

# Wildlife Conservation Board Public Access Program Guidelines



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## 1.0 Introduction

### 1.1 Purpose of Guidelines

The purpose of these guidelines is to establish the process, procedures, and general requirements through which the Wildlife Conservation Board (WCB) will administer the California Public Access Program (Program), a competitive grant program.

Each year specific recreational needs will be identified. Funding will be awarded on a competitive basis using specific priorities and evaluation criteria designed to meet the identified need contained in each solicitation.

### 1.2 Program History

The Public Access Program is one of the original Wildlife Conservation Board programs established under the Wildlife Conservation Law of 1947 that created the WCB.

Initially much of the activity associated with the Public access Program focused on the protection and development of public access areas in support of the California Department of Fish and Wildlife and the promotion of hunting and fishing opportunities. In many cases this led to the construction of fishing piers, fishing ponds, boat ramps, wetlands for waterfowl, duck blinds, and development of parking lots and restrooms at CDFW managed wildlife areas. Over time the public demand for other wildlife oriented uses grew and expanded, including uses such as bird watching, kayaking and hiking. The WCB was given authority to grant funds to other organizations, and with new partners, broadened its program to accommodate new uses, helping fund construction of ADA trails, kayak "put-in" areas, interpretive signs and bird observation shelters.

### 1.3 Program Funding and Objectives

WCB funds can be used for minor capital outlay and local assistance grants. Funding for competitive grants will depend on fund availability. The Program has typically allocated approximately one million dollars annually, but could rise or fall each year, depending on annual appropriation. Each solicitation will provide Program priorities, which may change from year to year and include varied eligibility factors according to the specific focus for the solicitation.

Funds granted by WCB under the Program will be focused on addressing the objective of creating opportunities for meaningful wildlife-oriented recreation experiences, which will inspire Californians across the State to serve as conservation stewards. 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.
- Leverage private, federal, or local funding to produce the greatest public benefit.
- Employ new or innovative technology or practices.
- Promote State planning priorities consistent with governmental sustainable communities strategies.

## 2.0 Proposal Requirements

### 2.1 Eligibility

Grants and Local Assistance awards are available to federal and state agencies, counties, cities, non-profit organizations or public districts that manage and operate wildlife oriented public access properties or programs.

The Program supports local assistance and minor capital outlay projects. It is not intended to fund property acquisition or maintenance activities. Typical projects include the construction and rehabilitation of public access facilities such as fishing piers or floats, parking and restrooms, boat launching ramps, hunting blinds, trails, boardwalks, and interpretive facilities. These examples should not be viewed as an exhaustive list of eligible project types. Projects shall be compatible with the Americans with Disabilities Act (ADA) to the extent possible.

Project proponents must demonstrate an ability to assume and continue all operation and maintenance responsibilities throughout the term of the project; which in most cases runs 25 years.

#### Eligible Project Phases

Project planning and implementation/construction projects are eligible for funding under the Program. Funds may be granted for either planning or construction projects but not both phases during the same grant cycle.

##### *Planning*

Planning grants provide funding for planning efforts that will lead to the successful design of construction projects. These efforts may include project specific activities such as preliminary design, environmental review, permitting, and final design. Planning grants will be limited in number, and are intended to support the development of a project that is likely to qualify for future construction funding from the Program.

##### *Construction/Implementation*

Successful construction proposals will request funding for new facilities or the enhancement or rehabilitation of existing facilities that will provide for public access to hunting, fishing, and wildlife-oriented activities. They are intended to support high priority "shovel ready" projects that have advanced to the stage where planning and engineering are largely completed. In order to be eligible for construction funding, environmental documentation including an approved California Environmental Quality Act (CEQA) document and typically all required permits must be current and complete.

### 2.2 Environmental Compliance and Permitting

Activities funded under this grant program must be in compliance with applicable State and federal laws and regulations, including the California Environmental Quality Act (CEQA), National Environmental

Policy Act (NEPA), and other environmental permitting requirements. The applicant is responsible for project compliance and proposals and may include in their budgets the funding necessary for compliance-related tasks under planning requests only.

