

# Staff Report

**TO:** Board of Directors

**FROM:** Tonia M. Tabucchi Herrera, PE, Senior Engineer  
Doug Roderick, PE, Engineering Manager

**DATE:** November 10, 2021

**SUBJECT:** **Hemphill Diversion Fish Passage Project (Project #7032) Grant Resolution (Consent)**

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***ENGINEERING***

**RECOMMENDATION:**

Adopt Resolution 2021-39 (Approving the Application for the State of California Wildlife Conservation Board Prop 68 Grant Funds for the Hemphill Diversion Fish Passage Project).

**BACKGROUND:**

The Hemphill Diversion Fish Passage Project (Project) will remove the existing diversion structure, construct a roughen-rock ramp fish passage in its place to allow for fish passage, and maintain water deliveries to Hemphill Canal customers, and construct a fish screen at the Hemphill Canal diversion to prevent fish entrapment.

This project aligns with the State of California Wildlife Conservation Board (WCB) Prop 68 Grant (Grant) objectives as it will restore habitat in Auburn Ravine through the removal of instream impediment to fish passage and installation of fish passage that will allow migratory fish to continue upstream as described in the Grant's 2021 Proposal Solicitation Notice Priority 1 projects. Additionally, the Hemphill Diversion Structure is listed on the California Department of Fish and Wildlife 2019 Fish Passage Priority List.

A pre-application was submitted to the WCB on October 5, 2021, which resulted in an invitation from the WCB to submit a full application.

The Grant will require NID to provide a completed application form, budget worksheet, project area boundary, resolution from the District (attached), support letters (if available), location map, and a Maintenance and Management Plan.

The Maintenance and Management Plan will contain a Long Term Management and Maintenance Plan (LTMMP) and a Monitoring and Reporting Plan (MRP). The LTMMP will be for a minimum of 25 years. The LTMMP will include a discussion of the actions that will be taken if it is determined that the project objectives are not being met, including the responsible party (NID) and source(s) of funding (NID funding) for completing the remedial measures. The resulting facilities constructed or enhanced with the Grant funds will be operated, used, and maintained consistent with the purposes of the Grant and in accordance with the LTMMP prepared for the project. The MRP will explain how improvements to fish passage will be measured or quantified and how project success will be evaluated and reported with clearly defined performance measures that are linked to project objectives and have quantitative targets to meet within one to two years post-implementation. The Grant looks for opportunities to extend the monitoring activities beyond the term of the Grant, and annual monitoring reports for the life of the project are to be made publicly available on the WCB website.

**BUDGETARY IMPACT:**

This project is part of the Non-programmatic budget (10151-52915). Staff time will be utilized to assist in preparing, executing, and reporting on the Grant. A portion of the Grant preparation will be completed by a consultant. The anticipated cost is \$10,000. The consultant is preparing a proposal and will be solidifying their numbers.

If the entire amount of Grant funding is awarded as requested, NID will receive \$1,500,000 to implement the Project.

Attachments: (2)

- Resolution 2021-39 (Approving the Application for the State of California Wildlife Conservation Board Prop 68 Grant Funds for the Hemphill Diversion Fish Passage Project)
- Wildlife Conservation Board Program Guidelines



**RESOLUTION NO. 2021-39**  
OF THE BOARD OF DIRECTORS OF THE NEVADA IRRIGATION DISTRICT

**APPROVING THE APPLICATION FOR THE STATE OF CALIFORNIA  
WILDLIFE CONSERVATION BOARD PROP 68 GRANT FUNDS  
FOR THE HEMPHILL DIVERSION FISH PASSAGE PROJECT**

**WHEREAS**, funds were made available to the Wildlife Conservation Board for the enhancement or restoration of fish and wildlife habitat and for the development of public access facilities for hunting, fishing, or other wildlife-oriented recreational uses.

