

Wildlife Conservation Board Project Solicitation and Evaluation Guidelines Proposition 1



California Stream Flow
Enhancement Program
May 2015

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1.0 INTRODUCTION

1.1 Purpose

The purpose of these guidelines is to establish the process, procedures, and criteria through which the Wildlife Conservation Board (WCB) will administer the California Stream Flow Enhancement Program (Program), a competitive grant program.

These guidelines include information regarding: eligibility requirements; procedures for the solicitation, submittal, and evaluation of grant applications; the process and criteria to award grant funding and general program requirements and project approval and implementation. Separate, but related, solicitations will provide detailed information regarding how to apply for grants, and priorities and evaluation criteria specific to each solicitation. Future solicitations will be available for download from the Program website (www.wcb.ca.gov/). A list of acronyms and abbreviations, useful web links, a glossary of terms and State auditing requirements are included as appendices.

1.2 Background

WCB focuses its investment of resources on statewide priority conservation objectives and activities, including projects that help protect, conserve and enhance water supplies for the future sustainability of ecosystems and survival of fish and wildlife species in the state. The Program is designed to provide funding to support implementation of multi-benefit ecosystem and watershed protection and restoration projects in accordance with statewide priorities (California Water Code (CWC) Section 79730). CWC Section 79733 authorized the Legislature to appropriate \$200,000,000 to WCB for projects that result in enhanced stream flows. Grants will be awarded on a competitive basis using specific priorities and evaluation criteria contained in the solicitation. These guidelines were developed pursuant to CWC Section 79706(a). The following legislation is the basis of the guidelines:

- CWC Section 79700 *et seq.* – The Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1); and
- FGC Section 1348(a) – [WCB] shall authorize the acquisition of real property, rights in real property, water, or water rights as may be necessary to carry out the purposes of this chapter; and
- Fish and Game Code (FGC) Section 1350(c) – [WCB] may award grants ... to nonprofit organizations, local governmental agencies, and state agencies for the purposes of fish and wildlife habitat restoration . . . in the same manner and subject to the same terms and conditions as prescribed in Section 31116 of the Public Resources Code.

Prior to finalizing the guidelines, WCB posted the draft guidelines on its website (www.wcb.ca.gov) as well as the California Natural Resources Agency (CNRA) bond accountability [website](#) for 30 days and held three public meetings, as a means to solicit and consider public comments (CWC §79706(b)). The CNRA will post the final guidelines on its bond accountability website along with a verification that the guidelines are consistent with applicable statutes (CWC § 79708[d]).

WCB has considered the Human Right to Water (HRTW) legislation (CWC §106.3), and determined that HRTW does not apply to these funds for competitive grants for streamflow enhancement projects in accordance with statewide priorities.

1.3 Funding

Funding for competitive grants will depend on fund availability. The Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1) was approved by California voters in November 2014. It amended the CWC to add among other articles, section 79733, authorizing the Legislature to appropriate up to \$200,000,000 to WCB, for projects that result in enhanced stream flows.

1.4 Program Purposes

Proposition 1 provides funding to implement the three broad objectives of the California Water Action Plan: more reliable water supplies; the restoration of important species and habitat; and a more resilient, sustainably managed water infrastructure that can better withstand inevitable and unforeseen pressures in the coming decades. Funds granted by WCB under the Program will be focused on addressing the objective of providing and protecting enhanced stream flow, especially in those streams that support anadromous fish; special status, threatened, endangered or at risk species; or provide resilience to climate change. In addition, co-benefits of such actions may contribute toward attaining other California Water Action Plan objectives. Enhanced stream flow is defined as a change in the amount, timing or quality of the water flowing down a stream, or a portion of a stream, to benefit fish and wildlife. It is the intent of WCB that these funds will be invested in projects that, among other things, accomplish the following:

- Provide public benefits, addressing critical statewide needs and priorities (CWC §79707(a));
- Advance the purposes articulated in CWC section 79732;
- Leverage private, federal, or local funding or produce the greatest public benefit (CWC §79707(b));
- Use best available science to inform decisions regarding water resources (CWC §79707(d));
- Employ new or innovative technology or practices including decision support tools that support integrated resource management (CWC §79707(e));

- Promote State planning priorities consistent with section 65041.1 of the Government Code and sustainable communities strategies consistent with the provisions of subparagraph (B) of paragraph (2) of subdivision (b) of section 65080 of the Government Code, to the extent feasible (CWC §79707(i)); and
- Achieve working agricultural and forested landscape preservation wherever possible through voluntary landowner participation (CWC §79707[j]).

