

California Department of Fish and Wildlife

Watershed Restoration Grants Branch

General Grant Guidelines



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Contents

California Department of Fish and Wildlife	1
Watershed Restoration Grants Branch.....	1
General Grant Guidelines.....	1
1 INTRODUCTION	1
1.1 Purpose of Guidelines.....	1
1.2 Background.....	1
1.3 Eligible Grant Applicants.....	2
1.4 Funding Sources.....	2
Proposition 1.....	2
Proposition 68.....	3
Drought Emergency: Protecting Salmon	3
Nature-Based Solutions.....	4
Addressing Climate Impacts.....	5
Fisheries Restoration Grant Program.....	5
Other Funding.....	5
2 Project Categories	6
2.1 Planning.....	6
2.2 Implementation.....	6
2.3 Acquisition.....	7
2.4 Monitoring	8
2.5 Scientific Studies.....	9
2.6 Capacity Building and Technical Assistance.....	9
2.7 Non-lethal Beaver Damage Management.....	10
2.7 Contingency Funding (Previously CDFW Awarded Only)	11
3 GENERAL PROGRAM REQUIREMENTS	11
3.1 Budget.....	11
3.1.1 Cost Share.....	12
3.1.2 Indirect Costs.....	12
3.1.3 Ineligible Costs	12
3.2 Conflict of Interest.....	13
3.3 Confidentiality.....	14
3.4 Disadvantaged Communities	14

3.5	Land Tenure/Site Control.....	14
3.5.1	Implementation Projects	14
3.5.2	Acquisition Projects	15
3.5.3	Implementation and Acquisition Projects	15
3.6	Design Plans/Engineering.....	16
3.7	Qualifications and Licensed Professionals.....	17
3.8	Labor Code Requirements: Prevailing Wage.....	18
3.9	Environmental Compliance and Permitting	19
3.9.1	Cutting Green Tape Tools.....	19
3.9.2	Planning.....	19
3.9.3	Implementation and Acquisition	19
3.10	Water Law	20
3.11	Recognition of Funding Source	20
3.12	Project Monitoring and Reporting	21
3.13	Data Management.....	23
3.14	Community Engagement, Capacity Building, and Equity	24
4	Application Submission and Selection	25
4.1	Application Submittal Process	25
4.2	Proposal Review and Selection Process	26
4.2.1	Technical Review.....	26
4.2.2	Engineering-Geological Review.....	26
4.2.3	Executive Review or Selection Panel.....	26
4.2.4	Director Review and Action.....	27
4.3	Contingency Funding Review Process	27
5	Project Approval and Grant Agreement.....	28
5.1	Responsibility of the Grantee.....	29
5.2	Invoicing and Payments.....	29
5.3	Reporting	30
5.4	Advanced Payment.....	30
5.5	Performance Retention and Payments	31
5.5	Loss of Funding	31
5.6	Standard Conditions	33
	APPENDIX A – STATE AUDITING REQUIREMENTS	34
	State Audit Document Requirements.....	34
	APPENDIX B – GLOSSARY OF TERMS.....	37

Tables

Table 1. Contingency Funding Review Criteria..... 28

Acronyms and Abbreviations

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
CWAP	California Water Action Plan
CWC	California Water Code
ESA	Endangered Species Act
FGC	Fish and Game Code
FRGP	Fisheries Restoration Grant Program
HRTW	Human Right to Water
NEPA	National Environmental Policy Act
SWRCB	State Water Resources Control Board
WRAMP	Wetland and Riparian Area Monitoring Program

1 INTRODUCTION

1.1 Purpose of Guidelines

The purpose of these guidelines is to establish the process, procedures, and criteria through which the California Department of Fish and Wildlife (CDFW) will administer its allocated funds for Restoration Grant Programs. These guidelines include information regarding eligibility requirements, general program requirements, submittal and evaluation of grant applications, and award of grant funding. The guidelines are intended to streamline and establish a process for project applications across all restoration grants available for award by the Watershed Restoration Grants Branch (WRGB). To accomplish this, all applicants will use one uniform application process, except for the Fisheries Restoration Grant Program (FRGP).

1.2 Background

The mission of CDFW is to manage California's diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public. CDFW funds various restoration grants throughout the state. Fish and Game Code Section 1501 et seq. authorizes CDFW to grant funds for fish and wildlife habitat preservation, restoration, and enhancement to assist it in meeting its duty to preserve, protect, and restore fish and wildlife.

All projects shall provide one or more of the following benefits:

- Protect or enhance biodiversity;
- Climate change resiliency and connectivity;
- Support of the State Wildlife Action Plan priority habitats;
- Conserve or enhance working landscapes;
- Conserve or enhance water-related projects; and/or
- Enhance public access.

Projects should also contribute to the State's priorities such as protecting biodiversity, increasing climate resilience, providing access for all, and expanding nature-based solutions through initiatives such as the [Pathways to 30 X 30 document](#) that identifies a goal of protecting 30 percent of California's land and coastal waters by 2030.

It is also CDFW's intent to support projects with long-term durability, to fund projects that provide a benefit to disadvantaged communities, and to implement projects throughout the state including development of new partnerships. Similarly, CDFW recognizes the importance of early consultation and collaboration with Tribes.

1.3 Eligible Grant Applicants

Unless otherwise limited by the funding sources or individual program guidelines, CDFW has the authority under FGC section 1501 (b) to award grants to Tribes, nonprofit organizations, and public agencies. Proposals from private individuals, for-profit enterprises (unless where exempt for funding as a public utility), or out-of-state public entities (except those that are nonprofit organizations registered with the California Secretary of State) are ineligible for funding, however these entities can work as subcontractors for an eligible applicant.