**WHEREAS**, The Nevada Irrigation District intends to remove the diversion structure, stabilize the diversion site, construct a nature-like roughen rock-ramp instream fish passage, install a fish screen at the head of Hemphill Canal, and implement improvements to a portion of the Hemphill Canal. The project is designed to allow anadromous fish to migrate past the Hemphill Diversion Structure site unimpeded.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Directors of the Nevada Irrigation District hereby:

1. Approves the filing of an application for funding from the Wildlife Conservation Board; and
2. Certifies that said Applicant will comply with all federal, state and local environmental, public health, and other appropriate laws and regulations applicable to the project and will obtain or will ensure that the other project partners obtain all appropriate permits applicable to the project; and
3. Further commits to the terms and conditions specified in the grant agreement; and
4. Appoint the General Manager as a representative of the Nevada Irrigation District to conduct negotiations, execute, submit and sign all documents including but not limited to applications, agreements, amendments, payment requests, and other documents which may be necessary for the completion of the proposed project.

Resolution No. 2021-39  
Approving the Application For The State of California Wildlife Conservation Board Prop  
68 Grant Funds for The Hemphill Diversion Fish Passage Project  
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**PASSED AND ADOPTED** by the Board of Directors of the Nevada Irrigation  
District at a regular meeting held on the 10<sup>th</sup> day of November 2021 by the following vote:

<b>AYES:</b>	Directors:
<b>NOES:</b>	Directors:
<b>ABSENT:</b>	Directors:
<b>ABSTAINS:</b>	Directors:

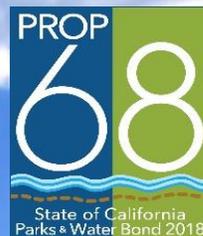
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President of the Board of Directors

**Attest:**

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Secretary to the Board of Directors



# Wildlife Conservation Board Proposition 68 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 its Proposition 68 funds. The appendices include useful acronyms, web links, a glossary of terms and audit requirements.

### 1.2 Background

The WCB created by statute in 1947 to conserve California's wildlife resources and provide for suitable public recreation. WCB currently operates 13 programs that fund acquisition, restoration, and public access projects throughout the State. Proposition 68 provided \$275,000,000 to fund a variety of activities.

These guidelines are based on the following legislation:

- 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); and
- Fish and Game Code (FGC) section 1300 *et seq.*, which authorizes the WCB Board to acquire property and award grants for fish and wildlife habitat conservation, restoration and for development of compatible public access facilities.

### 1.3 Program Funding and Objectives

Proposition 68, passed by California voters in June 2018, amended the PRC to add, among other articles, sections 80100(a)(3), 80110(c), 80132(a), 80132(c), 80132(e) and 80132(f), authorizing the Legislature to appropriate up to \$275,000,000, as outlined below. The funds are to be used for projects that will result in enduring benefits and help meet the objectives of each separate allocation as identified in Proposition 68. In addition, all projects must provide at least one of the following benefits, as identified in WCB's Strategic Plan:

- Protected or enhanced biodiversity
- Climate change resiliency and connectivity
- Support of the State Wildlife Action Plan priority habitats
- Conserved or enhanced working landscapes
- Conserved or enhanced water-related projects
- Enhanced public access

WCB currently operates 13 programs that fund acquisition, restoration, and wildlife-oriented public access projects throughout the State. Of the total amount of funding provided by Proposition 68, \$147,000,000, identified in PRC sections 80100(a)(3) and 80110(c), will be used to support WCB's existing programs as outlined below in Section 2.0 of these Guidelines. Proposition 68 provided an additional \$128,000,000 towards competitive grant programs, pursuant to PRC sections 80132(a), 80132(c),

80132(e) and 80132(f), as described below in Sections 3.0 and 4.0 of these Guidelines.

At least 20 percent of the funds shall be allocated for projects serving severely disadvantaged communities (a community with a median household income less than 60 percent of the statewide average). Up to 5 percent of a grant may be used for community access. Community access is defined as “engagement programs, technical assistance, or facilities that maximize safe and equitable physical admittance, especially for low-income communities, to natural and cultural resources, community education, or recreational amenities.” This includes, but is not limited to transportation, physical activity programming, resource interpretation, multilingual translation, natural science, workforce development and career pathways, education, and communication related to water, parks, climate, coastal protection, and other outdoor pursuits. To identify an important community need, WCB recommends that applicants directly engage local residents and community-based groups.

To the extent feasible, a project whose application includes the use of services of the California Conservation Corps or certified community conservation corps, as defined in Section 14507.5, shall be given preference for receipt of a grant.

