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# CENTRAL VALLEY PROJECT IMPROVEMENT ACT GRANT PROGRAM

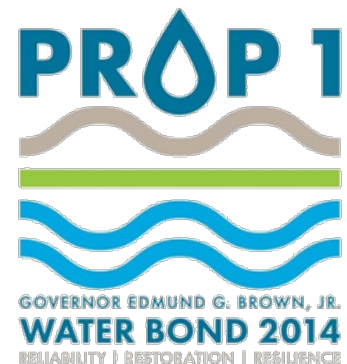
THE WATER QUALITY, SUPPLY, AND INFRASTRUCTURE  
IMPROVEMENT ACT OF 2014

## PROPOSITION 1 GRANT GUIDELINES

STATE OF CALIFORNIA

THE NATURAL RESOURCES AGENCY

JUNE 2016



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## Contact Information

For general application process questions, contact Natural Resources Agency at:

**Email:** [cvpia@resources.ca.gov](mailto:cvpia@resources.ca.gov)

**Website:** [http://resources.ca.gov/grant\\_programs.html](http://resources.ca.gov/grant_programs.html)

**To apply online:** <http://soar.resources.ca.gov> (available July 2016)

**Mail:** Central Valley Project Improvement Act Grant Program  
Natural Resources Agency  
1416 9<sup>th</sup> Street, 13<sup>th</sup> Floor  
Sacramento, CA 95814

**Phone:** (916) 653-2812

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## I. INTRODUCTION

California voters passed the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Act). It added section 79736 to the Public Resources Code (PRC) which allocates \$475,000,000 to the California Natural Resources Agency (Agency) for projects that fulfill the obligations of the State of California in complying with the terms of several agreements. One of the agreements listed under PRC 79736(a) is the Central Valley Project Improvement Act (CVPIA). Funds are proposed for appropriation in the 2016/17 budget to meet the state's commitments for implementation of Section 3406(d) of CVPIA to improve water deliveries on the wildlife habitat areas - \$89.75 million. These guidelines, developed in consultation with the Department of Fish and Wildlife, stakeholders and partners, will govern how these funds are allocated and spent.

## II. ELIGIBILITY

### Eligible Applicants

Grant Funds will be awarded to Public Agencies, California Nonprofit Organizations, federally recognized Indian tribes, state Indian tribes listed on the Native American Heritage Commission's California Tribal Consultation list and mutual water companies. All nonprofits must be a 501(c)(3) as verified by the Internal Revenue Service.

### Requirements

All proposals must demonstrate how the project will measurably increase or make more reliable Level 2 water and Incremental Level 4 water deliveries to one or more of the 19 wildlife habitat areas identified in the CVPIA Refuge Water Supply Program— see Appendix E. The following project types are consistent with actions outlined in the [California Water Action Plan](#) – Water for Wetlands and Waterfowl.

- Finalizing existing water conveyance construction projects where federal funding is insufficient to attain project completion.
- Development of new, or improvement of existing water conveyance facilities that ensure and improve capacity and reliability for delivery of refuge water supplies.
- Acquisition of permanent water rights or conservation easements which provide firm water supplies of suitable water quality. Acquisition of senior water rights with documented priority, historic availability and continued beneficial use, as well as compliance reporting to the State Water Resources Control Board.
- Acquisition of temporary or short term water supplies where permanent water rights or conservation easements are not available may also be considered.

### Other Requirements

- State and local water agencies are required to use the best available science to inform decisions regarding water resources.
- Projects must comply with the California Environmental Quality Act (CEQA), Division 13 (commencing with Section 21000).

- Water rights must be acquired from a willing seller.
- Projects must comply with all current Labor Codes.
- A project proposed by a public utility that is regulated by the Public Utilities Commission or a mutual water company shall have a clear and definite public purpose and shall benefit the customers of the water system and not the investors.
- An agricultural water supplier shall adopt and submit an agricultural water management plan in accordance with the Agricultural Water Management Planning Act.
- If a project includes groundwater, it shall include information on whether that water is extracted from a high or medium priority groundwater basin consistent with the requirements of the Sustainable Groundwater Management Act.
- If the primary function of the project is for stormwater capture, the project must be included in a stormwater resource plan or functional equivalent.
- Pursuant to Governor Brown's April 2014 Executive Order, recipients of funding for future projects that impact water resources, including groundwater resources must have appropriate water conservation and efficiency programs in place in response to persistent drought conditions. CNRA is interpreting this to include all of the eligible project types that could be funded through this Solicitation. The water conservation and efficiency program is specific to the organization, not the proposed project. The Executive Order did not provide specific guidance concerning format or content of the programs. As such, each entity can develop a program that is appropriate for the type and scale of their organization. Proposals must verify the applicant's organization has a water conservation and efficiency program in place; however, it does not need to be submitted with the proposal.