2.0 ELIGIBILITY REQUIREMENTS

The solicitation will describe the eligibility requirements of grant applicants, nature and scope of projects eligible for funding, eligibility criteria, and any restrictions on the use of funds supporting the specific solicitation. Requirements and limitations imposed in each solicitation may vary according to the specific priorities and focus for the solicitation.

2.1 Eligible Grant Applicants

Eligible grantees are limited to public agencies¹, nonprofit organizations, public utilities, federally recognized Indian tribes, state Indian tribes listed on the Native American Heritage Commission's California Tribal Consultation List, and mutual water companies (CWC §79712(a)). Additionally, in order to be eligible for funding, all the following criteria apply:

- A project proposed by a public utility that is regulated by the Public Utilities Commission or a mutual water company shall have a clear and definite public purpose and shall benefit the customers of the water system and not the investors (CWC §79712(b)(1)).
- An urban water supplier, as defined in CWC section 10617, shall adopt and submit an urban water management plan in accordance with the Urban Water Management Planning Act (Part 2.6 (commencing with Section 10610) of Division 6) (CWC §79712(b)(2));
- 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)); and
- In accordance with CWC section 10608.56, an agricultural water supplier or an urban water supplier is ineligible for funding unless it complies with the requirements of Part 2.55 (commencing with CWC section 10608) of Division 6. (CWC §79712(b)(4)).

¹ "Public agency" means a state agency or department, special district, joint powers authority, city, county, city and county, or other political subdivision of the state (CWC §79702(s)).

Grant proposals from federal agencies, private individuals or for-profit enterprises will not be accepted.

2.2 Proposal Categories

Future grant solicitations by WCB may include planning; implementation; acquisition; and scientific studies, monitoring and assessments to achieve the grant program purposes. Each of these grant categories is summarized briefly below.

Planning

Planning grants provide funding for planning efforts that will lead to the successful design of implementation projects. These efforts may include program development and guidance of restoration and enhancement projects, implementation strategies, collecting baseline data to support effectiveness monitoring, and project specific activities such as preliminary design and environmental review. Planning grants are intended to support the development of projects that are likely to qualify for future implementation funding.

Implementation

Implementation grants fund final design and construction of restoration and enhancement projects and new or enhanced facilities that will provide direct and measurable enhancement of stream flow. They are intended to support high priority "shovel ready" projects that have advanced to the stage where planning, land tenure, and engineering are largely completed.

Acquisition

Acquisition grants fund purchases of land, water rights, and interests in land or water that provide a direct and measurable enhancement of stream flow to support the goals of the Program and the California Water Action Plan. Acquisitions must be from willing sellers and at a price that does not exceed fair market value, as set forth in an appraisal approved by the Department of General Services.

Scientific Studies, Monitoring, and Assessment

Scientific Studies, Monitoring, and Assessment grants to fund projects to assess the condition of natural resources relative to the enhancement of stream flow, inform WCB policy and management decisions regarding future potential stream flow enhancement projects, or assess the effectiveness of previously funded stream flow enhancement grant projects and programs.

2.3 Eligible Project Types

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 anadromous fish; special status, threatened, endangered or at risk species; or provide resilience to climate change. Projects must measurably enhance stream flows at a time and location necessary to provide fisheries or ecosystem benefits or improvements that improve upon existing flow conditions and are greater than required applicable environmental mitigation measures or compliance obligations. Examples of project types that may be eligible in the solicitations are identified below. These examples should not be viewed as exhaustive lists of eligible project types. Specifics concerning eligible projects may vary and will be documented in each solicitation.

- Water Transactions (e.g., changes to a stream’s hydrograph through lease, transfer, or seasonal exchange)
 - Change of use petitions to benefit fish and wildlife
 - Surface storage to be used to enhance stream flow
 - Forbearance of water right
 - Changes in water management
 - Fans for frost protection
 - Groundwater storage and conjunctive use
- Acquisition of water from willing sellers – permanent and long-term (not less than 20 years) dedications for the purpose of instream flow
- Acquisition of land or interests in land that provide direct and measurable enhancement of stream flow
- Habitat restoration projects (e.g., weed eradication, wet meadow restoration, restoration of entrenched streams, upper watershed restoration or forest thinning) that reshape stream hydrograph
- Studies to evaluate instream flow needs, identify priority streams and watersheds, or evaluate habitat suitability and temperature needs
- Streamflow gauging
- Water efficiency generally – Irrigation efficiency and water infrastructure improvements (e.g., diversion, conveyance, and on-farm projects) that save water and enable reshaping of the stream hydrograph
- Reconnecting flood flows with restored flood plains
- Reservoir operations both at existing and new storage sites

