



# 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. 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; 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](http://www.wcb.ca.gov)). 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

Created by WCB's establishing legislation (the Wildlife Conservation Law of 1947), the Public Access Program is one of the original WCB programs.

Initially, the Public Access Program focused on the protection and development of public access areas in support of the California Department of Fish and Wildlife's (CDFW) 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 public demand for other wildlife-oriented uses has grown and expanded to include uses such as bird watching, kayaking, and hiking. The passage of Proposition 40 in 2002, and subsequently Proposition 68 in 2018, broadened the program to accommodate new partners, funding uses, and projects. With the wider scope, new projects have included construction of Americans with Disabilities Act (ADA) trails, kayak "put-in" areas, interpretive signs, and bird observation shelters.

### 1.3 Program Funding and Objectives

The Public Access Program typically has one million dollars annually for projects; however, the allocation may increase or decrease depending on annual appropriations. WCB funds can be used for minor capital outlay and local assistance grants. Each year, the Public Solicitation Notice (PSN), provides program funding priorities and funding levels. Funding for competitive grants depends on fund availability.

*Program funding is focused on 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,

- Benefit priority populations included disadvantaged communities, people with disabilities, and young people, and
- Promote State planning priorities consistent with governmental sustainable communities strategies.

## 2.0 Proposal 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

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. 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. It is not intended to fund property acquisition, maintenance activities, or mitigation requirements.

These examples should not be viewed as an exhaustive list of eligible project types. When possible, projects should be compatible with ADA.

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.

### 2.2 Eligible Project Types

Project planning and implementation/construction projects are eligible for Program funding. Funds may be granted for either planning or construction projects but not for 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. 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.

### 2.3 Environmental Compliance and Permitting

Activities funded under this grant program must be compliant with applicable State and federal laws and regulations, including CEQA, National Environmental Policy Act (NEPA), and other environmental permitting requirements. The applicant is responsible for project compliance. Applicants needing funds for compliance-related tasks must apply as a planning proposal.

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.

### 2.4 Cost Share

Cost share is the portion of the project cost not funded by WCB. The applicant and/or other sources (e.g., private companies, nonprofit organizations, public agencies, and/or other entities) provide cost share. Proposals with higher proportions of secured cost share contributions will receive higher scores during the proposal evaluation process. Proposals providing cost share in the form of cash or other resources (in-kind services) 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

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

The applicant must explain the methodology used to determine the rate and provide detailed calculations in support of the Incidental cost rate. Incidental cost (administrative overhead) rates are limited to 20 percent of the total WCB award, minus subcontractor and equipment costs. Any amount over 20 percent will not be funded but may be used as cost share. Incidental 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 Incidental costs in the overall project budget.

### 2.6 Disadvantaged Communities

WCB strives to ensure that a portion of its Public Access funding benefits disadvantaged communities. 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”. A severely disadvantaged community is defined as “a community with a median household income less than 60 percent of the statewide average.”

The Department of Water Resources 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.

## 2.7 California Conservation Corps / California Association of Local Conservation Corps Services

A project whose application includes the use of services of the California Conservation Corps (CCC) or certified community conservation corps, as defined in Section 14507.5 of the Public Resources Code, will be given preference. Prior to submission of proposals, it is encouraged that applicants first consult with the CCC and the California Association of Local Conservation Corps (CALCC), collectively referred to as “the Corps,” as to the feasibility of using their services to implement projects. The CCC is a state agency with local operations throughout the state, and CALCC is the representative for certified local conservation corps. While this is not a requirement of the program, applicants are encouraged to use the services of the Corps and those that do will be given extra points.

Projects that solely involve planning without field work or baseline studies should not consult with the Corps as they do not provide these services.

## 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 and instructions will be included in each solicitation. All materials (i.e. 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, including:

- Administrative review, in which the proposal is evaluated for eligibility and completeness
- Technical review, in which the proposal is scored against PSN specified criteria
- Selection panel, in which preliminary rankings and recommendations are made
- Executive Director (ED) review, in which the ED determines which proposals are presented to the board
- Board Action, in which the Board votes and makes final decision on funding

Each solicitation may have variations in the scoring criteria; applicants should review the specific criteria contained in each solicitation.

## 4.0 Project Approval and Implementation

Successful applicants will work with an assigned WCB grant manager 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 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 of typically not less than 25 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 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 will be structured to provide for payment in arrears of work being performed (i.e., the 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 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.

Funds cannot be disbursed until there is an executed grant agreement between WCB and the project applicant. Funds for construction will not be disbursed until all the required environmental compliance and permitting documents have been received by WCB.

#### 4.3 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.

#### 4.4 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 if, 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.

#### 4.5 State Audits (see Appendix D for more information)

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. 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 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.

## 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.
1. A list of all bond-funded grants, loans or subventions received from the State.
2. 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:

1. List of all contractors and Grant Recipient staff that worked on the State funded Program/Project.
2. 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.