## **2.0 WCB Program Funding**

The Proposition 68 allocations (PRC sections 80100[a][3] and 80110[c]) outlined in this Section 2.0 will be used to support WCB’s existing acquisition, restoration, and public access programs ([WCB Programs](#)). These funds may be used for any of the following programs: Acquisition, Agricultural Lands, Climate Adaptation, Forest, Habitat Enhancement/Restoration, Lower American River, Oaks, Public Access, Rangeland, Riparian, Streamflow Enhancement, Tax Credit, and Wetlands. The individual Proposition 68 sections are outlined below.

### **2.1 Support for the Lower American River Conservancy Program (PRC section 80100[a][3])**

The WCB administers the Lower American River Conservancy (LARC) Program, as established by legislation in 2016 (PRC section 5845 *et seq.*). The LARC Program was created to provide a State partner to work cooperatively with local agencies, particularly the County of Sacramento, and nonprofit organizations to provide grants to restore, enhance, interpret, protect and improve public access to the American River Parkway’s natural, recreational, educational and cultural resources. The Enabling Statue also created the LARC Program Advisory Committee. Guidelines for the LARC Program can be found here: [LARC Guidelines](#).

### **2.2 Development of Regional Conservation Investment Strategies (PRC section 80111(a))**

In 2016, legislation established the California Department of Fish and Wildlife’s (CDFW) Regional Conservation Investment Strategy pilot program (FGC section 1850, *et seq.*), thereby creating the authority and process for developing Regional Conservation Investment Strategies (RCIS). An RCIS is a voluntary, non-regulatory, and non-binding conservation assessment that includes information and analyses relating to the conservation of focal species, their associated habitats, and the conservation status of the RCIS land base. Any public agency may develop an RCIS. An RCIS establishes biological goals and objectives at the species level and

describes conservation actions and habitat enhancement actions that, if implemented, will contribute to those goals and objectives. CDFW developed guidelines and processes for developing, evaluating and implementing RCISs. Those guidelines can be viewed here: [RCIS Guidelines](#). WCB's Proposition 68 funding will be dedicated to supporting the development of RCISs through close collaboration with CDFW staff responsible for evaluating and approving RCISs.

### 2.3 Implementation of Conservation Plans (PRC section 80111[b])

Proposition 68 makes funds available to WCB for the acquisition, development, rehabilitation, restoration, protection, and expansion of habitat that furthers the implementation of natural community conservation plans adopted pursuant to the Natural Community Conservation Planning Act (Chapter 10 [commencing with Section 2800] of Division 3 of the FGC) to help resolve resource conflicts by balancing communitywide conservation, planning, and economic activities or other large-scale habitat conservation plans that resolve resource conflicts with provisions for conservation, planning, and economic activities. Natural Community Conservation Plans (NCCP) and Habitat Conservation Plans (HCP), the federal counterpart to NCCPs, are regional plans designed to conserve natural communities at the ecosystem scale while accommodating compatible land uses. An NCCP and/or HCP must provide for the conservation of species and protection and management of natural communities in perpetuity within the area covered by permits. NCCP and/or HCPs require that conservation actions improve the overall condition of a species, and must be applied at the regional scale to promote the long-term recovery of species, protection of habitat and natural communities, and diversity of species at the landscape level. The development of these plans are the result of extensive evaluations of properties by CDFW, U.S. Fish and Wildlife Service (FWS), and WCB staff to determine which properties provide the highest value for the species covered by the NCCP and/or HCPs. WCB will use the established project selection process to identify those properties in established NCCP and/or HCPs that should be protected.

In addition, a small portion of the available Proposition 68 funds will be used to restore habitats for covered species on protected NCCP lands. The application and evaluation process for these restoration projects will be conducted jointly with the CDFW through their NCCP Local Assistance Grant program, which can be viewed here: [NCCP Local Assistance Grant Program](#).