2.3.1 Small-Scale Projects

Applicants with small-scale projects may submit proposals individually or work together and submit a single application for a combined grant. The combined grant must be submitted and managed by a single eligible entity. During the proposal review and selection process, the evaluation will be based on the merit of the entire proposal as a whole versus the merit of an individual component. Specific requirements may be included and vary within each solicitation. For environmental purposes, a single application consisting of several small-scale actions will be considered to be one project under CEQA, and would need to be evaluated for their potential cumulative effects.

2.4 Specific Funding Requirements

Projects must meet all of the following relevant eligibility criteria in order to be considered for funding:

- Funding shall only be used for projects that will provide fisheries or ecosystem benefits or improvements that are greater than required applicable environmental mitigation measures or compliance obligations (CWC §79732(b)).
- Funds shall not be expended to pay the costs of the design, construction, operation, mitigation, or maintenance of Delta conveyance facilities (CWC §§79710(a), 79737(e) and 79738(f)).
- Funds expended for the acquisition of a permanent dedication of water shall be in accordance with CWC section 1707, where the State Water Resources Control Board (SWRCB) specifies that the water is in addition to water that is required for regulatory requirements as provided in section 1707(c) (CWC §79709(a)). The acquisition of long-term transfers of water shall be completed in accordance with CWC sections 1735, 1736 and 1737 (CWC §79709(b)).
- Any acquisition of water shall only be used for projects that will provide fisheries or ecosystem benefits or improvements that are greater than required applicable environmental mitigation measures or compliance obligations in effect at the time the funds are made available (CWC §79709(c)). Funds shall not be credited to any measures or obligations, except for any water transfers for the benefit of section 3406(d) of the Central Valley Project Improvement Act (Title 34 of Public Law 102-575) (CWC §79709(c)).
- Funds shall not be used to acquire land by eminent domain (CWC §79711(g)).

3.0 PROPOSAL SELECTION

3.1 Solicitation Notice

WCB will solicit grant proposals with the release of a solicitation, which will provide detailed instructions on the mechanics of submitting proposals and specific information on submittal requirements. It is expected that solicitations will be made available on the WCB website (www.wcb.ca.gov) once a year, at a minimum. A mailing list will be developed through a subscription link on the WCB website, and solicitation notices will be made available to all interested parties on the Program list.

Each solicitation will describe the start and end date to the application process, and may place minimum or maximum limitations on the dollar amount of grants to be awarded. Prior to finalizing the solicitation notice, a draft will be made available on WCB's Flow Enhancement Program website to solicit and consider public comments. The final solicitation will be presented at subsequent WCB meeting and posted on the WCB Flow Enhancement Program website.

3.2 Proposal Submittal Process

Generally, the application process will be conducted using forms provided through WCB's Program website. Application forms and instructions will be included in each solicitation. All materials, including application, attachments and supporting documentation, must be received by WCB no later than the deadline stipulated within the solicitation. Late submittals will not be accepted.

3.3 Proposal Review and Selection Process

Grant proposals received by the deadline will be evaluated using the multi-step review process described below. Each solicitation may have variations in the review process and criteria; applicants should review the specific processes and criteria contained in each solicitation.

3.3.1 Administrative Review

Each proposal submitted to WCB by the applicable deadline will be subjected to an administrative review, which will evaluate the eligibility and completeness of the application. Each application will first be evaluated for compliance with the eligibility criteria stipulated in the solicitation. Applications deemed eligible will then be evaluated in accordance with the solicitation for completeness. All information requested in the solicitation must be provided and in the required formats. This administrative review will use a "Pass/Fail" scoring method. Applications that are determined to be ineligible or incomplete will not be considered for funding.

3.3.2 Technical and Scientific Review

All eligible and complete proposals following administrative review will be evaluated and scored by technical and scientific reviewers. At least two technical reviewers will be assigned to each proposal and will include representatives from WCB, as well as individuals from CDFW regional offices and headquarters, as appropriate. WCB may request reviewers from other agencies or other outside experts to participate in the technical review. Individuals selected to serve as technical reviewers will be professionals in fields relevant to the proposed project (CWC §79707(f)). The technical reviewers will independently score proposals in accordance with the evaluation criteria documented in the solicitation.