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/construction until all required environmental review pursuant to CEQA has been completed, and the lead agency has signed off on the environmental document.

### 2.3 Cost Share

Cost share is the portion of the project cost not funded by the awarding agency (WCB) and is provided by the applicant and/or other sources (e.g., private companies, nonprofit organizations, public agencies, and/or other entities). Proposals with higher proportions of secured cost share contribution towards total project cost will receive higher scores during the proposal evaluation process. Proposals providing cost share in the form of cash or other resources (in-kind services) for the support of the project must specify the source and dollar amount of all proposed cost share. Points will be awarded to proposals that are responsive to the Scoring Criteria, where cost share must be:

- Used to support the proposed project
- Spent between grant award and end of the proposed WCB funded project term
- Secured prior to application submission

### 2.4 Incidental but Directly Related Costs (Alternatively known as Administrative or Indirect Costs)

Incidental cost rates are limited to direct grantee costs, minus subcontractor and equipment costs. Any amount over accepted amount as identified in the solicitation will not be funded but may be used as cost share. Indirect costs include but are not limited to workers compensation insurance, utilities, office space rental, phone, and copying which is directly related to completion of the proposed project. Costs for subcontractors and purchase of equipment cannot be included in the calculation of indirect costs in the overall project budget. The applicant must explain the methodology used to determine the rate and provide detailed calculations in support of the indirect cost rate. Please refer to the supplied budget template.

### 2.6 Disadvantaged Community

The Program defines a disadvantaged community as “a community with an annual median household income that is less than 80 percent of the statewide annual median household income”. The Program does not require that WCB direct a specific portion of funding to projects that benefit disadvantaged communities. However, WCB will strive to ensure that a portion of its Public Access funding benefits these communities.

The Department of Water Resources has developed the Disadvantaged Communities Mapping Tool that shows the location and boundaries of disadvantaged communities in the State, based on the US Census American Community Survey (ACS) 5-Year Data. The interactive map Application allows users to overlay the following three US Census geographies as separate data layers:

- Census Place
- Census Tract
- Census Block Group

Applicants are required to use the following two-step process to evaluate whether their proposed project will benefit one or more disadvantaged communities.

Step 1 – Determine whether a majority (50%+) of the proposed project area is located within a disadvantaged community. The applicant may use the ACS data at the census place, census tract, or census block group geography levels to determine whether the project is located within a disadvantaged community, based on the geography that is the most representative for that community.

Step 2 – Determine whether the proposed project will provide benefits to a disadvantaged community. If the proposed project meets one or more of the following criteria, it will be deemed to provide benefits to a disadvantaged community.

- Project site is located within or lies within 1 mile of a disadvantaged community.
- Project will result in at least 25% of project work hours performed by residents of a disadvantaged community.
- Project will result in at least 10% of project work hours performed by residents of a disadvantaged community participating in job training programs, which lead to industry-recognized credentials or certifications.
- Project provides job opportunities for residents of a disadvantaged community for management or maintenance of project facilities.

## 3.0 Proposal Selection

### 3.1 Solicitation Notice

WCB will solicit grant proposals with the release of a solicitation, which will provide the solicitation schedule, and scoring criteria specific to the solicitation. It is expected that solicitations will be made available on the WCB website ([www.wcb.ca.gov](http://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.

### 3.2 Proposal Submittal Process

Generally, the application process will be conducted using forms provided through WCB's Program website. Application forms 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 scoring criteria; applicants should review the specific criteria contained in each solicitation.

#### 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. Applications will first be reviewed for eligibility and completeness in accordance with these guidelines and the solicitation. 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.

#### Technical review

All eligible and complete proposals following administrative review will be evaluated and scored by technical 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. 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 expand opportunities for outdoor wildlife-oriented recreational activities that are compatible with conservation goals and the WCB Strategic Plan.

