement of stream flows for either of these two categories. We recommend that only those projects whose primary objective is stream flow enhancement to benefit native species and can, using best available science, adequately describe why the project will likely achieve this objective, be considered for funding by the Stream Flow Program. The Delta Plan encourages the development of multiple benefit projects, but we urge the WCB to only fund proposals whose purpose is first and foremost stream flow enhancement. For those proposals that meet this criterion, we support the prioritization of projects that provide multiple benefits.</p> <p>Upstream flow enhancement has the potential to benefit ecological process and species downstream, including in the Delta, as called for in the Delta Plan. Proposals should clearly state whether they intend stream flow enhancement both on and off the site of the project. If the project is intended to provide offsite benefits, the proposal will need to explain the mechanism for working with the State Water Resources Control Board to protect the stream flow so that it is not diverted before reaching its intended destination.</p> <p>Best Available Science and Adaptive Management</p> <p>The Delta Plan has a requirement that water infrastructure projects and ecosystem restoration projects that occur in part or in whole within the Delta or Suisun Marsh and otherwise meet the definition of a "covered action" include documentation of the use of best available science and adaptive management. The Delta Plan contains a detailed explanation for what is meant by "best available science" and "adaptive management" (see Delta Plan Appendix 1A and 1B available at http://deltacouncil.ca.gov/sites/default/files/documents/files/AppB_Combined_2013.pdf).</p>

Commenter	Section	Comment
		<p>We are recommending that all agencies providing grants for any projects that may become covered actions subject to Delta Plan regulations, include the pertinent definitions of "best available science" and "adaptive management" in their grant guidelines and solicitation packages. Although most projects funded by the WCB are expected to be outside the boundaries of the Delta and Suisun Marsh - and hence out of the jurisdiction of the Delta Plan - we nevertheless recommend that all projects funded by the Stream Flow Program should be guided by best available science and incorporate an adaptive management plan. The 2014 Water Bond legislation (i.e., AB 1471) requires the use of best available science to inform decisions regarding water resources.</p> <p>Since the scientific justification for projects is critically important to determine whether a project will likely have the intended habitat and wildlife benefits, we recommend that the importance of the scientific merit and basis of a project be elevated. In the current scoring criteria (Table 2 in the Draft Proposal Solicitation Notice), a proposal's documentation of the scientific merit and the scientific basis of the project represents only 3% of the total maximum score (3 points out of a maximum 99). Given the requirements of Proposition 1, we recommend that if a full proposal fails to demonstrate use of best available science (as defined in Appendix 1A of the Delta Plan), such projects should be disqualified from grant funding consideration by the WCB in a similar process to the pass/fail scoring method of the administrative review process (i.e., Table 1 of the Proposal Solicitation Notice). We also suggest the scoring criteria include an assessment of whether proposals have an adaptive management plan informed by an effective monitoring and assessment framework that will enable the WCB and others to evaluate whether the projects achieve their intended benefits.</p> <p>The Delta Science Program staff can provide guidance to project proponents and help them design monitoring programs and adaptive management plans that are guided by best available science. They can assist both with projects that will have a footprint in the Delta and Suisun Marsh as well as those projects that occur upstream of the Delta. Additionally, staff from our Science Program are willing to help participate in the WCB's technical and science review process.</p> <p>Monitoring and Reporting</p> <p>We appreciate and support WCB's requirement that all projects that are intended to change stream flow will be required to have hydrologic monitoring. We also recommend that the hydrologic monitoring be tied to assessments of water quality and biological indicators. Without concurrent monitoring of flow conditions (e.g., change in hydrograph), water quality (e.g., physical and chemical parameters including nutrient concentrations, conductivity (or salinity), pH, water temperature, and dissolved oxygen), and biological parameters (e.g., presence of native benthic macro-invertebrate assemblages, fish occurrence, and habitat use surveys), it will often be challenging if not impossible to determine whether a stream flow enhancement or floodplain restoration project is achieving its intended goals and objectives. Monitoring of these three elements (flow conditions, water quality, and biological parameters) concurrently is critical. Otherwise key monitoring information will be missing and it will be much more difficult to learn lessons from the project and inform adaptive management.