All proposals must demonstrate how the project will measurably enhance stream flows at a time and location necessary to provide fisheries or ecosystem benefits or improvements that improve upon existing flow conditions and are greater than required applicable environmental mitigation measures or compliance obligations. In addition, projects that change a stream’s hydrograph must include measurable assurances of how the enhanced stream flow will be protected against diversion by other water users (if necessary) in the defined reach during the defined period of use.

Table 1 presents a suite of review criteria that are meant to be broadly representative of the types of criteria upon which proposals will be evaluated. The specific review criteria and associated weighting factors established for each solicitation may vary.

Table 1. Overview of Review Criteria.

Organizational Capacity	
Applicant Qualifications/Ability to Accomplish Project	The extent to which the proposal clearly demonstrates that the applicant and their project team has the qualifications, experience, and capacity to perform the proposed tasks.
Project Benefits / State Priorities	
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 project location and boundaries are clearly delineated.
Project Outcomes – Diversity and Significance of the Benefits	Extent to which the proposal provides sufficient analysis and documentation to demonstrate the significance of the expected outcomes (e.g., magnitude, diversity) of the proposed objectives of the project. For example, is the project likely to support listed or declining species or anadromous fish, what is the significance of the project site within the context of conserved lands regionally, what is the significance of the conservation benefits from a climate change adaptation perspective?
Climate Change Considerations	The extent to which climate change considerations are adequately taken into account in the proposal (applicant has

	considered how future climate conditions might affect the project's long-term benefits, and how the project could provide resilience to climate change).
Compatibility with Statewide and Regional Plans or Policies	The extent to which the proposed project is compatible with existing conservation, restoration, recovery plans, or other relevant State, federal or Regional plans or policies.
Co-Benefits – Description	The extent to which the proposed project provides multiple benefits, the objectives related to those co-benefits are clearly stated, and where feasible, are measurable and quantifiable; and there is a high likelihood that these co-benefits will be realized.
Project Outcomes – Durability of Investment	The extent to which the proposed project will deliver sustainable outcomes in the long-term. How well does the applicant explain plans for management and sustainability for the long term?
Readiness / Feasibility	
Project Description - Implementation	The extent to which the proposed project is technically feasible and the project description is sufficiently detailed to serve as a statement of work for a grant agreement. The means by which each element of the project will be implemented (e.g., methods/ techniques used, materials and equipment used) were adequately described. Does the project apply methods and technologies that are understood and well proven, or alternatively, does the proposal provide an adequate basis for proposed methods and technologies?
Schedule and Deliverables	The extent to which the proposed schedule demonstrates the sequence and timing of project tasks, milestones, and deliverables and is sufficiently detailed and reasonable.
Project Readiness	Extent to which the project applicant has demonstrated that environmental compliance, permitting, planning, engineering design or other necessary preparations are sufficient for prompt project implementation.
Budget	The extent to which the proposed budget is appropriate to the work proposed, cost effective, and sufficiently detailed to describe project costs.
Other Funding	
Leverages Funds	The extent to which the proposal leverages other State funds.
Non-State Cost Share Funds	The extent to which the proposal provides federal, local, or private cost share, which can include both cash and in-kind services.
Community / Stakeholder Support	
Community Support and Collaboration	The extent to which the project has broad-based public and institutional support, at the local, regional, or larger scale. Did the applicant demonstrate that the community is engaged in the project by providing funds, in-kind

	contributions (e.g., administrative/technical services, labor, materials, or equipment), partnerships, or other evidence of support? Has the applicant described efforts to include stakeholders in project planning, design, outreach/education, implementation, monitoring, maintenance, etc.?
Disadvantaged Communities	The extent to which the proposed project provides benefits to one or more disadvantaged communities, as described in CWC section 79705.5.
Monitoring, Innovation and Science	
Monitoring and Assessment	The extent to which the project proposal demonstrates a clear and reasonable approach for monitoring, assessing, and reporting the effectiveness of the project. (see Section 3.3.3 below for additional direction.)
New or Innovative Technology or Practices	The extent to which the proposed project, where appropriate, employs new or innovative technology or practices.
Scientific Merit – Scientific Basis	The extent to which the scientific basis of the proposed project is clearly described and based on the best available science, and how the project will address key scientific uncertainties and fill important information gaps, and how data collected will be managed and made publicly available.