1.4 Funding Sources

CDFW receives funding from a variety of sources that are briefly described below. Applicants will not be required to identify a specific funding source when submitting a grant proposal application. CDFW staff will evaluate the application to determine the most appropriate funding source for the project.

Proposition 1

[Water Code (WAT) section 79700 et seq. – Water Quality, Supply, and Infrastructure Improvement Fund of 2014]

Proposition 1 authorized the Legislature to appropriate up to \$372.5 million to fund grants for multi-benefit ecosystem and watershed protection and restoration projects. CDFW distributes these funds on a competitive basis through the Watershed Restoration Grant Program, and the Delta Water Quality and Ecosystem Restoration Grant Program. CDFW's [Proposition 1 Guidelines](#) include additional requirements for projects funded by this source.

Proposition 68

[Public Resources Code (PRC) section 80000 et seq. – California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018]

Proposition 68 authorized the Legislature to appropriate up to \$85 million to CDFW to (1) restore and protect rivers and streams in support of fisheries and wildlife; (2) restore Southern California Steelhead habitat; and (3) improve conditions for fish and wildlife in streams, rivers, wildlife refuges, wetland habitat areas, and estuaries. CDFW distributes these funds on a competitive basis through the Prop 68 Restoration Grant Programs. CDFW's [Proposition 68 Guidelines](#) include additional requirements for projects funded by this source.

Drought Emergency: Protecting Salmon

In response to current drought conditions, the California Legislature authorized up to \$100 million to allow the Department to protect and restore salmon in 2022 and 2023. This funding will support restoration and protection projects that enhance salmon resiliency to drought and climate change. A portion of this funding will be dedicated to Klamath River Watershed projects demonstrating support from and collaboration with Tribes and local landowners or landowner associations. This dedicated funding will be available as follows:

- Up to \$10 million available for projects within the Scott River and its tributaries; and

- Up to \$10 million available for projects within the Shasta River and its tributaries.

Nature-Based Solutions

Governor Gavin Newsom's 2020 [Executive Order N-82-20](#) outlines a comprehensive and results-oriented agenda to expand nature-based solutions across California, advancing an approach to restoration that works with and enhances nature to help address societal challenges. Two new programs within CDFW will work toward this goal.

a) Wetlands and Mountain Meadows Restoration

Senate Bill 155 amended the Budget Act of 2021 to provide the allocation of up to \$54 million to [Nature-Based Solutions \(NBS\)](#) set aside in Fiscal Years 2022-23 and 2023-24 for projects that restore or enhance wetlands and watershed ecosystems and provide co-benefits, consistent with the [Natural and Working Lands Climate Smart Strategy](#) and [Pathways to 30x30](#).

The Program also funds projects to support CDFW's beaver restoration objectives, in coordination with CDFW's Statewide Human-Wildlife Conflict Program, including providing non-lethal alternatives (e.g., deterrent tools) for landowners to abate or prevent property damage caused by natural beaver activity to promote coexistence with beavers.

b) Wildlife Corridors

Senate Bill 155 amended the Budget Act of 2021 to provide the allocation of \$42 million to NBS set aside in Fiscal Year 2022-23 for connectivity planning and implementation projects consistent with the [State Wildlife Action Plan](#), the [state's efforts on connectivity](#), and the [Fish Passage Annual Legislative Report](#) or efforts to allow fish and wildlife the freedom to roam in California by accelerating fish and wildlife corridor projects.

Addressing Climate Impacts

The Budget Act of 2022 provided approximately \$35 million to CDFW to support projects addressing urgent degrading water and habitat conditions due to climate change impacts, a portion of which will be available for grants. Eligible uses of these funds include purchasing water from willing sellers to benefit wildlife, protecting instream flows, building water conservation projects, implementing emergency restoration activities, and conservation strategies identified in the State Wildlife Action Plan with a priority on actions that protect the Species of Greatest Conservation Need identified in the Plan.

Fisheries Restoration Grant Program

The Fisheries Restoration Grant Program (FRGP) is a collaborative effort that focuses on restoring anadromous fish habitat in order to ensure the survival and protection of salmon and steelhead trout in California's anadromous watersheds. The Program funds up to \$16 million annually on projects that restore, enhance, or protect salmonid habitat or projects that lead to restoration, enhancement, or protection of anadromous salmonid habitat. A funded project shall complete a task from a State or Federal recovery plan. Contributing partners to the program include federal and local governments, Tribes, nonprofit organizations, and private landowners. FRGP's application process is separate from the process outlined below; additional information on how to apply for FRGP grants can be found on the [FRGP website](#).

Other Funding

The annual State Budget may allocate General Funds to CDFW to support specific initiatives like Drought and Climate Resiliency. A portion of these funds may be used to support restoration projects through grant funding.

2 Project Categories

2.1 Planning

Planning grants provide funding for project development and activities that lead to specific on-the-ground implementation projects. Eligible activities for Planning projects include, but are not limited to:

1. Preparing plans or supplementing existing plans (e.g., watershed and habitat assessments) that will result in a specific project or set of projects;
2. Developing monitoring, adaptive management, climate change adaptation, and long-term management plans for a specific project;
3. Coordination with partners to develop large-scale restoration or enhancement projects;
4. Coordination with partners to develop standardized monitoring procedures;
5. Performing necessary studies and assessments, collecting baseline data, and developing project designs related to a specific site or physical project;
6. Obtaining the services of licensed professional;
7. Acquiring permits;
8. Preparing California Environmental Quality Act (CEQA) and National Environmental Protection Act (NEPA) documents; and
9. Conducting stakeholder and public meetings.