</p> <p>Performance Measures</p> <p>The Draft Proposal Solicitation Notice requires that monitoring plans for proposed projects include performance measures that will be sufficiently detailed to evaluate whether the project achieves and maintains its stated objectives. To the extent possible, we hope that those performance measures, especially for projects in the Delta and Suisun Marsh, be consistent and related to performance measure identified in the Delta Plan, which include tracking the acreage of habitat restoration projects in the Delta and Suisun Marsh and monitoring trends of native species in protected and restored habitats. (For example, a stream flow enhancement project may include monitoring the additional acreage of suitable floodplain habitat for salmonids created by increased floodplain inundation, as well as monitoring the use of the enhanced floodplain by native fish and birds.) Council staff recommends that a proposal's performance measures also reflect and link to the project's adaptive management plan. We look forward to working with WCB staff to ensure coordination of these project-specific performance measures with those in the Delta Plan.</p> <p>Durability of Investments</p> <p>We would like to see assurances in the Proposal Solicitation Notice that projects funded by WCB through Proposition 1 will have long-term benefits. The Proposal Solicitation Notice requires that acquisition of water for the purpose of instream flow must not be for less than 20 years (page 6) and that for projects conducting on-the-ground work, properties must be improved or restored for at least 20 years. However, we are unsure whether elements such as changes of reservoir operations at existing and new storage sites will be required to have similar long-term assurances. Considering that the expected term of the bonds is 30 years, we recommend that the WCB only fund projects that can provide assurances that the projects will have benefits for a minimum of 30 years. Please make this requirement explicit when describing what project types are eligible under the Stream Flow Program.</p> <p>The draft Proposal Solicitation Notice includes weed eradication actions that reshape the stream hydrograph as a type of habitat restoration project eligible for Proposition 1 grant funding. We have noticed in past projects that in order for weed eradication to be effective, sites have to be regularly maintained to prevent weed recolonization. We encourage the WCB to only approve weed eradication projects when there is a long-term commitment for ongoing removal of problematic, water intensive weeds (e.g., grant applicant has a multi-decade endowment funded by non-State sources); otherwise the benefits of weed eradication on stream flow conditions are expected to be short-term.</p>

Commenter	Section	Comment
		<p>Other Comments</p> <p>In order to help applicants understand how to show consistency with the Delta Plan in the grant application, we recommend that the WCB provide potential grantees with the following information:</p> <ul style="list-style-type: none"> • General information about Delta Plan policies and recommendations, links to our regulations and online forms, and Council staff contact information. • CDFW's guidance related to avoiding or mitigating conditions that benefit non-native invasive species and DFW staff contact information, as required by Delta Plan Policy ER P5. <p>@ DWR's Agriculture and Land Stewardship guidance for managers of habitat restoration projects, including good neighbor policies and landowner participation options, and DWR or other appropriate agencies' staff contact information.</p> <p>Suggested Line Edits to the Draft Proposal Solicitation Notice</p> <p>Council staff offers the following suggested revisions to the draft Proposal Solicitation Notice for consideration by WCB staff:</p> <p>a. Proposals must identify the stream(s), reaches of those stream(s), and watershed (s) in which they are found <u>and submit documentation showing that benefits of the project will continue long-term, at a minimum of 30 years.</u></p> <p>b.</p>
	Criteria	Score
	Proposed project is not required mitigation or to be used for mitigation under CEQA, NEPA, CESA, ESA, CWA, Porter-Cologne, other pertinent laws and regulations, or a permit issued by any local, state, or federal agency.	Pass/Fail
	The applicant has included a consultation form from the California Conservation Corps or California Association of Local Conservation Corps (collectively, the Corps") to determine the feasibility of the Corps participation, consistent with the guidance stipulated in Appendix D of the solicitation.	Pass/Fail
	The project uses best available science consistent with California Water Code section 79707(d) and the definition contained within Delta Plan Appendix 1A.	Pass/Fail
	The project has an adaptive management plan, consistent with Delta Plan Appendix 1B.	Pass/Fail
	The primary purpose of the project is to achieve stream flow enhancement that will benefit native species.	Pass/Fail

c.