### **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. Applicants should also be aware that certain State agencies may submit proposals that will compete for funding. Failure to comply with the conflict of interest laws, including business and financial disclosure provisions, will result in the proposal being rejected and any subsequent grant agreement being declared void. Other legal actions may also be taken. Applicable statutes include, but are not limited to, California Government Code section 1090 and Public Contract Code sections 10365.5, 10410, and 10411.

### **Tribal Consultation**

The Natural Resources Agency recognizes the need for agency consultation regarding projects that affect California Tribal communities. As such, applicants should make every effort to involve Native American Tribes or stakeholder groups as appropriate.

### **Funding Allocation and Grant Amounts**

The 2016/17 budget contains \$89.75 million in Proposition 1 funds for projects from this program. No maximum or minimum amounts have been set at this time.

### III. SELECTION PROCESS

1. Applicants submit grant application online before or by the deadline.
2. Proposals are reviewed for completeness and eligibility.
3. Incomplete or ineligible proposals may not be evaluated or considered for funding, at the sole discretion of the State.
4. Proposals will be evaluated by a multi-agency review committee using the established criteria and any additional funding considerations.
5. Site visits may be scheduled prior to funding decisions.
6. Recommendations are submitted to the Secretary for the Natural Resources Agency.
7. Final funding decisions are determined and announced. All information contained in the grant application is confidential until the grant awards are announced.
8. Task Orders will be developed to document state contributions in conjunction with the federal government pursuant to the Sharing of Costs Agreement for Mitigation Projects and Improvements.

### IV. GRANT ADMINISTRATION

1. State sends Grant Agreement and materials for grant administration to grantee.
2. Grantee signs and returns all required copies back to the State for signature. A fully executed copy will be returned to the Grantee.
3. Grantee submits completed appraisal, purchase documents, and other required documents, for State review (acquisition projects only). Water rights acquisitions must be supported by a water rights appraisal approved by the Department of General Services or a third party reviewer approved by the state.
4. Grantee commences preliminary work (planning/design/CEQA, etc.) on the project and submits requests for reimbursements, as applicable.
5. Grantee submits CEQA compliance documentation.
6. Grantee may be asked to submit preliminary plans to the State for review and comments.
7. Grantee submits final site plans, bid documents, cost estimate (as applicable) for review by the State prior to commencing with construction, and verification that all required permits are secured.
8. Grantee posts signs at a visible location on the site acknowledging source of funds.
9. Grantee commences project construction and may submit payment requests for reimbursement of project expenditures in accordance with the grant agreement.
10. State may schedule periodic on-site visits and will request periodic progress reports from the grantee.
11. Grantee completes project and submits project completion packet in accordance with the grant agreement.
12. State makes final project inspection and approves final payment.

#### Eligible Costs

Direct project-related costs incurred during the project performance period specified in the Grant Agreement will be eligible for reimbursement. All eligible costs must be supported by appropriate documentation in accordance with the grant agreement. Costs incurred outside of the performance period are not eligible for reimbursement. Grantee **indirect/overhead costs are not eligible** for reimbursement - see page 30 for definition of overhead costs.

The project scope (i.e., the activities to be completed using either 100% grant funds or a combination of grant funds and matching funds) must meet the eligibility requirements. However, grant funds need not fund all activities used to meet eligibility requirements.

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## Payment of Grant Funds

Funds cannot be disbursed until there is a fully-executed Grant Agreement between the State and the Grantee and satisfactory site control has been secured. Funds for construction/implementation cannot be disbursed until CEQA / NEPA (if applicable) is completed and funding signage is installed.

### Development projects

- Payments will be made on a reimbursement basis (i.e., the grantee pays for services, products or supplies, submits invoices and proof of payment and is then reimbursed by the State). It generally takes 4-6 weeks to receive payment once a complete Payment Request is submitted.
- Ten percent (10%) of the amounts submitted for reimbursement may be withheld and issued as a final payment upon project completion.

### Acquisition projects

- State-approved purchase price, together with eligible acquisition costs, may be advanced into an escrow account within 60 days of close of escrow. All disbursements may be subject to a ten percent (10%) retention, withheld at the sole discretion of the State.
- The remainder of the Grant, if any, shall be available on a reimbursable basis for other eligible project costs.

## Site Visits

The State may make periodic visits to the project site, including a final inspection. The State will determine if the work is consistent with the approved project scope and ensure compliance with signage requirements.

## Loss of Funding

A grantee may lose funding as a result of actions including, but not limited to, the following:

- Grantee fails to execute a Grant Agreement within 12 months.
- Grantee withdraws from the grant program.
- Water rights or water cannot be acquired at approved fair market value.
- Grantee loses willing seller(s).
- Grantee cannot comply with CEQA/NEPA, as applicable.
- Grantee fails to submit required documentation within the time periods specified in the Grant Agreement.
- Grantee changes project scope without prior approval from the State.
- Grantee fails to complete the project.
- Grantee fails to demonstrate sufficient progress.

## V. GRANT APPLICATION

Grant applications will be submitted online at the following address:

<http://soar.resources.ca.gov> (available July 2016). A sample application form with the information that will be needed in the online application is included in Appendix F.

