

# Wildlife Conservation Board

## Climate Adaptation and Resiliency Program Guidelines

### 2018



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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 will administer the Climate Adaptation and Resiliency Program.

### 1.2 Background

The Climate Adaptation and Resiliency Program (Program) was created by Assembly Bill 109, which, on September 16, 2017, amended the Budget Act of 2017 to provide \$20,000,000 to the Wildlife Conservation Board for local assistance, payable from the Greenhouse Gas Reduction Fund (GGRF). The Program is part of California Climate Investments, a statewide program that puts Cap-and-Trade dollars to work reducing GHG emissions, strengthening the economy, and improving public health and the environment – particularly in disadvantaged communities. The Cap-and-Trade program also creates a financial incentive for industries to invest in clean technologies and develop innovative ways to reduce pollution. California Climate Investments projects include affordable housing, renewable energy, public transportation, zero-emission vehicles, environmental restoration, more sustainable agriculture, recycling, and much more. At least 35 percent of these investments are located within and benefiting residents of disadvantaged communities, low-income communities, and low-income households across California. For more information, visit the California Climate Investments website at: [www.caclimateinvestments.ca.gov](http://www.caclimateinvestments.ca.gov).

### 1.3 Program Funding and Objectives

The funds are to be used for climate adaption and resiliency projects that will result in enduring benefits and provide the following objectives:

- At least 60 percent of the funds appropriated in this item shall be made available for grants for conservation easements and long-term conservation agreements that conserve natural and working lands for at least 50 years for the benefit of climate adaptation and resilience.
- The remainder of the funds may also be used to develop and implement natural and working lands adaptation and resiliency planning that prioritizes the conservation and management of natural and working lands, provides technical assistance for natural and working land managers, and supports efforts that improve rural-urban coordination on climate change adaptation.

This GGRF funding is directed toward projects that protect and restore natural ecosystems to provide climate change adaptation, facilitate the reduction of GHG emissions and provide co-benefits. The intent of this grant program is to fund projects that provide for climate adaptation and resilience consistent with the State's climate adaptation strategy (Safeguarding California Plan), contribute to the goals of AB 32, support WCB's Strategic Plan, and help fulfil WCB's Mission<sup>1</sup>.

<sup>1</sup> The Wildlife Conservation Board protects, restores and enhances California's spectacular natural resources for wildlife and for the public's use and enjoyment in partnership with conservation groups, government agencies and the people of California.

In addition, projects will be consistent with other statewide plans and priorities, including the California Water Action Plan (CWAP) and State Wildlife Action Plan (SWAP).

To meet the statutory requirements for California Climate Investments pursuant to Assembly Bill (AB) 32 (Nunez, Chapter 488, Statutes of 2006), the [Global Warming Solutions Act of 2006](#), all proposed projects must facilitate reductions of greenhouse gas (GHG) emissions. All acquisition and implementation projects shall be managed through enforceable conservation agreements to maintain benefits for at least 50 years.

## **2.0 Project Requirements**

### **2.1 Eligible Grant Applicants**

Under the Program, eligible entities shall include local governments, park and open-space districts, resource conservation districts, private landowners, and nonprofit organizations.

### **2.2. Eligible Activities and Priorities**

The priorities for this Program must be consistent with the "[Funding Guidelines for Agencies that Administer California Climate Investments](#)" (ARB 2017) and the budget appropriation (AB 109). Future grant solicitations by WCB shall include acquisition of conservation easements; implementation projects; or planning and technical assistance to achieve the grant program purposes. Each of these grant categories is summarized briefly below:

#### **Acquisition of Conservation Easements**

Acquisition grants shall fund purchases of interests in lands that provide direct climate change resilience benefits to wildlife or habitats. 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.

#### **Implementation**

Grants may provide for projects that restore or enhance habitats that result in direct and measurable climate change resilience benefits to wildlife for at least 50 years.

#### **Planning**

Planning grants may further efforts that identify processes that lead to the successful implementation of future climate change adaptation and resilience projects. These efforts may provide direct guidance for future restoration and enhancement projects, implementation strategies, or 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.

#### **Technical Assistance**

Grants may be used to provide guidance and technical assistance to natural and working land managers, or support efforts that improve rural-urban coordination on climate change adaptation, and that result in or lead to direct and measurable climate change adaptation benefits.

### 2.3 Eligible Project Types

WCB will allocate Program funds to projects that provide adaptation and resilience to wildlife populations in the face of climate change with an emphasis on protecting, enhancing and restoring habitats most resilient to climate change. Technical assistance grants should provide guidance for funders of future projects and assist private and public land managers responsible for maintaining long-term habitats. Examples of project types that may be eligible in the solicitations are identified below. All projects must provide for adaptation to climate change and facilitate GHG emission reduction. These examples should not be viewed as an exhaustive list of eligible project types. Specifics concerning eligible projects may vary and will be documented in each solicitation.