2.2 Implementation

Implementation grants are the primary focus of the Restoration Grant Programs. These grants fund construction and monitoring of shovel-ready restoration and enhancement projects and new or enhanced facilities. Applicants should demonstrate land tenure, CEQA compliance, and submit 65% or higher design

plans, a Basis of Design Report, and technical studies. Adaptive implementation projects must be pre-approved by CDFW. Eligible activities for Implementation projects include, but are not limited to:

1. Preparation of bid packages and subcontractor documents;
2. Development of final engineering design;
3. Acquiring permits;
4. Construction;
5. Habitat restoration and enhancement;
6. Pre- and post-project monitoring and adaptive management;
7. Finalization and initial execution of a long-term management plan;
and
8. Communicating project results to stakeholders and the public.

2.3 Acquisition

Acquisition grants fund purchases of interests in land or water. Acquisitions must be from willing sellers and at fair market value, as confirmed by an appraisal approved by the Department of General Services Real Property Services Section. A completed appraisal, approved by DGS, is not required at the time of proposal submission; however, if awarded, the appraisal must be submitted and approved by DGS prior to the request for distribution of acquisition funds. Costs associated with preparation of the appraisal are ineligible for reimbursement through an awarded grant. Appraisal review by DGS can take up to 4-8 weeks and can cost up to \$10,000; applicants should consider including this cost as a line item within their proposed budgets.

If a signed purchase option agreement is unavailable to be submitted with the application, a Willing Seller Letter is required from each landowner. Once CDFW awards funds and signs an agreement with the grantee, another property cannot be substituted for the property specified in the application.

CDFW is interested in funding conservation easements that protect fish and wildlife habitat as a primary objective. The proposal should demonstrate how the conservation easement will protect fish and wildlife habitat beyond merely restricting the fee owner's right to subdivide parcels that make up the property that would be covered by the conservation easement.

For the property that would be covered by the conservation easement, applicants should include information on existing land uses and development and land uses and development that would be allowed by the conservation easement, including the location and a general description of such land uses and development.

Subject to CDFW's discretion and prior approval, interests in water or real property acquired may be transferred to another entity that would be an eligible grantee for the funding program. CDFW will not hold title to interests in land or water, nor will CDFW enter into forbearance agreements with applicants or other entities. The grantee must identify a separate entity to hold the title at the time of application submission.

Funded grants that address stream flows and water use shall comply with the California Water Code (CWC), as well as any applicable State or federal laws or regulations.

2.4 Monitoring

Monitoring grants provide funding to projects that address one or more of the following tasks: 1) determine if restoration treatment and features have produced the desired habitat response and/or physical watershed processes (Effectiveness Monitoring); 2) determine if restoration treatment and features have produced the desired ecological conditions and/or population response (Validation Monitoring); 3) status monitoring projects that directly contribute to population viability assessments for CESA and ESA-listed species (Population Status Monitoring); or 4) streamflow monitoring projects to gather data for the purposes of directly informing future restoration and management decisions.

Applications shall describe the project monitoring plans and how success will be determined. The scope of the monitoring plan will vary depending on the nature of the project. Applicants will work with CDFW staff to adjust the monitoring plan, if necessary, to ensure the proposed parameters are adequate to meet reporting requirements and to assist with consistency of nomenclature, units, and measurements.

2.5 Scientific Studies

Scientific Studies or other technical analyses that advance projects may be awarded. Some fund sources (such as bonds) require that funding be used only for capital outlay projects and limit when or where scientific studies may be funded. Grant funds support projects to assess the condition of natural resources, inform policy and management decisions, or assess the effectiveness of grant projects and programs. Eligible activities for Scientific Studies projects include, but are not limited to:

1. Data collection, analysis, management, and delivery;
2. Development of resource management tools and technologies;
3. Building capacity for collaborative science; and
4. Reporting, publishing peer-reviewed journal articles, and other means of communicating findings.

2.6 Capacity Building and Technical Assistance

Grants may be given to assist applicants with capacity building and technical support to enable entities to support the development, management, and implementation of projects that support CDFW's mission. The following may be eligible for capacity-building and technical assistance: Regional planning and project prioritization; Grant administration/bookkeeping; Project management; Partnership and collaborative development; Tribal engagement; Public outreach and education; Facilitation and dispute resolution; Geographic Information Services; Economic development/financing planning. Note that

some fund sources (e.g., bonds) require that funding be used only for capital outlay projects and so technical assistance may not be eligible in such programs.

Where eligible, some programs may award grants that provide funding to an entity that will then disburse those funds to other eligible entities supporting a project.

2.7 Non-lethal Beaver Damage Management

Grants may be awarded to support programs providing: 1) technical assistance to landowners experiencing property damage due to natural beaver activity on the landscape, 2) direct implementation of non-lethal beaver damage deterrence, or 3) block grants for reimbursement or direct funding to landowners for the installation of eligible non-lethal deterrent tools/devices. Allowable costs for technical assistance grants include: installation training for staff through certified training programs (e.g., The Beaver Institute's BeaverCorps); labor for installation of eligible deterrent solutions; labor for damage evaluations/consultations that result in the installation of recommended non-lethal deterrent solutions; supplies for constructing eligible non-lethal beaver damage deterrent solutions. Allowable costs for direct implementation or block grants include supplies and labor.

Eligible deterrent tools/devices (i.e., "deterrent solutions") are those recommended within CDFW's Beaver Coexistence Toolkit, or that are otherwise approved in advance by CDFW's grant manager (in consultation with CDFW's Beaver Restoration Program).

2.7 Contingency Funding (Previously CDFW Awarded Only)

CDFW may solicit applications from previously awarded CDFW Program projects for contingency funding to support increased and/or unanticipated costs. Applicants interested in Contingency Funding grants may apply through a separate process for the program, on an ongoing basis, pending availability of contingency funds and the nature of the funding request. Contingency Funding requests must fit within the parameters of the current CDFW funded project and must be submitted with at least six months left in the current agreement term.