### 2.4 Support for the University of California Natural Reserve System (PRC section 80111[c])

This existing program within WCB was established specifically to implement the most critical projects within the University of California Natural Reserve System (UCNRS) to provide matching grants for acquisition of land, construction and development of research facilities to improve the management of natural lands, for preservation of California's wildlife resources, and to further research related to climate change. To implement this program, the UCNRS has established an Ad Hoc Bond Act Funds Advisory Subcommittee of the University-wide UCNRS Advisory Committee for reviewing and setting priorities for project proposals on behalf of the University of California System. The highest ranking proposals are presented to the WCB for funding approval. WCB will continue to use these existing procedures in support of the UCNRS.

## 2.5 Projects according to WCB's governing statutes (PRC section 80111[d])

The funds allocated by Proposition 68 that allow for projects that are consistent with WCB's governing statutes will be evaluated and approved using WCB's existing processes, pursuant to FGC section 1300 *et seq*, and as outlined under each of WCB's programs ([WCB Programs](#)).

## 3.0 Climate Preparedness, Habitat Resiliency, Resource Enhancement, and Innovation

The remainder of these Guidelines outlines the processes for implementing PRC sections 80132(a), (c), (e) and (f), which provide funds to WCB for competitive grants that plan, develop, and implement climate adaptation and resiliency projects. Specific project types are identified below under Section 3.2.

### 3.1 Eligible Grant Applicants

WCB has the authority under FGC section 1350(c) to award grants to nonprofit organizations, local governmental agencies, federal agencies, and State agencies.

### 3.2. Eligible Project Types

WCB will allocate funds to projects that provide long-term benefits. Specifics concerning eligible projects may vary and will be documented in each solicitation. The following examples of project types that may be eligible in the solicitations should not be viewed as an exhaustive list of eligible project types:

- Projects to provide corridors for wildlife, promote the protection of threatened and endangered species, improve climate adaptation and resilience, improve open-space corridors and trail linkages, improve wildlife rehabilitation facilities, control invasive species, provide water for fish and wildlife or improve aquatic and riparian habitats, advance the conservation objectives of regional conservation investment strategies, and provide hunting and other wildlife-dependent recreational opportunities.
- Projects for the acquisition, development, rehabilitation, restoration, protection, and expansion of wildlife corridors and open space to improve connectivity and reduce barriers between habitat areas.
- Projects to protect and restore habitat associated with the Pacific Flyway.
- Projects to construct, repair, modify, or remove transportation infrastructure or water resources infrastructure to improve passage for wildlife or fish.
- Projects for the protection, restoration, and improvement of upper watershed lands in the Sierra Nevada and Cascade Mountains, including forest lands, meadows, wetlands, chaparral, and riparian habitat, in order to protect and improve water supply and water quality, improve forest health, reduce wildfire danger, mitigate the effects of wildfires on water quality and supply, increase flood protection, or to protect or restore riparian or aquatic resources.

### 3.3 Community Support

As described above, at least 20 percent of the funds shall be allocated for projects serving severely disadvantaged communities and up to 5 percent of a grant may be used for community access. To identify an important community need, WCB recommends that applicants directly engage local residents and community-based groups.

### 3.4 Fund Source Priority

Each proposal submitted must provide justification for why the project was submitted, how it will support WCB's priorities, and how it will provide the benefits associated with the fund source. Each proposal submitted must include an evaluation of how the proposed activities will result in a long-term benefit. Guidance can be found in the CDFW's State Wildlife Action Plan ([SWAP](#)) and Areas of Conservation Emphasis ([ACE 3.0](#)), both of which contain information on natural lands that may provide the desired benefits.

### 3.5 Co-Benefits

An additional intent of this grant program is to achieve benefits beyond the primary objective of the fund source. Each proposal should include a clear description of expected co-benefits that will result from project implementation and an approach to measure and report those co-benefits. Co-benefits might include such things as water quality, flood control, pollination, soil improvement, carbon sequestration, or recreation opportunities.

### 3.6 Project Monitoring

Proposals shall describe plans for how project implementation will be monitored and success determined. The scope of the monitoring plan will vary depending on the nature of the project. Applicants should be willing to work with WCB 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. Specific monitoring requirements will be outlined in each solicitation.

### 3.7 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.

## 4.0 Project Selection

### 4.1 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. Each solicitation will provide detailed information specific to that solicitation regarding the following: how to apply, including the start and end date for submittal of pre-applications, if appropriate, and full applications; program priorities; evaluation criteria;

and may also include minimum or maximum limitations on the dollar amount of grants to be awarded. 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.