Scoring Criteria	Weighting Factor	Maximum Criterion Score	Percent of Total Maximum Score
Organizational Capacity			
Applicant Qualifications / Ability to Accomplish Project	3	9	
Project Benefits / State Priorities			
Project Description – Purpose and Need (i.e., Description of how and why the project will lead to providing and protecting enhanced stream flow that benefits native fish and wildlife)	2	6	36%
Project Outcomes – Diversity and Significance of the Benefits	3	9	
Climate Change Considerations	2	6	
Compatibility with Statewide and Regional Plans	2	6	
Co-Benefits – Description	1	3	
Project Outcomes – Durability of Investment	2	6	
Readiness / Feasibility			
Project Description – Implementation	2	6	24%
Schedule and Deliverables	1	3	
Project Readiness	3	9	
Budget	2	6	
Other Funding			
Leverage Funds	1	3	9%
Non-State Cost Share Funds	2	6	

Commenter	Section	Comment																																													
		<table border="1"> <tr> <td colspan="4">Community / Stakeholder Support</td> </tr> <tr> <td>Community Support and Collaboration</td> <td>1</td> <td>3</td> <td rowspan="2">6%</td> </tr> <tr> <td>Disadvantaged Communities</td> <td>1</td> <td>3</td> </tr> <tr> <td colspan="4">Innovation and Science</td> </tr> <tr> <td>Monitoring and Assessment</td> <td>3</td> <td>9</td> <td rowspan="3">15%</td> </tr> <tr> <td>New or Innovative Technology or Practices</td> <td>1</td> <td>3</td> </tr> <tr> <td>Scientific Merit – Scientific Basis</td> <td>1</td> <td>3</td> </tr> <tr> <td colspan="2">Use of Best Available Science and Adaptive Management</td> <td colspan="2">Pass/Fail</td> </tr> </table> <p>d.</p> <table border="1"> <thead> <tr> <th data-bbox="455 537 856 683">Scoring Criteria</th> <th data-bbox="856 537 926 683">Weighting Factor</th> <th data-bbox="926 537 995 683">Points 0-3</th> <th data-bbox="995 537 1335 683">Scoring Standards</th> </tr> </thead> <tbody> <tr> <td data-bbox="455 683 856 740">Project Benefits / State Priorities</td> <td data-bbox="856 683 926 740"></td> <td data-bbox="926 683 995 740">36</td> <td data-bbox="995 683 1335 740"></td> </tr> <tr> <td data-bbox="455 740 856 976"> Project Description – Purpose and Need The extent to which the proposal includes a detailed project description, including sufficient rationale to justify project need and a description of the primary objectives and protect location and boundaries are clearly delineated; of how the project will lead to </td> <td data-bbox="856 740 926 976">2</td> <td data-bbox="926 740 995 976">6</td> <td data-bbox="995 740 1335 976">See standard Scoring Criteria</td> </tr> </tbody> </table> <div data-bbox="331 992 1446 1325" style="border: 1px solid black; padding: 10px;"> <p>Wildlife Conservation Board June 23, 2015 Page 8</p> <table border="1" style="width: 100%;"> <tr> <td data-bbox="491 1159 877 1295"> providing and protecting enhanced stream flow that benefits native fish and wildlife. Also the extent to which the primary objectives and protect location and boundaries are clearly delineated. </td> <td data-bbox="877 1159 949 1295"></td> <td data-bbox="949 1159 1020 1295"></td> <td data-bbox="1020 1159 1354 1295"></td> </tr> </table> </div> <p>Final Remarks We are pleased with the progress of the WCB's Proposition 1 Grant Program which will restore aquatic habitat and increase the resilience of ecosystem to climate change impacts throughout the State, including the Delta and its upstream tributaries, if you need clarification regarding our comments, I encourage you to contact Jessica Davenport at Jessica.Davenport@deltacouncil.ca.gov or 916-445-2168.</p>	Community / Stakeholder Support				Community Support and Collaboration	1	3	6%	Disadvantaged Communities	1	3	Innovation and Science				Monitoring and Assessment	3	9	15%	New or Innovative Technology or Practices	1	3	Scientific Merit – Scientific Basis	1	3	Use of Best Available Science and Adaptive Management		Pass/Fail		Scoring Criteria	Weighting Factor	Points 0-3	Scoring Standards	Project Benefits / State Priorities		36		Project Description – Purpose and Need The extent to which the proposal includes a detailed project description, including sufficient rationale to justify project need and a description of the primary objectives and protect location and boundaries are clearly delineated; of how the project will lead to	2	6	See standard Scoring Criteria	providing and protecting enhanced stream flow that benefits native fish and wildlife. Also the extent to which the primary objectives and protect location and boundaries are clearly delineated.			