3 GENERAL PROGRAM REQUIREMENTS

Proposals submitted must be in compliance with all stated requirements for the funding program. Any changes to the proposal application submission process will be posted in a timely manner on CDFW's Restoration Grant Programs [website](#).

3.1 Budget

Budget tasks should be consistent with the work plan tasks and sufficiently detailed to describe project costs. Justification must be provided for costs to ensure that they are cost effective and appropriate to the work proposed. Applicants shall budget for all costs associated with project delivery, for example: presentations to CDFW, including travel, long term management plan development, monitoring plan development (if not included in proposal), project signage, publication fees, permit fees, subcontractor costs, etc. Applicants must demonstrate reasonableness of costs under the circumstances of the proposal, including subcontractor costs, materials, and equipment.

3.1.1 Cost Share

Cost share is the portion of the project cost not funded by the awarding agency (CDFW) and is provided by the applicant and/or other sources (e.g., private companies, nonprofit organizations, public agencies, and/or other entities). Cost share must support the proposed project and grantee must spend its cost share during the term of the awarded grant. Cost share is not required; however, proposals with higher proportions of secured cost share may receive higher scores during the evaluation process.

Applicants must indicate if any of the cost share is being used as match for another grant or entity and whether they intend to leverage CDFW Program as match, if awarded. Where applicable, applicants must submit cost share agreements or funding assurances prior to grant execution.

3.1.2 Indirect Costs

The applicant's indirect cost (also called administrative overhead, administrative costs, or incidental costs) calculations are limited to actual costs and cannot exceed 20 percent of the direct costs. Direct costs may include up to \$25,000 of each subcontract, but shall not include equipment costs as defined in CDFW [General Grant Provisions](#). Indirect costs include, but are not limited to, utilities, office space rental, phone, use of computers and office equipment, postage, and copying related to completion of the proposed project. Applicant must itemize indirect costs and may not roll up the indirect costs into direct costs. CDFW may accept a federal Negotiated Indirect Cost Rate Agreement for Tribes and nonprofit organizations only.

3.1.3 Ineligible Costs

Costs that are ineligible for reimbursement through an awarded grant include:

1. Costs incurred outside of the grant agreement term;
2. Costs related to the preparation of the grant proposal;
3. Indirect costs greater than 20 percent of the direct costs, or indirect costs calculated using more than the first \$25,000 of each subcontractor, or any equipment costs;
4. Student tuition and/or registration fees;
5. Intern stipends;
6. Travel, equipment, and other property costs not specifically identified in the grant budget without prior written authorization from CDFW;
7. Out of state travel without prior written authorization from CDFW;
8. Appraisal, title, or escrow costs;
9. Costs for CEQA or NEPA completion within implementation projects; and
10. Insurance, including liability insurance.

3.2 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 program 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.

Applicants should also be aware that certain State agencies may submit proposals that will compete for funding. Employees of State and federal agencies may participate in the review process as scientific and technical reviewers but are subject to the same State and federal conflict of interest laws.

Failure to comply with the conflict-of-interest laws, including business and financial disclosure provisions, will result in CDFW rejecting the proposal and any subsequent grant agreement being declared void. CDFW may also take other legal actions under applicable statutes, which include, but are not limited to,

California Government Code section 1090 and Public Contract Code sections 10365.5, 10410, and 10411.

3.3 Confidentiality

Once the applicant has submitted a proposal to CDFW, any privacy rights as well as other confidentiality protections afforded by law with respect to the application package will be waived. Submitted proposals are public records under the California Government Code sections 6250-6276.48.

3.4 Disadvantaged Communities

Applicants are required to evaluate whether the project will benefit a disadvantaged community, as defined by the funding source. For instance, CWC §79505.5 defined 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”. Most program funding sources do not require that CDFW direct a specific portion of funding to projects that benefit disadvantaged communities. However, CDFW strives to ensure that a portion of its funding benefits disadvantaged communities.

3.5 Land Tenure/Site Control

Applicants for projects that involve access to private property must demonstrate landowner permission to access the site for the term of the agreement.

3.5.1 Implementation Projects

Implementation projects conducting on-the-ground work must submit documentation showing that they have adequate tenure to, and site control of, the properties to be improved or restored for at least 25 years or a term negotiated with CDFW and the Grantee.

3.5.2 Acquisition Projects

Acquisition proposals must include a signed purchase option agreement, or willing seller letter(s) from each landowner indicating that they are a willing participant in the proposed real estate transaction. The letter should clearly identify the parcels to be purchased and state that, “if grant funds are awarded, the seller is willing to enter into negotiations for sale of the property at a purchase price not to exceed fair market value.”

3.5.3 Implementation and Acquisition Projects

When an applicant does not have tenure at the time of proposal submission, the applicant must submit a proposed agreement template, memorandum of understanding, or landowner permission form with the proposal application. If awarded, the grantee must provide an executed site access agreement prior to execution of the grant agreement.

Land tenure agreements must provide CDFW access to the project site at least once every 12 months for 25 years or a term negotiated with CDFW and the Grantee. Proof of adequate land tenure includes:

1. Fee title ownership;
2. An easement or license agreement;
3. Other agreement between the applicant and the fee title owner, or the owner of an easement in the property, sufficient to give the applicant adequate site control for the purposes of the project and long-term management; and
4. For projects involving multiple landowners, all landowners or an appointed designee must provide written permission to complete the project.