- Acquisition of interests in land to protect habitats on working or natural lands that provide direct resilience to climate change for wildlife.
- Restoration or enhancement of habitats that directly and measurably enhance resilience to climate change for wildlife.
- Plans to identify climate risks to wildlife (e.g., species vulnerability, habitat exposure, barriers to migration or movement, changes to stream flows, sea level rise, wildfire or flood susceptibility, invasive species) and methods to minimize or mitigate those risks.
- Identification of tools that can be provided to natural and working land managers to improve long-term management of habitats to provide resilience, and how to implement these tools in measurable and meaningful ways.
- Development of regional models that identify areas of greatest risk and greatest resilience to climate change to be used to prioritize future climate change adaptation and resilience projects.

### 2.4 Climate Adaptation for Wildlife

Each proposal submitted must include a scientific evaluation of how the proposed activities will result in a net enhancement of resilience and adaptability for wildlife and their habitats. Guidance can be found in the CDFW's State Wildlife Action Plan and Areas of Conservation Emphasis (ACE). In addition, the California Air Resources Board (CARB) has developed a co-benefit quantification methodology for species habitat conservation.

### 2.5 Co-Benefits

An additional intent of this grant program is to achieve benefits beyond the primary objective of climate change adaptation for wildlife. Each proposal must include a clear description of expected co-benefits that will result from project implementation and an approach to measure and report those co-benefits.

Applicants must include the relevant objectives of WCB's Strategic Plan, and are encouraged to incorporate co-benefit objectives that contribute to the implementation of SWAP, CWAP, state and federal recovery plans, and other relevant plans and programs.

## 2.6 Project Monitoring

Proposals shall describe plans for how project implementation will be monitored and climate adaptation success determined. The scope of the monitoring plan will vary depending on the nature of the project and applicants should be willing to work with WCB staff to adjust the monitoring plan, if necessary, to ensure the proposed parameters are adequate and to assist with consistency of nomenclature, units, and measurements. Specific monitoring requirements will be outlined in each solicitation.

## 2.7 Project Funding Requirements

All grantees shall be required to enter into a grant agreement with the WCB, which imposes certain conditions on the grantee and/or the landowner relative to project delivery, maintenance, monitoring, and long-term stewardship of the project improvements or land acquisition. WCB grant agreements are more fully explained in Section 4 below.

## 3.0 Project 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)) one or more times a year. 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 Project Submittal Process

Generally, the application process will be conducted using forms provided through WCB's Program website.

### 3.3 Project Review and Selection Process

Grant applications will be evaluated using the multi-step review process described below.

#### **Pre-application**

Prior to submitting full applications, applicants will submit a project summary, which will include, at a minimum, a brief project description, budget, map, description of how the project would provide climate change adaptability, its ability to facilitate GHG emission reductions and sequestration, and the expected co-benefits that support WCB's Strategic Plan and CDFW's Wildlife Action Plan. All pre-applications must be received by WCB no later than the deadline stipulated within the solicitation. All pre-applications will be evaluated by WCB and CDFW staff, and others as appropriate. Once the pre-proposals have been evaluated, WCB staff will determine which projects may provide the expected benefits as proposed, which do not fit the Program's criteria, and which might fit the Program with modifications. WCB staff will determine appropriate funding levels, and will provide direction to the grantee as to the perceived strengths and

weaknesses of the pre-proposal. Applicants who have demonstrated that the project may provide the necessary benefits associated with the Program will be asked to submit a full proposal.

**Full Application**

Applicants who provided a pre-application and have been notified that their project can move forward must fill out a full application. Application forms will be included in each solicitation, and full proposals will not be evaluated until all materials, including application, attachments and supporting documentation, have been submitted. Full proposals will be evaluated by no fewer than three technical reviewers from WCB, CDFW and others as necessary. Proposals will be scored for completeness and their ability to provide climate change adaptation and provide co-benefits. Projects will be ranked, and those that rank high, will be assigned to WCB staff to develop appropriate documents necessary to assure project viability and success.

**Project Approval**

Once all due diligence is complete, the project will be scheduled to be presented at the next available WCB board meeting. WCB’s voting members have sole and absolute discretion to approve or reject a project for funding.

**Review Criteria**

The table below 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

<b>Importance and Applicability</b>	
Applicability to Solicitation Priorities	The extent to which a project aligns with at least one of the priorities stated in these Guidelines and a specific Solicitation, contributes to the goals of AB 32 and the State’s climate adaptation strategy (Safeguarding California Plan), and promotes and implements the California Water Action Plan, State Wildlife Action Plan and WCB’s Strategic Plan.
Consistency with and Implementation of State and Federal Plans	Extent to which a project implements, and the proposal clearly explains its linkage to, at least one action in an existing State or federal conservation, restoration, or recovery plan, or relevant regional water plan.
Project Outcomes – Diversity and Significance of the Co-Benefits	The extent to which a project provides multiple tangible benefits and the proposal provides sufficient analysis and documentation to demonstrate significance and a high likelihood that the benefits will be realized.