#### 4.2 Proposal Submittal Process

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

#### 4.3 Project Review and Selection Process

Proposals received by the deadline will be evaluated using the review process described below. Each solicitation may have variations in the review process and criteria; applicants should review the specific review process and criteria defined in each solicitation.

Each proposal will be subjected to an administrative review, which will evaluate the eligibility and completeness of the application. All information requested in the solicitation must be provided and in the required formats. This review will use a “Pass/Fail” scoring method. Applications that are determined to be ineligible or incomplete will not be considered for funding.

All eligible and complete proposals will be evaluated and scored by technical reviewers and will include representatives from WCB, CDFW, and others as appropriate. Technical reviewers will independently score proposals in accordance with the evaluation criteria documented in the solicitation. Table 1 presents a suite of review criteria that are meant to be broadly representative of the types of criteria upon which proposals will be evaluated. The specific review criteria and associated weighting factors established for each solicitation will vary.

**Table 1. Basic Review Criteria (criteria for individual solicitations may vary)**

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.
Project Outcomes – Significance of the 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.
Consistency with and Implementation of Regional, State and Federal Plans	Extent to which a project is included in a Conceptual Area Protection Plan (for acquisitions) or supports or is supported by the State Wildlife Action Plan and other existing local, regional, State or federal conservation plan.
Durability of Investment/Climate Change Considerations	The extent to which a project is expected to deliver enduring benefits.

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.
Monitoring and Reporting	The extent to which a proposal demonstrates a clear and reasonable approach to monitoring, assessing and reporting the effectiveness of the project.
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 consistent with fund liquidation deadlines, and that aligns with the tasks in the project narrative.
Project Readiness	The 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.
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. All fund sources must be identified.
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.

#### 4.4 Project Approval

Proposals that rank high enough to be considered for funding will be presented to a selection panel made up of managers from WCB. Representatives from CDFW and other agencies and organizations may also be invited to participate on the selection panel. This selection panel will review and consider the evaluations of all complete and eligible proposals and to make initial funding recommendations. The selection panel may recommend modifications, including recommending partial funding, in order to meet program priorities, funding targets and available funding limitations, and will direct staff to conduct due diligence on the proposals to assure the project can move forward.

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

## **5.0 Project Approval and Implementation**

### **5.1 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.

### **5.2 Awards**

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

### **5.3 Grant Agreement**

Grant agreements are not executed or final until authorized by the WCB Board'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.

### **5.4 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.

### **5.5 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.

### **5.6 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.

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

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.

## 6.0 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 website.

## 6.1 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 these guidelines. 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.

## 6.2 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.*).

## 6.3 Compliance with Laws

Activities funded under these guidelines 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.

## 6.4 Signage

All successful grantees will include signage, to the extent practicable, informing the public that the project received funds through the WCB and Proposition 68.

## 6.5 Labor Code Compliance

Grants awarded consistent with these guidelines 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](#).

## 6.6 Environmental Compliance

Activities funded consistent with these guidelines 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

ACE (ACE 3.0)	Areas of Conservation Emphasis
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CLC	California Labor Code
DIR	Department of Industrial Relations
FGC	Fish and Game Code
FWS	U.S. Fish and Wildlife Service
HCP	Habitat Conservation Plan
LARC	Lower American River Conservancy
NCCP	Natural Community Conservation Plan
NEPA	National Environmental Policy Act
UCNRS	University of California Natural Reserve System
PRC	Public Resources Code
WCB	Wildlife Conservation Board
WCB Board (Board)	The seven voting and six advisory members of the Wildlife Conservation Board

## Appendix B. Useful Web Links

### Wildlife Conservation Board

Home Page: <https://www.wcb.ca.gov/>

WCB Strategic Plan: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=88552&inline>

### California Department of Fish and Wildlife

Areas of Conservation Emphasis (ACE 3.0) - <https://www.wildlife.ca.gov/Data/Analysis/Ace>

Species Vulnerability Assessments - <https://www.wildlife.ca.gov/Conservation/Climate-Science/Resources/Vulnerability>

State Wildlife Action Plan (SWAP) – <https://www.wildlife.ca.gov/SWAP>

SWAP Species of Greatest Conservation Need, includes Climate Vulnerable Species - <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109224&inline>