3.6 Design Plans/Engineering

For projects that involve design phases, a Basis of Design Report and supporting technical studies must accompany all design plans. The Basis of Design report should include sufficient detail to understand the site-specific conditions, technical adequacy of the proposed design, relevant assessments (completed or proposed), data gaps, and how the proposed design will deliver the benefits claimed. Components of the accompanying design plans are as follows:

1. Conceptual Plans must include:
 - a. A detailed general location and site map indicating the general location of proposed activities and project elements on a single figure;
 - b. The layout of the project with all constraints identified;
 - c. A demonstration that the project is feasible and is a preferred alternative; and
 - d. An alternatives analysis that compares several conceptual level plans.
2. Intermediate Plans (65% plans) must include:
 - a. Detailed plan views and profiles of any improvements and standard details;
 - b. Detailed location and site maps indicating exactly where the project will be built and where project impacts will occur; and
 - c. Where relevant: Cross-sections, longitudinal profiles, model results, diagrams of best management practices, velocity maps, water depths, etc.
3. Draft Plans (90% plans) must include:
 - a. Revisions incorporated to Intermediate Plans and details for construction, instructions for erosion and sediment control, staging areas, access, etc.
4. Final Plans (100% plans) must include:

- a. These plans incorporate any revisions to Draft Plans and represent the final set of design documents. These are the plans used for construction bids.

Where relevant, the applicant should submit signed stamped plans and basis of design reports with the proposal. Where appropriate, CDFW Engineering staff will review design/plans. Review of engineering design plans by CDFW engineering staff does not imply CDFW responsibility or liability for the performance of this aspect or any other aspect of the project. Such liabilities and assurances of performance are the responsibility of the applicant and/or their engineering contractor.

3.7 Qualifications and Licensed Professionals

Applicants must demonstrate that the project team has the experience, facilities/equipment, and capacity to successfully perform the proposed tasks by describing prior projects completed by the applicant and other qualifications of the project team. The project team includes all applicant staff and subcontractors that will be performing the work described in the proposal.

Some projects require a California licensed professional engineer or California licensed professional geologist to comply with applicable requirements of the Business and Professions Code including, but not limited to, [Section 6700 et seq. \(Professional Engineers Act\)](#) and/or [Section 7800 et seq. \(Geologists and Geophysicists Act\)](#). The following project types require design/plans developed by a registered professional:

1. Stream crossings for fish passage, bridges, bottomless culverts, etc.;
2. Fish screening;
3. Instream bank stabilization, slope stabilization, or grading;
4. Upslope – roads remediation or decommission;
5. Groundwater infiltration, storage, or surface/groundwater interaction;
6. Monitoring well installation (if samples logged);

7. Tide gates;
8. Levee breaches;
9. Geophysical, geotechnical, or structural analysis;
10. Land surveying; and
11. Grade control structures.

Registered professionals may be required to design/plan the project activities below. Applications for these project types that do not include a licensed professional in the project team must provide justification for why the services of such a licensed professional are not necessary:

1. Sediment basins;
2. Instream barrier modifications;
3. Instream or riparian habitat restoration (non-fixed structures);
4. Watershed evaluation, assessment, and planning;
5. Water conservation techniques; and
6. Water measuring devices.

3.8 Labor Code Requirements: Prevailing Wage

The grant terms and conditions for projects that are selected for funding will require that grantees comply with the California Labor Code for their projects. Projects funded in whole or in part with CDFW grant funds may be public works projects under the Labor Code (see section 1720 et seq.). Fish and Game Code section 1501.5 excludes some CDFW-funded projects from being public works projects under the Labor Code. Labor Code compliance may require the payment of prevailing wage. Grantees are responsible for Labor Code compliance, and CDFW cannot provide advice about Labor Code compliance. Before submitting applications, applicants should seek legal counsel regarding Labor Code compliance for their projects and budget accordingly. More information is available at the [Department of Industrial Relations](#).

3.9 Environmental Compliance and Permitting

Projects must comply with all applicable state, tribal, and federal environmental laws, and regulations, including the Delta Reform Act, if applicable. Applicants are responsible for obtaining all permits necessary to complete project work. Projects that involve the collection of fish, wildlife, or endangered or rare plants must have a valid collection permit.

3.9.1 Cutting Green Tape Tools

Projects may be eligible for [Cutting Green Tape](#) environmental review and permitting tools including the [Statutory Exemption for Restoration Projects \(SERP\)](#), [Restoration Management Permits \(RMP\)](#), and [Restoration Consistency Determinations \(CD\)](#). Please contact CDFW staff regarding eligibility for projects.

3.9.2 Planning

Planning projects that include preparation of CEQA and NEPA must identify the anticipated state and federal lead agencies and document whether those agencies have accepted the role.

3.9.3 Implementation and Acquisition

Proposals should demonstrate that CEQA will be complete prior to the final funding approval. CDFW will consider CEQA complete when the lead agency has filed a Notice of Determination with the Office of Planning and Research for that lead agency's approval of the project, or upon adequate documentation that the project qualifies for an exemption. CDFW will exercise its independent judgment about whether a project qualifies for a statutory or categorical CEQA exemption. Implementation project proposals should include documentation of compliance with these requirements to the extent it is available at the time of proposal submission.

3.10 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. 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 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 Real Property Services Section.

Applicants must demonstrate to CDFW 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. Applicants must provide any operational conditions, agreements, or court orders associated with the right, as well as any SWRCB orders affecting the water right. Projects involving activities described in Fish and Game Code section 1602 may require a Lake or Streambed Alteration Agreement.

3.11 Recognition of Funding Source

The grantee must include signage, to the extent practicable, informing the public that the project received funds through CDFW. Project signs should

include the items below. CDFW also strongly encourages that signage includes multiple languages.

- Project name as it appears in the project agreement;
- Acknowledgment of project partners including CDFW (logo is preferred).

Recognition of funding under this program extends to publications, websites, and other media-related and public outreach products

3.12 Project Monitoring and Reporting

Applications for Planning projects should describe any proposed baseline monitoring, include performance measures, and include a timeline for development of a full Monitoring, Long-term Management, and Data Management Plan (if applicable).