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Durability of Investment/ Climate Change Considerations	The extent to which a project will deliver sustainable outcomes in the long-term, 50 years at a minimum.
<b>Technical/Scientific Merit</b>	
Purpose and Background	The extent to which a proposal includes a detailed description of the project purpose and background, including sufficient rationale to justify the project need, contains appropriate underlying scientific basis for the proposed work, and clearly articulates the goals and objectives.
Approach and Feasibility	The extent to which a proposal narrative is sufficiently detailed to clearly show that the approach is well designed and appropriate for meeting the objectives of the project, and adequately described to assure methods and technologies are appropriate and understood.
GHG Emission Reductions	Extent to which a project facilitates GHG emission reduction.
Monitoring and Reporting	The extent to which a proposal demonstrates a clear and reasonable approach to monitoring project benefits, contains a reasonable baseline report, identifies performance measures, and utilizes and integrates with existing efforts.
<b>Organization Capacity</b>	
Project Team Qualifications	The extent to which a proposal demonstrates that the project team, and any partnership as appropriate, has the appropriate experience, facilities/equipment, and capacity to successfully perform the proposed tasks.
Schedule and Deliverables	The extent to which a proposal demonstrates a logical sequence and timing of project tasks, with reasonable milestones and appropriate deliverables, which align with the tasks in the project narrative. The extent to which the proposal demonstrates the means by which data and other information generated by the project will be handled, stored, and made publicly available.
Project Readiness	Extent to which a proposal demonstrates that access to the property, environmental compliance, permitting, planning, engineering design or other necessary preparations for the project as a whole are sufficient for prompt project implementation.
<b>Project Costs</b>	
Budget	The extent to which a proposed Budget and justification are appropriate to the work proposed, cost effective, and sufficiently detailed to describe project costs, and are consistent with the tasks shown in the project narrative and schedule.

Cost Share	The extent to which a project provides secured federal, State, private, or local cost share.
<b>Community/Stakeholder Support</b>	
Community Support and Collaboration	The extent to which a proposal demonstrates that the project has broad-based public and institutional support at the local, regional, or larger scale and that the local community and other stakeholders are engaged in project delivery.
Disadvantaged Communities	The extent to which a project provides direct, meaningful, and assured benefits to one or more disadvantaged communities and meaningfully addresses an important community need.

#### **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 finalize the grant agreement.

##### **4.3 Grant Agreement**

Grant agreements are not executed or final until authorized by WCB's voting members and fully signed by the grant recipient and WCB's Executive Director. 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 grant 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 for Development Project Grants

Grant agreements for development projects 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 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 described in each solicitation and 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;
- California Department of Fish and Wildlife 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;
- Real property cannot be acquired at approved fair market value;
- Losing willing seller of real property;
- 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 audit by the 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 application 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 applications 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 the Program. Applicants should also be aware that certain local agencies may submit applications that will compete for funding.

Failure to comply with the conflict of interest laws, including business and financial disclosure provisions, will result in rejection of the application and any subsequent grant agreement being declared void. Other legal actions may also be taken.

## 5.2 Confidentiality

Once the application 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. All applications, communications, or other documentation received by WCB is subject to the Public Records Act (Gov. Code section 6250, et seq.).

## 5.3 Compliance with Laws

Activities funded under the Program must be in compliance with applicable State and federal laws and regulations and applications 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 and the Greenhouse Gas Reduction Fund.

## 5.5 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.

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](#).

## 5.6 Environmental Compliance

Activities funded under the 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 project applicant is responsible for project compliance and applications may include in their budgets the funding necessary for compliance-related tasks.

Applications 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.

**Appendix A. Acronyms and Abbreviations.**

Under Development.

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**Appendix B. Useful Web Links**

Under development.

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**Appendix C. Glossary of Terms.**

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## **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:**

- ✓ Organization chart (e.g. Grant Recipient's overall organization chart and organization chart for the State funded Program/Project).
- ✓ Written internal procedures and flowcharts for the following:
  - Receipts and deposits
  - Disbursements
  - State reimbursement requests
  - State funding expenditure tracking
  - Guidelines, policies, and procedures on State funded Program/Project
- ✓ Audit reports of the Grant Recipient's internal control structure and/or financial statements within the last two years.
- ✓ Prior audit reports on State funded Program/Project.

#### **State Funding:**

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

#### **Agreements:**

- ✓ All subcontractor and consultant contracts and related documents, if applicable.
- ✓ Agreements between the Grant Recipient, member agencies, and project partners as related to the State funded Program/Project.

**Invoices:**

- ✓ Invoices from vendors and subcontractors for expenditures submitted to the State for payments under the Grant Agreement.
- ✓ Documentation linking subcontractor invoices to State reimbursement requests and related Grant Agreement budget line items.
- ✓ Reimbursement requests submitted to the State for the Grant Agreement.

**Cash Documents:**

- ✓ Receipts (copies of warrants) showing payments received from the State.
- ✓ Deposit slips or bank statements showing deposit of the payments received from the State.
- ✓ Cancelled checks or disbursement documents showing payments made to vendors, subcontractors, consultants, and/or agents under the Grant Agreement.

**Accounting Records:**

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

**Administration Costs:**

- ✓ Supporting documents showing the calculation of administration costs.

**Personnel:**

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

**Project Files:**

- ✓ All supporting documentation maintained in the Program/Project files.
- ✓ All Grant Agreement related correspondence.