3.3.3 Monitoring Criteria

Each proposal must include a monitoring and reporting component that explains how the effectiveness of the project will be measured and reported. The monitoring and reporting component will vary depending on the scope and nature of the project. Each proposal must describe the type of monitoring to be conducted (e.g., compliance and effectiveness monitoring); what will be measured; sampling or survey methods to be used; how the resulting data will be analyzed, interpreted, and reported; and how data will be managed and disseminated to the public, participants, stakeholders, and WCB. Project-specific performance measures must be included in the monitoring plan and be sufficiently detailed to allow technical reviewers to assess the project’s ability to achieve and maintain the project’s stated objectives.

At minimum, the monitoring and reporting plan for all projects that change the hydrograph of a stream must include a compliance component which details the proposed hydrologic monitoring to be performed to account for all “wet water” enhanced instream from a project or transaction. Additional flow-related metrics may include such measures as quantification of general aquatic habitat improvement, enhancement of habitat for a specific life history-stage of any targeted species, change in fish passage/migratory conditions, or water quality response (e.g., dissolved oxygen or temperature).

Where appropriate, projects must include data management activities that support incorporation of project data into statewide data systems. If the project includes water quality monitoring data collection, it shall be collected and reported to the SWRCB in a manner that is compatible and consistent with surface water monitoring or groundwater data systems administered by the SWRCB (e.g., California Environmental Data Exchange Network [CEDEN] for surface water data) (CWC §79704). Any watershed monitoring data shall be collected and reported to the Department of Conservation in a manner that is compatible and consistent with the statewide watershed program administered by the Department of Conservation (CWC §79704).

All successful grantees will be required to provide periodic progress reports and a final report. Additional specifications concerning performance measures, monitoring requirements, data management, quality assurance/quality control and reporting desired by WCB or required by law will be provided in each solicitation or in the grant agreement.

3.3.4 Selection Panel

Following completion of the technical review, and if necessary the independent scientific review, WCB will convene a Selection Panel, to review the scores and comments of all eligible and complete proposals. WCB may also invite representatives from other agencies and organizations to participate on the Selection Panel. The Selection Panel will prepare a preliminary ranking list of the proposals and make the initial funding recommendations. When developing the ranking list, the Selection Panel will consider the following items:

- Proposal review scores and comments;
- Amount of funds available;
- Program purposes (refer to Section 1.4); and
- Distribution of funding within focus areas, if applicable

The Selection Panel may recommend modifications, including reducing grant amounts from those requested, in order to meet current and any potential future Program preferences, funding targets and available funding limitations.

3.3.5 Executive Director Review and Board Action

The Selection Panel's final recommendation will be presented to the Executive Director of WCB. The Executive Director will consider the comments and recommendations from all levels of the review process and make the final determination on the list of projects to be presented to the Wildlife Conservation Board (Board) (Fish and Game Code §1320) for approval and funding. Following approval by the Board, selected grant recipients will receive a letter officially notifying them of their selection and grant amount.

4.0 PROJECT APPROVAL AND IMPLEMENTATION

Successful applicants will work with an assigned WCB Project Manager to identify and provide information required to develop the grant agreement. Grant agreements are not executed or final until authorized by the Board and fully signed by the grant recipient and WCB. No work is authorized under the grant until the grantee has received written notice to proceed from the WCB. Work performed prior to a fully executed agreement and notice to proceed is done at the risk and expense of the applicant and cannot be reimbursed.

If someone other than the applicant owns all or any part of the project site, the applicant will be required to secure a written agreement with the landowner(s) acknowledging and consenting to the proposed project on the landowner's land and allowing the applicant (with reasonable notice) to access, implement, and when applicable, operate, monitor and maintain the project. Agreements must be satisfactory to WCB and provide for reasonable access by WCB, its representatives or agents for project implementation, inspection, operation, maintenance, monitoring, and post-project evaluation for a period typically of no less than 20 years.

4.1 Responsibility of the Grantee

The grantee will be responsible for carrying out the project and for managing finances, including but not limited to, invoicing; payments to landowners, contractors, subcontractors and suppliers; accounting and financial auditing; and other project management duties including monitoring and reporting requirements.