### Natural Resources Agency

Safeguarding California: Reducing Climate Risk:

[http://resources.ca.gov/docs/climate/Final\\_Safeguarding\\_CA\\_Plan\\_July\\_31\\_2014.pdf](http://resources.ca.gov/docs/climate/Final_Safeguarding_CA_Plan_July_31_2014.pdf)

California EcoRestore: <http://resources.ca.gov/ecorestore/>

California Water Action Plan: [http://resources.ca.gov/california\\_water\\_action\\_plan/](http://resources.ca.gov/california_water_action_plan/)

Ecosystem Adaptation to Climate Change in California: Nine Guiding Principles:

[http://www.resourceslegacyfund.org/wp-content/uploads/Guiding\\_Principles\\_Brochure.pdf](http://www.resourceslegacyfund.org/wp-content/uploads/Guiding_Principles_Brochure.pdf)

### Wetland and Riparian Area Monitoring Program:

[http://www.mywaterquality.ca.gov/monitoring\\_council/wetland\\_workgroup/#frame](http://www.mywaterquality.ca.gov/monitoring_council/wetland_workgroup/#frame)

**Cal-Adapt** - <http://cal-adapt.org/>

**Climate Smart Conservation** - <http://www.pointblue.org/priorities/climate-smart-conservation/>

### Enabling Legislation

California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 (Proposition 68) [Prop 68 \(SB5\)](#)

## Appendix C. Glossary of Terms

- Acquisition – obtaining a fee interest or any other interest in real property, including easements, leases, water, water rights, or interest in water obtained for the purposes of instream flows and development rights.
- 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.
- California State Wildlife Action Plan 2015 Update – the Department of Fish and Wildlife’s key wildlife conservation planning tool for California, which 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.
- Community Access – engagement programs, technical assistance, or facilities that maximize safe and equitable physical admittance, especially for low-income communities, to natural or cultural resources, community education, or recreational amenities (PRC § 80002[b]).
- Disadvantaged Community – a community with a median household income less than 80 percent of the statewide average (PRC § 80002[e]).
- Eligible Costs – expenses incurred by the grantee during the agreement performance period of an approved agreement, which may be reimbursed by CDFW.
- Eligible Entity – nonprofit organizations, local governmental agencies, federal agencies, and state agencies. (FGC 1350[c]).
- Grant Agreement – an agreement between WCB and the grantee specifying the payment of funds by WCB for the performance of the project scope within the term of the agreement by the grantee.
- Grantee – refers to the applicant once a proposal is awarded and a grant agreement is executed (i.e., a grant recipient).
- Habitat Conservation Plan – a Habitat Conservation Plan (HCP), the federal counterpart to the State Natural Community Conservation Plan, is a document that meets federal Endangered Species Act requirements and enables local agencies to allow projects and activities to occur in endangered species’ habitats. In exchange, those projects and activities must incorporate HCP-prescribed measures to avoid, minimize, or compensate for adverse effects on natural communities and endangered species.
- Natural Community Conservation Plan - a Natural Community Conservation Plan (NCCP), the State counterpart to the federal Habitat Conservation Plan, has a primary objective of conserving natural communities at the ecosystem scale while accommodating compatible land uses. An NCCP must provide for the conservation of species and protection and management of natural communities in perpetuity within the area covered by permits. NCCPs require that conservation actions improve the overall condition of a species, and must be applied at the regional scale to promote the long-term recovery of species, protection of habitat and natural communities, and diversity of species at the landscape level.
- 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 (PRC § 80002[j]).

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.

Proposition 68 – “California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018” passed by California voters in June 2018, and as set forth in Division 45 of the Public Resources Code.

Public Agency - a political subdivision of the United States or a political subdivision of a United States state, including a federal agency, state agency, special district, joint powers authority, city, county, or public university.

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

Selection Panel – representatives from WCB, 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 Selection Panel.

Severely Disadvantaged Community - a community with a median household income less than 60 percent of the statewide average (PRC § 80002[n]).

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

## Appendix D. State Auditing Requirements

The list below details, but is not limited to, 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 Recipients.

**Project Files:**

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