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Commenter	Section	Comment
Lisa Wallace Truckee River Watershed Council		<p>We offer the following comments on the Draft Proposal Solicitation Notice:</p> <ul style="list-style-type: none"> - Thank you for clarification - Thank you for incorporating clarification from Project Solicitation and Evaluation Guidelines into this Draft Proposal Solicitation Notice, including: <ul style="list-style-type: none"> o Program purposes focused on providing and protecting enhanced stream flow in streams that support special status, threatened, endangered or at risk species or provide resilience to climate change. o Enhanced stream flow to benefit fish and wildlife. o Proposal categories including planning, implementation, acquisition, and scientific studies, monitoring, and assessment o California Conservation Corp or a certified local conservation corps (collectively, "the Corps") will respond within 5 days with the included Corps Consultation Review Document. - TRWC commends WCB for requiring monitoring as a component of each proposal - TRWC absolutely agrees that funding should cover monitoring and reporting costs. Monitoring is a necessary element to determine the value and effectiveness of watershed protection and restoration projects. - Please clarify if a grantee must contract with the Corps for ALL feasible aspects of a project - According to the Consultation Guidance in Appendix D, "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." However, it is unclear if a grantee must contract with the Corps for all aspects of the project that can feasibly be accomplished with the Corps services. - Please increase total percentage for Technical Review Criteria - Table 2 Overview of Technical Review Criteria, the Percentage of Maximum Score only add up to 99. Please clarify where the final 1% will be. <p>The Watershed Council's goal is to complete 50 high priority projects in the next 10 years in order to improve the health and function of the Truckee River watershed. The WCB supports our efforts towards this goal, and we look forward to continuing to work with you. Thank you again for considering these comments.</p>
Jay Ziegler, The Nature Conservancy		<p>The implementation of Proposition 1 affords an excellent opportunity to direct funding to achieve the broader objective of moving the State toward more sustainable, climate-resilient water management today and for future generations. Due to the severity of the on-going drought and continuing reliance on groundwater to meet baseline water supply needs, the WCB confronts a complicated task of ensuring that additional flows provide a measureable augmentation to instream flows beyond those necessary to meet existing legal and regulatory conditions.</p> <p>The Conservancy offers the following general comments on the Proposal Solicitation Notice:</p> <p>2.1 Eligible Grant Applicants The draft PSN states that "An agricultural water supplier shall adopt and submit an agricultural water management plan in accordance with the Agricultural Water Management Planning Act (Part 2.8 (commencing with section 10800) of Division 6) (CWC §79712(b)(3))."</p> <p>We trust that WCB intends to require compliance with the Water Code requirement for Agricultural Water Management Plans for larger suppliers as opposed to imposing an onerous new requirement for such a plan on smaller water suppliers. The wording of the draft PSN can be interpreted as such but it also might be interpreted to add a new requirement for smaller suppliers. We request a clarification of this point within the final PSN. Such a clarification will permit smaller agricultural water suppliers to compete for Proposition 1 funding and provide important ecosystem benefits.</p> <p>2.2 Proposal Categories Currently, proposal categories include planning, implementation, acquisition and scientific studies/monitoring/assessment. We recommend that proposals that include multiple categories (such as a project that includes both planning and implementation) be not only eligible but prioritized. We recommend that the full project process is allowable (i.e. that the WCB use a programmatic approach) such as in other grant programs (i.e. 319h or other State Water Resources Control Board Proposition 50 and Proposition 84 grants), since funding individual project types rather than programs (e.g. Fisheries Restoration Grant Program) can cause unnecessary delays in on-the-ground implementation.</p> <p>2.3 Eligible Project Types The draft PSN states that "Projects that will result in a change in a stream's hydrograph must demonstrate how the changes will be protected for the entire reach of stream within the project limits." We suggest that in addition to these stream-flow projects, those projects that provide water to existing wetlands or create temporary wetlands during brief periods of time over the course of many years - such as those used for migratory bird stopover and fish rearing habitat - be allowable under the guidelines and PSN.</p> <p>Table 1. Administrative Review Evaluation Criteria In Table 1 and elsewhere, the draft PSN states that "The applicant has included a consultation form from the California Conservation Corps or California Association of Local Conservation Corps (collectively, "conservation corps") to determine the feasibility of the Corps participation, consistent with the guidance stipulated in Appendix D of the solicitation."</p>