4.2 Invoicing and Payments

Grant agreements, with the exception of acquisition grants, will be structured to provide for payment in arrears of work being performed (i.e., grantee submits an invoice for completed work, which must be approved by the WCB grant manager, and is then reimbursed by WCB). All eligible costs for which grantee seeks reimbursement under the grant must be supported by appropriate documentation. The solicitation shall describe the documentation required to support cost claims. See Appendix D for state auditing requirements (refer to CWC §79708(b-c)). WCB may withhold ten percent (10%) of the total approved amount from each disbursement until WCB staff has approved the completion of the Project

4.3 Loss of Funding

Work performed under the grant agreement is subject to availability of funds through the State's budget process. If funding for the grant agreement is reduced, eliminated, or delayed by the Budget Act or through other budget control actions, WCB shall have the option to cancel the grant agreement, offer to the Grantee a grant agreement

amendment reflecting the reduced amount, or suspend work. In the event of cancellation of the grant agreement or suspension of work, WCB shall provide written notice to the grantee and be liable only for payment for any work completed pursuant to the grant agreement up to the date of the written notice. WCB shall have no liability for payment for work carried out or undertaken after the date of written notice of cancellation or suspension. In the event of a suspension of work, WCB may remove the suspension of work by written notice to the Grantee. WCB shall be liable for payment for work completed from the date of written notice of the removal of the suspension of work, consistent with other terms of the grant agreement. In no event shall WCB be liable to the grantee for any costs or damages associated with any period of suspension, nor shall WCB be liable for any costs in the event that, after a suspension, no funds are available and the grant agreement is then cancelled based on budget actions.

Actions of the State that may lead to suspension or cancellation include, but are not limited to:

- Lack of appropriated funds;
- Executive order directing suspension or cancellation of grant agreements; or
- Departmental or California Natural Resources Agency directive requiring suspension or cancellation of grant agreements.

Actions of the grantee that may lead to suspension or cancellation of the grant agreement include, but are not limited to:

- Withdrawing from the grant program;
- Water or other property cannot be acquired at approved fair market value;
- Losing willing seller(s);
- Failing to submit required documentation within the time periods specified in the grant agreement;
- Changing project scope without prior approval from WCB;
- Failing to complete the project;
- Failing to demonstrate sufficient progress; or
- Failing to comply with applicable laws.

5.0 GENERAL PROGRAM REQUIREMENTS

Each proposal submitted to the WCB must be in full compliance with all stated requirements of the solicitation to which it relates. Any changes to the proposal submission process will be posted in a timely manner on the WCB's Program website.

5.1 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. Applicants should also be aware that certain State agencies may submit proposals that will compete for funding.

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.

5.2 Confidentiality

Once the proposal has been submitted to the WCB, 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 California Government Code sections 6250-6276.48.

5.3 California Conservation Corps

For restoration and ecosystem protection projects, applicants shall consult with the California Conservation Corps (CCC) or a certified local conservation corps as to the feasibility of using their services as defined in section 14507.5 of the Public Resources Code to implement projects (CWC §79734). Each solicitation will include guidance and requirements necessary to ensure compliance with this provision. Applicants that fail to engage in consultation with the CCC or a certified local conservation corps will not be eligible to receive WCB Proposition 1 funding for restoration or ecosystem protection projects.

5.4 Compliance with Laws

Activities funded under the Program must be in compliance with applicable State and federal laws and regulations and proposals may include in their budgets the funding necessary for compliance-related tasks. As part of the application, applicants must identify expected required permits, state whether they have received the required permits or describe the process through which the permits will be obtained, and indicate which permits could significantly delay project implementation.

5.5 Water Law

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. Refer to Section 2.4 (Specific Funding Requirements) of this document for specific requirements stipulated in Proposition 1 (CWC §79709). 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 an understanding of the relevant 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. Prior to its completion, any water right acquisition must be supported by a water rights appraisal approved by the Department of General Services.

All applicants that propose to divert water must demonstrate to the WCB that they have 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.

5.6 Labor Code Compliance

Grants awarded through the 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 CLC section 1720.4 to exclude most work performed by volunteers from the prevailing wage requirements until January 1, 2017.

Successful grantees 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](http://www.dir.ca.gov/) (<http://www.dir.ca.gov/>).

5.7 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), and other environmental permitting requirements. The applicant is responsible for project compliance and proposals and may include in their budgets the funding necessary for compliance-related tasks.

Proposals for activities that are subject to CEQA and/or NEPA must identify the state and/or federal lead agency or agencies and provide documentation evidencing that the agency or agencies have accepted the lead agency role. The WCB will not award funding for project implementation until any required environmental review pursuant to CEQA and/or NEPA has been completed and all required permits have been obtained.