Applications for Implementation and Acquisition projects must include performance measures and a summary of monitoring metrics that explains how the grant will evaluate project success.

Project-specific performance measures should include:

1. A clear nexus to project objectives and, to the extent feasible, quantitative targets. Include at least one performance measure that the grantee can achieve during the term of the grant. Performance measure categories include:
 - a. *Output performance measures:* tracking the on-the-ground activities associated with the project (e.g., acres of habitat restored or preserved, number of trees planted, and number of barriers to fish migration removed).

- b. *Ecological outcome performance measures*: evaluating ecosystem responses to on-the-ground activities (e.g., responses by target wildlife populations and responses in ecosystem function).
2. Anadromous salmonid habitat projects may be required to track a suite of standard performance measures for reporting to NOAA Fisheries.

Monitoring metrics should include:

1. A description of how the project will document project effectiveness/performance, consistent with project performance measures, including baseline monitoring.
2. Standardized approaches and coordination with existing monitoring efforts wherever possible.
3. Identification of opportunities to extend the monitoring activities (e.g., by using standardized monitoring methods; leveraging on-going monitoring programs; and building partnerships capable of attracting funding).
4. Description of the approach for reporting results.
5. Wetland and riparian projects should be consistent with the [Wetland and Riparian Area Monitoring Plan \(WRAMP\)](#) framework.

The project timeline must include preparation of a final Monitoring, Long-term Management, and Data Management Plan as a deliverable, and the grantee must submit a Monitoring, Long-term Management, and Data Management Plan prior to commencement of restoration activities. The applicant may, but is not required to, include a draft Monitoring, Long-term Management, and Data Management Plan in the Application. A template for the Monitoring Plan is available on [CDFW's website](#).

3.13 Data Management

Data management should be complementary to the Open and Transparent Water Data Act ([AB1755](#)), and should comply with the following principles:

1. Data are interoperable (machine readable);
2. Standard data formats are used for similar data types;
3. Quality assurance and quality control procedures are documented and followed; and
4. Open and transparent data and metadata are accessible to the public in a reasonable time.

The grantee must document data so that it is understandable to general users, and accessible, except where limited by law, regulation, and policy or security requirements. Data are required deliverables and will be a condition of final payment if awarded.

Applicants must demonstrate that project data will be collected using peer-approved methods, undergo a quality control and accuracy assessment process, include metadata that meet CDFW's Minimum Data Standards, and will be properly stored and protected until the project has been completed and data have been delivered.

Data delivery can include uploading data to relevant open data portals:

1. Surface water data reported to California Environmental Data Exchange Network ([CEDEN](#));
2. Groundwater data reported to [GeoTracker GAMA \(Groundwater Ambient Monitoring and Assessment Program\)](#);
3. Species observation data of [tracked species](#) reported to the [California Natural Diversity Database](#) using the online field [survey form](#) or other digital method; and

4. Fish passage assessment data reported to the [California Fish Passage Assessment Database](#).

Projects that include data collection may be asked to prepare a Data Management Plan (DMP). DMPs are short (2-3 page) documents that capture essential information from researchers about their datasets, including:

1. Description of the data to be acquired or generated during the project;
2. Quality control/quality assurance procedures;
3. The process to manage, describe, analyze, store, curate and publish datasets;
4. The process for efficient and effective data flow;
5. The process to address data sharing;
6. Explanation of how the DMP aligns with applicant's established data management approach (if applicable); and
7. The mechanisms to share and ensure long-term archival of the dataset.

3.14 Community Engagement, Capacity Building, and Equity

As the State of California works towards ensuring equitable outcomes for all Californians, CDFW is seeking projects that promote the following objectives:

1. The project includes meaningful and timely collaboration with communities potentially affected by the project outcomes, especially communities that have been historically underrepresented and/or have a cultural interest in the project site (e.g., tribal ancestral lands).
2. The project would benefit disadvantaged (see Section 3.4), and would further environmental justice, particularly for communities that disproportionately experience climate change-related consequences.
3. The project would expand the capacity of the restoration community by building project teams that include individuals and organizations from

disadvantaged, under-resourced, and historically underrepresented groups, and/or by providing opportunities for workforce and organizational development.

4. The applicant organization demonstrates an internal commitment to inclusivity and diversity in its hiring, training, and planning practices.

4 Application Submission and Selection

4.1 Application Submittal Process

CDFW accepts restoration grant concept proposals on an ongoing basis through CDFW's WebGrants portal. A single concept may be submitted for consideration under each of the funding sources except for FRGP. Concept proposals are subject to Public Records Act requests. It is strongly recommended that prospective applicants contact CDFW staff for a consultation prior to submitting a concept application.

Applicants will first submit a concept proposal. CDFW staff review concept proposals for consistency with CDFW mission, any specific program priorities, and the strength of the proposed project. In addition, CDFW staff will look at all concept proposals for geographic location, regional need, project type, readiness, threats, cost, and cost share. CDFW staff will offer applicants feedback regarding alignment with priorities, overall merit, and any ineligible costs. Depending on the funding program, CDFW may invite selected applicants to submit a full application for further consideration or proceed to fund the proposals.

For full applications, applicants will be provided access upon CDFW invitation.

4.2 Proposal Review and Selection Process

Depending on the funding program, CDFW will evaluate submitted proposals using a multi-step process, including the review processes described below. Each program may have variations in the review process and criteria; applicants should review the specific review feedback from CDFW.

4.2.1 Technical Review

CDFW technical reviewers will evaluate and score all eligible and complete applications. Technical reviewers will consider criteria including overall approach and feasibility of project tasks, readiness (including environmental compliance and permitting), budget, and ability to complete project within funding term.