Commenter	Section	Comment
		<p>Please clarify whether conservation corps involvement in the project is required, or whether the emphasis is on consultation (with or without future involvement). The current PSN language is not clear. We recommend that the evaluation criteria award points for proposals that have consulted the conservation corps, but that working with the corps during the project's execution is not required for WCB-funded projects.</p> <p>Table 2. Overview of Technical Review Criteria <u>Project benefits - climate change</u>: We recommend that WCB consider changing the weighting from 2 to 3. The extent to which climate change considerations have been taken into account (e.g. regarding how future climate conditions might affect the project's long-term benefits, and how the project could provide resilience to climate change) has a large effect on the likelihood that the state's investment will have long-term benefits, as intended. <u>Innovation and Science - Monitoring and Assessment</u>: We are very glad to see this element was weighted a 3, and we hope it will remain so in the final PSN. Monitoring and Assessment are critical components of a successful project, and help us learn how well our projects are performing, and how to make them more effective in protecting and restoring flows across California.</p> <p>Table 3. Technical Review Evaluation Criteria and Scoring Standards <u>Project Outcomes - Durability of Investment</u> The draft PSN states that "Proposals that provide a well-defined long-term management and maintenance plan for a minimum of 20 years will receive 3 points [the maximum allowable]". For some projects listed as eligible in section 2.3 Eligible Project Types, such as "water transactions (e.g., changes to a stream's hydrograph through lease, transfer, or seasonal exchange of water)", it will not be possible (or in many cases necessary) to implement in the same location every year for 20 or more years.</p> <p>We suggest that the WCB guidelines and PSN also support short term strategies (e.g. seasonal water for birds and salmon via short-term modifications to water availability) that allow the flexibility to employ intermittent uses of water for different reasons (sometimes for fish and wildlife, sometimes for agriculture, for instance) within a longer-term program designed to provide 20+ year benefits. By investing in a long-term, adaptively managed program, WCB could achieve its long-term conservation goals, while also meeting the requirements of general obligation bond funding, through a long-term program comprised of a portfolio of projects which provision temporary habitat. Such a program should recognize that a dedication of water for flows might be exercised, for example, in six of twenty years, but not every year over a twenty year term. If WCB intends to support these types of activities, Table 3 should be modified accordingly.</p> <p>5.3 California Conservation Corps The draft PSN states that "Projects where applicants fail to engage in consultation with the CCC or a certified local conservation corps will not be eligible to receive WCB Proposition 1 funding." As for Table 1, please clarify whether conservation corps involvement in the execution of the project is required, or whether the emphasis is on consultation (with or without future involvement).</p> <p>5.5 Land Tenure and Site Control The draft PSN states that "Applicants for projects conducting on-the-ground work must submit documentation showing that they have adequate tenure to, and site control of, the properties to be improved or restored for a minimum of 20 years." See above comments related to "Durability of Investment". We suggest that shorter-term projects within the context of a 20+ year plan be eligible for funding. The Conservancy looks forward to the opportunity to work with WCB to ensure the final Proposition 1 Program Guidelines and associated PSN provide funding to enhance stream flow in priority stream systems for important species and habitat. Thank you for considering our recommendations.</p>
Matt Clifford Trout Unlimited		<p>Purpose We support the prioritization on anadromous fish and threatened/ endangered/ at risk species. This represents a logical way to direct Prop 1 resources where they are needed most. In addition, the existence of recovery or conservation plans for many of these species provides an efficient way to determine that projects will address key limiting factors.</p>

Commenter	Section	Comment