5.8 Signage

All successful grantees will include signage, to the extent practicable, informing the public that the project received funds through the WCB from the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (CWC §79707(g)).

APPENDIX A - ACRONYMS AND ABBREVIATIONS

CCC	California Conservation Corps
CDFW	California Department of Fish and Wildlife
CEDEN	California Environmental Data Exchange Network
CEQA	California Environmental Quality Act
CLC	California Labor Code
CNRA	California Natural Resources Agency
CVPIA	Central Valley Project Improvement Act
CWC	California Water Code
Delta	Sacramento San Joaquin Delta
FGC	Fish and Game Code
NEPA	National Environmental Policy Act
PRC	Public Resources Code
Solicitation	Proposal Solicitation Notice
SWRCB	State Water Resources Control Board
WCB	Wildlife Conservation Board – the organization as a whole
WCB Board (Board)	Three voting member Board, made up of the Directors of the CDFW and the Department of Finance, and the President of the Fish and Game Commission, and six legislative advisory members, three from the Senate and three from the Assembly

APPENDIX B – USEFUL WEB LINKS

Wildlife Conservation Board

Homepage: <https://www.wcb.ca.gov/>

WCB Strategic Plan: <https://nrm.dfg.ca.gov/documents/ContextDocs.aspx?cat=WCB>

California Department of Fish and Wildlife

Homepage: <https://www.wildlife.ca.gov/>

Grant Opportunities: <https://www.wildlife.ca.gov/Explore/Grant-Opportunities>

ERP Conservation Strategy (2014): http://www.dfg.ca.gov/erp/reports_docs.asp

State Wildlife Action Plan: <http://www.dfg.ca.gov/swap/>

California Water Action Plan

Homepage: http://resources.ca.gov/california_water_action_plan/

Enabling Legislation

Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1)

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

California Natural Resources Agency

Bond Accountability: <http://bondaccountability.resources.ca.gov/>

Proposition One Guidelines:

<http://bondaccountability.resources.ca.gov/Guidelines.aspx?PropositionPK=48>

State Water Resources Control Board

Homepage: <http://www.swrcb.ca.gov/>

California Environmental Data Exchange Center: <http://ceden.org/>

Instream Flow Dedication (CWC Section 1707):

http://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/instream_flow_dedication/

Instream Flows Policy:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/instream_flows/

Surface Water Ambient Monitoring Program:

http://www.swrcb.ca.gov/water_issues/programs/swamp/

California Department of Water Resources

Homepage: <http://www.water.ca.gov>

Integrated Regional Water Management: <http://water.ca.gov/irwm/grants/>

Department of Conservation

Homepage: <http://www.conservation.ca.gov/Index/Pages/Index.aspx>

Watershed Program: <http://www.conservation.ca.gov/dlrp/wp/Pages/Index.aspx>

Department of Industrial Relations

Homepage: <http://www.dir.ca.gov/>

CEQA Information

Summary: <https://www.wildlife.ca.gov/Conservation/CEQA/Purpose>

California State Clearinghouse Handbook: http://opr.ca.gov/docs/SCH_Handbook_2012.pdf

Environmental Information: <http://ceres.ca.gov/index.html>

NEPA Information

U.S. Environmental Protection Agency: <http://www.epa.gov/compliance/basics/nepa.html>

Climate Change Information

CDFW's Climate Science Program:

http://www.dfg.ca.gov/Climate_and_Energy/Climate_Change/

Safeguarding California: Reducing Climate Risk:

http://resources.ca.gov/docs/climate/Final_Safeguarding_CA_Plan_July_31_2014.pdf

Environmental Goals and Policy Report: http://www.opr.ca.gov/s_egpr.php

Adaptation Planning Guide:

http://resources.ca.gov/climate/safeguarding/adaptation_policy_guide/

Indicators of Climate Change:

<http://oehha.ca.gov/multimedia/epic/2013EnvIndicatorReport.html>

National Fish, Wildlife, and Plants Climate Adaptation Strategy:

<http://www.wildlifeadaptationstrategy.gov/pdf/NFWPCAS-Final.pdf>

Water Conservation and Efficiency Plans

U.S. Environmental Protection Agency – Water Sense:

<http://www.epa.gov/WaterSense/pubs/guide.html>

Alliance for Water Efficiency:

[http://www.allianceforwaterefficiency.org/Water_Conservation_Planning_Introduction.as](http://www.allianceforwaterefficiency.org/Water_Conservation_Planning_Introduction.aspx)

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APPENDIX C – GLOSSARY OF TERMS

Acquisition – obtaining a fee interest or any other interest in real property, including, easements, leases, water, water rights, or interest in water obtained for the purposes of instream flows and development rights (CWC §79702(a)).