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

Category	Criteria
Solicitation Priorities	Solicitation Priorities may vary and will be provided separately with each solicitation.
Target Population	Extent to which the proposal provides access for the Target Population as identified in the Solicitation.
Purpose, Need, and Project Description	The proposal includes a detailed project purpose and need, description, primary objectives, and project location. Proposal must demonstrate the proposed project is supported by an existing or demonstrated wildlife oriented public need access in the area.
Scope, Schedule, Budget	The extent to which the proposed scope, schedule, and budget are complete, appropriate to the work proposed, cost effective, and sufficiently detailed to use as a work plan.

Multiple Wildlife-Oriented Uses	Extent to which project design considers accommodation of multiple wildlife-oriented public access uses in a single project.
Durability of Investment	Proposal identifies durability of investment design accounts for a long-term project life, with minimal repairs, maintenance and upkeep required. Necessary considerations like climate change, maintenance needs, and remoteness were taken into account.
Project Readiness	The project has demonstrated project readiness; environmental compliance, permitting, planning, engineering design or other necessary preparations are sufficient for prompt project implementation.
Feasibility	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.
Leverages Funds	The extent to which the proposal leverages other funds.
Project Team Qualifications	The proposal clearly demonstrates that the applicant and their project team has the qualifications, experience, and capacity to perform the proposed tasks.
Hours of Operation	The proposal includes clear hours of operation and for the greatest extent possible.
ADA Accessibility	The extent to which ADA accessibility was considered in the application. Projects must be ADA accessible, when applicable.
Compatibility with Plans and Policies	The extent to which the proposed project identified compatibility and consistency with existing relevant local, State, Federal, or regional plans or policies and the WCB Strategic Plan.
Support and Collaboration	The extent to which the project has demonstrated a broad-based public and institutional support. Projects will be reviewed and must be supported by the California Department of Fish and Wildlife.

### Selection Panel

Following completion of the technical 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 ; and
- Distribution of funding within focus or geographic 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.



## 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) for approval and funding. In addition, a secondary contingency list of projects may be presented to the Board for approval. Should higher ranking projects become unable to move forward, the WCB will be able to move to the contingency list and consider highly ranked eligible projects that did not make the initial project list. Following approval by the Board, selected grant recipients will receive a letter officially notifying them of their selection and grant amount. The contingency list will be found in meeting minutes from the Board. In the case that a contingency project moves forward, the WCB staff will contact project proponents, notifying them of their selection and amount.

## 4.0 Project Approval and Implementation

### 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 contractors, subcontractors and suppliers; accounting and financial auditing; and other project management duties including monitoring and reporting requirements.

### 4.2 Awards

The final funding decisions will be made by the Wildlife Conservation Board. Successful applicants will work with an assigned WCB grant manager to develop the grant agreement.

### 4.3 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 to access, implement, and when applicable, operate, monitor and maintain the project.

### 4.4 Invoicing and Payments

Grant agreements, with the exception of Acquisition grants, will be structured to provide for payment in arrears of work being performed. Funds cannot be disbursed until there is an executed grant agreement between WCB and the project applicant. Payments will be made on a reimbursement basis (i.e., the grantee pays for services, products or supplies, submits an invoice that must be approved by the WCB grant manager, and is then reimbursed by WCB). Funds for construction will not be disbursed until all of the required environmental compliance and permitting documents have been received by WCB.

WCB may retain from the grantee's reimbursements, for each period for which payment is made, an amount equal to 10 percent of the invoiced amount, pending satisfactory completion of the task or grant.

#### 4.5 Reporting and Monitoring

All successful grantees will be required to provide 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 grant agreement.

#### 4.6 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;
- Failing to submit required documentation within the time periods specified in the grant agreement;
- Changing project scope, schedule, or budget without prior approval from WCB;
- Failing to complete the project;
- Failing to demonstrate sufficient progress; or
- Failing to comply with applicable laws or grant requirements.

## 4.7 State Audits

Grantees of the State of California are subject to being audited by the State Department of Finance. It is the responsibility of the grantee to be sure that the project budget as well as all subsequent billings are justified and documented appropriately. As part of the grant process all grantees may be asked to demonstrate their ability to withstand an audit.

## 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.

### 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 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.

### 5.4 Signage

All successful grantees will include signage, to the extent practicable, informing the public that the project received funds through the WCB.