		<p>Proposal Categories</p> <p>With regard to the Implementation proposal category, we support the focus on funding high-priority projects that can be implemented rapidly. For that reason, we are pleased to see that the Implementation category includes “final design” as an fundable item. We anticipate there will be some projects that, while not strictly “shovel ready,” can be implemented fairly rapidly using a design-build approach. In some cases, even where no formal design or environmental review have been completed, landowner and agency staff may have already narrowed the range of feasible design alternatives to the point they have a fairly specific idea what the project will look like, and have a fairly specific idea of the scope and impact types to be addressed in environmental review. In such cases, where enough information is available, it makes sense to allow applicants to include project design as part of their implementation proposals, rather than losing the additional year that would result from requiring them to apply for design and implementation funding sequentially in separate proposals. It would also avoid having high-priority projects compete with less well-defined proposals for the limited \$5 million available under the Planning proposal category. For the same reasons, we would like to see environmental review included as an allowable item for design-build projects in the Implementation category in appropriate cases.</p> <p>We also support the inclusion of studies, monitoring, and assessment in the Planning project category. In several key areas – such as the effects certain land use activities on the hydrograph, and the effectiveness of certain restoration measures on streamflow – well-designed studies could lead directly to effective streamflow restoration techniques that could be applied at scale. Such studies – like monitoring – are essential but often overlooked elements of successful streamflow restoration.</p> <p>Eligible Project Types</p> <p>We are pleased to see the PSN include a broad range of project types, including traditional water transactions, forbearance agreements, habitat/land use projects, floodplain restoration, and infrastructure such as offstream storage and frost fans. In light of the the wide range of factors that affect streamflow, the complexity of the legal and social landscape surrounding human water use, and the range of creative solutions that have been developed, it makes sense to have a wide range of tools in the toolbox.</p> <p>Small-Scale Projects</p> <p>We are pleased to see the PSN specifically endorse the “bundling” of small-scale projects into a combined grant application. As we stated in earlier comments on the Proposition 1 Guidelines, this approach can be an efficient way of funding smaller projects in a specific geographic region or watershed that can have significant cumulative benefits to streamflow.</p> <p>Consultation with the CCC</p> <p>The PSN requires that all applicants consult with the California Conservation Corps (CCC) to determine whether it is feasible to use its services, pursuant to Water Code § 79734. Appendix D lays out a clear procedure for doing this; however, it contemplates only two possible outcomes – a determination that use of CCC services is feasible, or that it is not. The PSN does not address other situations that are foreseeable. For example, the CCC and the applicant do not agree on whether the use of CCC services is feasible. Alternatively, it may not be possible to determine whether use of CCC services are feasible within 5 days. The PSN should provide for these situations as well.</p> <p>Leveraging Funds</p> <p>The scoring criteria evaluate projects according to the degree to which they leverage funds from state, federal, local, or private funds. However, it is not clear whether these funds must be confirmed and in-hand at the time of the grant application to the WCB, or if they can be in the application stage. The PSN should clarify this point.</p> <p>Monitoring and Assessment Requirements</p> <p>We understand the need to provide for appropriate monitoring to evaluate project effectiveness. However, we question whether the level of detail set forth in the PSN is necessary at the grant application stage to accomplish this goal. While a basic description of the purpose, type, frequency, and location of post-project monitoring is certainly appropriate, the need for many of the requested details (QA/QC, analytical methods, permit compliance terms) could be addressed by a demonstration that the applicant will retain qualified and competent specialists to conduct the monitoring.</p> <p>Finally, given the importance of post-project monitoring, and the general difficulty of finding funding to carry it out, the PSN should clarify that monitoring and assessment are eligible components of the Implementation proposal category, and may be funded accordingly.</p>

Commenter	Section	Comment
		Thanks again for the opportunity to comment on the FY 2016-17 PSN. We look forward to continuing to work with the WCB on this crucial grant program.