Applicant – the entity that is formally submitting a grant application. This is the same entity that would enter into an agreement with WCB should the grant application be funded. The grant applicant must be an eligible entity.

Application – the individual application form and any required attachments for grants pursuant to this grant program.

Conjunctive Use – the practice of storing surface water in a groundwater basin in wet years to be available for withdrawal in dry years.

Eligible costs – expenses incurred by the grantee during the agreement performance period of an approved agreement, which may be reimbursed by WCB.

Eligible entity – means public agencies, nonprofit organizations, public utilities, federally recognized Indian tribes, state Indian tribes listed on the Native American Heritage Commission's California Tribal Consultation List, and mutual water companies (CWC §79712(a)).

Enhanced stream flow – a change in the amount, timing or quality of the water flowing down a stream, or a portion of a stream, to benefit fish and wildlife.

Forbearance – refraining from doing something that one has a legal right to do; in this case, refraining from using a legal water right.

Grant agreement – an agreement between WCB and the grantee specifying the payment of funds by WCB for the performance of the project scope within the term of the agreement by the grantee.

Grantee – refers to the applicant once a proposal is awarded and a grant agreement is executed (i.e., a grant recipient).

Hydrograph - the rate of flow (discharge) versus time past a specific point in a river, or other channel or conduit carrying flow. The rate of flow is typically expressed in cubic meters or cubic feet per second (cms or cfs).

Instream Flows – a specific streamflow, measured in cubic feet per second, at a particular location for a defined time, and typically following seasonal variations (CWC §79702(m)).

Nonprofit organization –an organization qualified to do business in California and qualified under Section 501(c)(3) of Title 26 of the United States Code (CWC §79702(p)).

"Paper" water – refers to water rights that may not be available in an over-allocated waterway.

Performance measure – a quantitative measure used to track progress toward project objectives/desired outcomes.

Project – refers to an effort included in the proposal. It may include construction of physical facilities or implementation of non-structural actions.

Proposal – refers to the application of a project that is proposed for funding.

Proposition 1 – "Water Quality, Supply, and Infrastructure Improvement Act of 2014" passed by California voters on November 4, 2014, and as set forth in Division 26.7 of the California Water Code.

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

Scoring Criteria – set of requirements used to evaluate a proposal for a specific solicitation.

Selection Panel – a group of WCB representatives at the supervisory, management or program level assembled to review and consider the evaluations of all complete and eligible proposals and to make initial funding recommendations. Representatives at the supervisory or management level from other agencies may also be invited to participate on the Selection Panel.

Technical Reviewers – a group of individuals assembled to evaluate the scientific and technical merit of a proposed project. Reviewers may include representatives from WCB, CDFW, other agencies, or other outside experts. Individuals selected to serve as technical reviewers will be professionals in fields relevant to the proposed project (CWC §79707(f)).

Water Right – a legal entitlement authorizing water to be diverted from a specified source and put to a beneficial, non-wasteful use (CWC §79702(ab)).

"Wet" Water – the water appropriated within a water right that can be delivered in an over-allocated waterway.

APPENDIX D – STATE AUDITING REQUIREMENTS

The list below details the documents/records that State Auditors would 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 Program/Project. Where applicable, this list of documents also includes documents relating to the Grant Recipient's funding match which will be required for audit purposes.

State Audit Document Requirements

Internal Controls:

1. Organization chart (e.g. Grant Recipient's overall organization chart and organization chart for the State funded Program/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 Program/Project
3. Audit reports of the Grant Recipient's internal control structure and/or financial
4. Statements within the last two years.
5. Prior audit reports on State funded Program/Project.

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 Program/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 Program/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, and/or agents under the Grant Agreement.

Accounting Records:

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

Administration Costs:

1. Supporting documents showing the calculation of administration costs.

Personnel:

2. List of all contractors and Grant Recipient staff that worked on the State funded Program/Project.
3. Payroll records including timesheets for contractor staff and the Grant Recipient's

Project Files:

1. All supporting documentation maintained in the Program/Project files.
2. All Grant Agreement related correspondence.