4.2.2 Engineering-Geological Review

CDFW will conduct Engineering-Geological review on Planning and Implementation projects as appropriate. CDFW Engineering-Geological will review Conceptual to 30%, Intermediate (65%), or Final (90%) Design Plans and Basis of Design, Feasibility, Budget, Schedule, and overall project Implementation.

4.2.3 Executive Review or Selection Panel

CDFW may convene an Executive Review or Selection Panel (Panel) to review the scores and comments from the review process. The Panel may establish subcommittees, organized around funding priorities, to provide a preliminary ranking for their deliberations. The Panel will review and finalize the funding recommendations for CDFW Director approval. When developing the funding recommendation, the Panel will consider criteria such as:

1. Technical Review scores and comments;

2. Engineering-Geological Review, as applicable;
3. Regional priority input from CDFW Regional Managers;
4. Project readiness.

The Panel may recommend modifications, including reducing requested grant amounts to meet current and any potential future program priorities, funding targets, and available funding limitations.

4.2.4 Director Review and Action

For certain programs, the Panel's final recommendations will be presented to the Director of CDFW for final approval. The Director will consider the comments and recommendations from all levels of the review process and make the final funding decision. Following approval by the Director, the selected grant recipients will receive a commitment letter officially notifying them of their selection and grant amount.

4.3 Contingency Funding Review Process

CDFW will evaluate and score contingency funding proposals according to the overall criteria outlined in Table 1, with additional, more specific review criteria and associated weighting factors included in the individual program guidelines.

Table 1. Contingency Funding Review Criteria

Criteria
<p>1. Administration Review</p> <p>Is the project currently funded by the CDFW Restoration Program? Are there at least six months left in the grant term?</p>
<p>2. Consistency with Existing Project</p> <p>Extent to which the proposal demonstrates the additional funding request fits within the intent and scope of the existing project as originally awarded.</p>
<p>3. Justification</p> <p>Extent to which the proposal adequately describes and provides sufficient rationale to justify the need for additional funds.</p>

CDFW may recommend modifications, including reducing requested grant amounts to meet current and any potential future program priorities, funding targets, and available funding limitations.

CDFW will review and finalize contingency funding recommendations for final approval. Upon approval, the selected grant recipients will receive a commitment letter officially notifying them of their award and grant amount, followed by development of grant amendments.

5 Project Approval and Grant Agreement

Development of grant agreements will begin following announcement of awards. Successful applicants will work with an assigned CDFW Grant Manager to develop the grant agreement. The applicant must agree to the *General Grant Provisions* which will be provided at the time of the application. Awarded applicants must complete, sign, and return these additional forms:

1. [Payee Data Record form \(STD. 204\)](#);
2. Federal Taxpayer ID Number (for non-profit organizations);
3. [Drug-Free Workplace Certification \(STD. 21\)](#); and

4. Authorizing Resolution (if applicable).

For a grant to be executed it must be signed by an authorized representative of the grant recipient and CDFW. Work performed prior to an executed agreement will not be reimbursed.

5.1 Responsibility of the Grantee

The grantee must be responsive during grant agreement development and will be responsible for carrying out the work agreed to and for managing finances, including but not limited to invoicing, payments to subcontractors, accounting and financial auditing, and other project management duties including reporting requirements. Grantee must support all eligible costs with appropriate documentation. See Appendix A for additional state auditing requirements.

Grantees shall comply with all applicable federal, state, and local laws, rules, regulations, and/or ordinances. As may be necessary, the grantee shall be responsible for obtaining the services of appropriately licensed professionals to complete project design plans.

5.2 Invoicing and Payments

CDFW will structure all grant agreements, except for acquisition grants, to provide for payment in arrears of work being performed. CDFW will not disburse funds until there is an executed grant agreement between CDFW and the grantee. 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 CDFW Grant Manager, and is then reimbursed by CDFW). Funds for construction will not be disbursed until all the required environmental compliance, permitting, and design documents have been received and accepted by CDFW. Grantee must support all expense claims for reimbursement with appropriate documentation including indirect costs. State auditing requirements are described in Appendix A.

5.3 Reporting

Grantees shall submit progress reports as outlined in the executed grant agreement to the CDFW grant manager for the duration of the grant. CDFW may also require annual reports and task-specific reports as project deliverables.

5.4 Advanced Payment

Assembly Bill 590 authorizes CDFW to allow advanced payments to qualified nonprofit grantees, not to exceed 25 percent of the total award, upon determination that an advanced payment is essential for the effective implementation of a grant funded project. To be considered for an advanced payment, nonprofit grantees must satisfy the following requirements under [California Government Code §11019.3\(c\)\(2\)](#):

1. Grantee must submit documentation supporting the need for advanced payment (e.g., invoices indicating the nonprofit does not have sufficient cash or credit to make payments before state reimbursement, contracts, estimates, payroll records, financial records, etc.)
2. Grantee must demonstrate good standing as a nonprofit under section 501 (c)(3) of the Internal Revenue Code.
3. Grantee must submit an itemized budget for the eligible costs to be funded by an advanced payment.

Items 1-3 will be submitted during the application stage. Upon receipt of an advanced payment, grantees must meet additional requirements, including:

4. Deposit funds into a federally insured account of the recipient entity that provides the ability to track interest earned and withdrawals. Interest earned shall be reported to CDFW and deducted from future reimbursements.

5. Establish procedures to minimize the amount of time that elapses between the transfer of funds and the expenditure of those funds.
6. Provide progress reports on the expenditure of advance funds, including a summary of work completed, proof of expenditure.
7. Return any unused funding provided as advance payment but not expended within the grant term to CDFW.