Christine Alford, American Rivers		<p>We believe the narrative section of this draft PSN is generally good in that it clearly states the program objective, lists eligible project types, clearly lists eligible proposal categories, and provides a more detailed explanation of the proposal review process than what was previously provided in the Draft Guidelines. However, while the objective of "<i>providing and protecting enhanced stream flow</i>" is clearly stated in the narrative of the PSN, the scoring criteria does not contain any single category or set of categories that clearly evaluate projects according to this specific and fundamental objective. Instead, the criteria largely appear to evaluate the sufficiency of the application paperwork, rather than the effectiveness of the proposed project. This deficiency needs to be addressed as part of the final PSN in order to ensure successful implementation of the Board's Stream Flow Enhancement Program. Below are some suggested modifications to the scoring criteria that would help address this issue.</p> <p>The Project Outcomes - Diversity and Significance of the Benefits category mentions in the scoring criteria that projects are scored by the "<i>extent to which the proposal provides sufficient analysis and documentation to demonstrate the significance of the expected outcomes...</i>" While the title of this scoring criteria implies an emphasis on the actual outcomes, the narrative focuses on the extent of the analysis and sufficiency of documentation. While these are both important criteria, they should be evaluated and weighted separately under two categories (i.e. Project Outcomes and Project Outcomes Analysis) rather than lumped together. The Project Outcomes criteria should be weighted highest of all scoring categories and must specifically tie back to how the proposed project will enhance stream flows and what significant environmental benefits those stream flows will provide. The scoring standards for the Project Outcomes Analysis criteria should then evaluate how well the project proponent analyzes and documents the enhanced stream flow conditions that are anticipated to result from project implementation and how sufficiently they documented the information used to determine the extent to which enhanced flow conditions will achieve the proposed environmental benefits.</p> <p>The Project Outcomes - Durability of Investment category should specifically refer to the sustainability of enhanced instream flows. To achieve this, the scoring criteria should be based on the likelihood that the proposed management and maintenance plan will result in sustainable instream flows. Currently the scoring criteria for this category could be interpreted to be scoring based on how well a management plan is written rather than the likelihood that the proposed management will achieve the desired outcome.</p> <p>The Budget category should be split into two categories: one as currently described which evaluates the extent to which the budget is appropriate to the work proposed and detailed enough to describe project costs. A second budget category should be added that evaluates the cost-effectiveness of the project costs relative to the proposed benefits. This addition will help ensure that Board investments result in the most cost-effective flow enhancement projects.</p> <p>Overall, we urge the WCB to amend the PSN to modify the scoring criteria and associated standards such that projects that provide enhanced stream flows in places and at times where the proposed activities will result in significant environmental benefit receive the highest priority for funding. In their current form, the grant scoring criteria and associated point distribution make it feasible for projects to receive funding based primarily on how well the funding application describes and follows administrative procedures, and whether the application includes descriptions of basic items that are required of all Proposition 1 programs. While these things are important, the cumulative points allocated for these criteria in the WCB's current Draft PSN are so much greater than those allocated to project outcome criteria that it is possible for projects that meet the eligible project types and basic requirements to receive funding even if they only achieve minimal benefits associated with instream flow enhancement. Due to the limited amount of funding specifically allocated for instream flow enhancement, and the presence of other Proposition 1 funding programs that have overlapping eligible project types, the WCB must prioritize funding projects that demonstrate that significant instream flow enhancement for environmental purposes as their primary project objective rather than an ancillary result of project implementation.</p>
Konrad Fisher, California Coast Keeper Alliance		<p>Thank you for the opportunity to comment on the Draft Proposal Solicitation Notice (PSN) for WCB's Proposition 1 California Stream Flow Enhancement Program. We are encouraged by the PSN narrative, but have concerns about the grant scoring criteria. Although the overall objective is to enhance stream flows, none of the scoring criteria evaluate projects based on this objective. We urge you to amend the PSN as follows:</p> <p>Amend Scoring Criteria to Favor Projects that Enhance Stream Flows The PSN should award extra points to projects that:</p> <ol style="list-style-type: none"> (1) Enhance stream flows in a manner that is measurable. (2) Enhance stream flows in a manner that is enforceable and/or legally binding. (3) Permanently enhance stream flows. (4) Provide fisheries and ecosystem benefits that are greater than required by existing compliance obligations. <p>Reserve Funds Specifically for Projects that Enhance Stream Flows The current grant scoring criteria will allow WCB to fund projects that do not actually enhance stream flows. Due to the limited amount of Proposition 1 funding allocated specifically for stream flow enhancement, the WCB should prioritize projects that actually enhance stream flows in a manner that is measurable, enforceable, and preferably permanent. There are various other sources of state and federal funding - including other portions of Proposition 1 funds - that can be used for projects that enhance stream and river ecosystems in ways that do not enhance stream flows.</p>

Commenter	Section	Comment
		<p>We recommend that the WCB reserve a large percentage of its funds for projects that enhance stream flows in a manner that is measureable and enforceable, and a lesser percentage for projects that enhance stream flows in a manner that is measurable, enforceable, and permanent.</p> <p>Do Not Fund Projects that Adversely Impact Stream Flows</p> <p>Water conservation projects can reduce stream flows when conserved water is consumed for off- stream uses. Therefore, we recommend that WCB only fund water conservation when conserved water is dedicated instream through enforceable, preferably permanent, transactions.</p> <p>For more complete recommendations about maximizing stream flow benefits with Proposition 1 funds, please refer to the attached April 24, 2015 comments addressing WCB's grant guidelines.</p>
Susan Nash, Friends of Northern San Jacinto Valley		<p>I looked through the comments but did not see mine—sent by email— regarding the renewal of the 1987 reclaimed/recycled water contract at the San Jacinto Wildlife Area. The essential issues are that EMWD proposes and CDFW accepts that the wildlife area's recorded reserve rights to a certain amount of water in the pipeline be deleted from the renewed contract and the new contract only allow the SJWA to receive about half of the original amount of 4500 AF annually.</p> <p>We (Friends of the Northern San Jacinto Valley www.northfriends.org) have looked at the prop. 1 guidelines and believe that a permanent or temporary water transfer as mentioned in the Guidelines could be partially funded by Prop 1 grants. The reclaimed water is used to restore year round flows in the San Jacinto River which runs through the SJWA and to create wetlands and other uses. Essentially the SJWA would not exist as mitigation for the State Water Project and as a core reserve for the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP- www.wrcrca.org) without a dependable, adequate, affordable supply of reclaimed water—the San Jacinto River through the SJWA has been dry because of man-made diversions and dams for 100 years, except during very extraordinary flood events. Climate change enhanced drought events (which prop 1 is intended to help alleviate) are making the water situation at the SJWA even more dire for wildlife than the old "normal" preoccupation patterns.</p>
Tasha Newman, CSG	Criteria	Clarify Leveraging Funds vs Match. Consider deleting leveraging criteria as a separate criterion and move it to Co-Benefits criteria and increase that score.
Mary Creasman - The Trust for Public Land		<p>We support the stream flow enhancement mandates that the program is working to advance, and are extremely pleased to see WCB support for securing the permanent protection of properties in order to preserve and enhance vital water supplies and protect the species that depend on in-stream flows for survival. We are pleased to see many of the proposed changes to the program implemented and our comments are limited to the following[1]:</p> <ul style="list-style-type: none"> • 1.1 Purpose (p. 3): How will critical statewide needs and priorities be defined or determined? Will statewide priorities be determined, at least in part, by approved Land Acquisition Evaluations or Conceptual Area Protection Plans? • 2.1 Eligible Grant Applicants (p.4): We understand that federal agencies are not eligible applicants but may a federal agency ultimately own, manage, and steward a property acquired with these funds? • 2.2 Proposal Categories (p.4): We suggest that the first sentence under Acquisition be changed slightly to read "purchases of land, water rights, or interests in land or water". (See also Guidelines p. 6). • 2.3 Eligible Project Types (p.5): <ul style="list-style-type: none"> o Acquisition of land or interests in land that provide direct and measurable enhancement of stream flow. We'd encourage some expansion of this project type in order include a description of improvements to water temperature, sedimentation, groundwater recharge, and timely delivery of water to critical habitats. This can also be accomplished through a clarifying expansion of the definition of "enhanced stream flow" in the Glossary of Terms. In addition, we suggest that this bullet be edited to read: "Acquisition of land or interests in land that provide direct and measurable enhancement of stream flow or prevent water diversion or negative impacts to stream flow." There are situations in which acquisition of properties threatened with immediate development or diversion of water resources is vital in order to protect important in-stream flows and provides opportunities for future enhancement. • Table 3. Disadvantaged community (p.15): We believe that the correct CWC code section is 79505.5 rather than 79707.5. • 4.4.1 Monitoring and Assessment (p.16): As currently written, the solicitation limits this requirement to implementation proposals while the guidelines require a plan for all proposals. If WCB will require acquisitions to include such a plan, we suggest that this requirement take the form of a long-term land management plan which can include monitoring and assessment elements to measure project compliance and effectiveness. • 5.3 California Conservation Corps: This section states that applicants shall consult with the CCC "for restoration and ecosystem protection projects." How is ecosystem protection defined for the purposes of this grant program? • General: what is the maximum performance period for completion of projects? <p>Thank you again for the opportunity to comment on the WCB Prop 1 Guidelines and Solicitation. We believe that this program has the potential to be a substantial driver of change in California in furtherance of the goals stated in Proposition 1 and the California Water Action Plan. The Trust for Public Land appreciates WCB's thoughtful response to the comments on the draft guidelines and looks forward to working with WCB through this program.</p> <p>[1] Please note that all comments are directed toward the solicitation unless otherwise noted</p>