5.5 Performance Retention and Payments

CDFW 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. CDFW may modify retention withholding in the following circumstances:

When the grantee or subcontractor is a public entity contracting for construction of any public work of improvement, CDFW may retain from the grantee's earnings, for each period for which payment is made, an amount equal to five percent of such earnings, pending satisfactory completion of the task or grant (Public Contract Code §7201[b][1]).

5.5 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, deleted, or delayed by the Budget Act or through other budget control actions, CDFW shall have the option to either cancel the grant agreement, offer to the grantee a grant agreement amendment reflecting the reduced amount, or to suspend work. In the event of cancellation or suspension of work, CDFW shall provide written notice to the grantee and be liable for payment for any work completed pursuant to the agreement up to the date of the written notice. CDFW shall have no liability for payment for work undertaken

after such date. In the event of a suspension of work, CDFW may remove the suspension of work through written notice to the grantee. CDFW shall be liable for payment for work completed from the date of written notice of the removal of the suspension of work forward, consistent with other terms of the grant agreement. In no event shall CDFW be liable to the grantee for any costs or damages associated with any period of suspension invoked pursuant to this provision, nor shall CDFW 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 state budget contingencies.

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

1. Lack of appropriated funds;
2. Executive order directing suspension or cancellation of grant agreements; or
3. CDFW 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:

1. Failing to execute an agreement with CDFW within six months of the award announcement. In such situations, the applicant may re-apply;
2. Withdrawing from the grant program;
3. Failing to acquire land or water at an approved fair market value;
4. Losing willing seller(s);
5. Failing to complete proposed water right changes/dedications;
6. Failing to submit required documentation within the time periods specified in the grant agreement;
7. Failing to submit evidence of environmental or permit compliance as specified by the grant agreement;
8. Changing project scope without prior approval from CDFW;

9. Failing to complete the project;
10. Failing to demonstrate sufficient progress;
11. Failing to comply with pertinent laws; or
12. Failing to adequately address CDFW Engineering – Geological review comments.

5.6 Standard Conditions

Successful applicants must agree to the appropriate terms and conditions for their entity type. General Grant Provisions include information regarding audits, amendments, liability insurance, and rights in data. All awarded entities must agree to the CDFW [General Grant Provisions](#) for Public or Non-public entities. Awarded applicants from the University of California and California State University must agree to [University Terms & Conditions - Exhibit "C" for University of California and California State University Agreements \(UTC-220 Exhibit C\)](#).

APPENDIX A – STATE AUDITING REQUIREMENTS

The list below details the documents or records that State Auditors may 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 project.

State Audit Document Requirements

Internal Controls:

1. Organization chart (e.g. Grant recipient's overall organization chart and organization chart for the State funded 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 project
3. Audit reports of the Grant recipient's internal control structure and financial statements within the last two years.
4. Prior audit reports on State funded projects.

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 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 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, 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 project.
2. Payroll records including timesheets for contractor staff and the grant recipient's staff.

Project Files:

1. All supporting documentation maintained in the files.
2. All grant agreement related correspondence.

APPENDIX B – 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]).

Agricultural Water Supplier - A water supplier, either publicly or privately owned, providing water to 10,000 or more irrigated acres, excluding recycled water, including a supplier or contractor for water, regardless of the basis of right that distributes or sells water for ultimate resale to customers (CWC §10608.12[a]).

Applicant - The entity that is formally submitting a grant application. This is the same entity that would enter into an agreement with the state 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.

Coastal Wetland - Coastal wetlands include saltwater and freshwater wetlands located within coastal watersheds – specifically United States Geological Survey 8-digit hydrologic unit watersheds that drain into the Pacific (See [US EPA Coastal Wetlands website](#)).

Disadvantaged Community - A community with low annual median household income that is often disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation.

Eligible Costs - Expenses incurred by the grantee during the agreement performance period of an approved agreement, which may be reimbursed by CDFW.

Executive Review or Selection Panel - Representatives from CDFW, at the supervisory or management level, assembled to review and consider the evaluations of all complete and eligible proposals and to make initial funding recommendations. Representatives from other agencies and organizations may also be invited to participate on the Panel.

Federally Recognized Indian Tribe - Indian Tribes that are recognized by the United States Department of the Interior, Bureau of Indian Affairs and listed annually in the Federal Register.

Grant Agreement - An agreement between CDFW and the grantee specifying the payment of funds by CDFW for the performance of the project scope within the term of the agreement by the grantee.

Grant Manager - The CDFW staff person assigned to manage a grant, including to assist with the development of the grant agreement, accept and review invoices and deliverables, and be the first point of contact for the grantee.

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

Indian Tribe - Indian Tribes that are listed on the Native American Heritage Commission's California Tribal Consultation List

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]).

Performance Measure - A quantitative measure used to track progress toward a project objective/desired outcome.

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 for a project that is proposed for funding.

Public agency - a federal agency, state agency or department, public college or university, special district, joint powers authority, city, county, city and county, or other political subdivision of California.

State Wildlife Action Plan - The [State Wildlife Action Plan \(SWAP\)](#) is the key wildlife conservation planning tool for California. The SWAP takes an ecosystem approach for conserving California's fish and wildlife resources by identifying strategies intended to improve conditions of Species of Greatest Conservation Need and the habitats upon which they depend (CDFW 2015). The SWAP 2015 Update is a guide for resource managers, conservation partners, and the public in how they can participate in conserving California's precious natural heritage.

Subcontractor - An entity other than the project proponent/applicant that performs a portion of the Scope of Work and includes subrecipients, subawardees, independent contractors, and consultants.

Technical Reviewers - A group of individuals assembled to evaluate the scientific and technical merit of a proposed project. May include representatives from CDFW, other agencies, or other outside experts.