The titles used by applicants to represent project elements should be consistent throughout the grant application, including scope and cost estimate.

The online grant application package has four sections:

1. Grant application form – see Appendix F
2. One-page summary - provide a brief summary of the project that includes all applicable requested information
3. Project Evaluation Information
4. Required supporting materials.

Certain types of projects may require the services of a licensed professional engineer or licensed professional geologist to comply with the requirements of the *Business and Professions Code Section 6700 et. seq. (Professional Engineers Act)*, and Section 7800 et. seq. (*Geologists and Geophysicists Act*).

### ELIGIBILITY CHECKLIST

To help determine eligibility, prior to completing an online application, answer the following evaluation criteria questions.

	Criteria	Yes/No
1.	Type of entity?	
	Public agency	
	Non-profit organization 501 (c) (3)	
	Public utility	
	Federally recognized Indian tribe	
	State Indian Tribe on the Native American Heritage Commission's Consultation List	
	Mutual water company	
2.	Does the project match one of the project types listed in the grant application form?	
3.	<b>(Acquisitions Only)</b> – Will water rights or water be purchased at fair market value?	

### ONE-PAGE PROJECT SUMMARY

- A. Summarize the specific project for this grant request and how it meets the program goals. Also include a brief description of current site conditions, community and government agency partnerships, and benefits of the proposed project, including estimated quantity of new or more reliable water.
- B. Summarize major budget components of the project.

Sample Project Categories	Requested Grant Funds	Other Funding Source(s)	Total Cost
Project management/administration			
Planning, design, & permitting			
Implementation/construction			
Water/water rights acquisition			
Contingency			
<b>Total</b>			



## PROJECT EVALUATION INFORMATION AND SCORING

The information provided in this section will be used to evaluate the project and should demonstrate how effectively the project meets the goals of the program. Projects will be evaluated using the following criteria to determine an initial ranking, with a score of 100 points possible. **Points will be attributed to each section.**

Criteria		Points
1.	Overall Project – New or More Reliable Water Supply	50
2.	Sustainability / Monitoring	15
3.	Project Readiness/Feasibility	15
4.	Permanent Water Supply	10
4.	Collaboration/Coordination ( <i>jurisdictions, stakeholders, etc.</i> )	5
5.	Leveraging of Funding Sources	5
<b>Total Points Possible</b>		<b>100</b>

The State may consider other factors in the final grant awards such as, but not limited to, need for water at the location, statewide significance, and the geographic distribution of bond funds. Partial funding may be considered to fully maximize grant awards.

### OVERALL PROJECT – NEW OR MORE RELIABLE WATER SUPPLY

Please provide a detailed description of how the proposed project will measurably increase or improve reliability of Level 2 water or Incremental Level 4 water deliveries to one or more of the 19 wildlife habitat areas identified in the CVPIA (see Appendix E). As mentioned above, the project must fit into one of the following categories:

- A. Completing existing conveyance construction projects.**
- B. Development of new or improvement of existing water conveyance facilities.**
- C. Acquisition of permanent water rights or conservation easements.**
- D. Acquisition of temporary or short term water supplies.**

### SUSTAINABILITY of APPLICANT/ PROJECT

Applicants and/or cooperators must demonstrate their ability and willingness to complete and maintain the project.

#### Organizational Capacity

- 1. Describe the applicant's experience in completing this type of project or similar projects within the scheduled timeframe and within the allowable budget.
- 2. Is the expertise needed for the project readily available within the applicant's organization? If not, what are the plans to acquire it?
- 3. Identify and describe steps to be taken and the work to be completed within the first year following the award of grant funds.

## **Monitoring, Reporting, Operations and Maintenance**

All grant applications must include an annual monitoring and reporting component that explains how the effectiveness of the project will be measured and reported. The monitoring and reporting component will vary depending on the nature of the project.

1. Describe your proposed monitoring including the data to be collected within the project performance period to help determine whether the project has been successful.
2. Describe how long-term monitoring, operations and maintenance will be provided over the time period required by the grant including:
  - What is planned for long-term maintenance?
  - Who will perform long-term maintenance? Describe their experience in maintaining this type of project.
  - How will ongoing maintenance be funded?
3. If the project is easily affected by external events (e.g., weather, floods, or other disturbances), what is planned within the project design to ensure the sustainability of the project?
4. What local organizations or partnerships will assist with or have responsibility for the ongoing operations and maintenance of the project?

## **PROJECT READINESS**

Projects that are “shovel ready” may be more competitive for funding.

1. For development projects, explain the status and timeline of each of the following:
  - Preliminary plans
  - CEQA compliance
  - Commitments from project partners, etc.
  - Land access/tenure agreements, permits or reviews by other agencies
  - Project mitigation requirements (permits or environmental clearance)
  - Property restrictions and/or encumbrances (including Caltrans, utilities, railroad etc.).
2. Describe any possible factors which could significantly delay the implementation and/or completion of the project and how these factors will be addressed (e.g., permitting delays, habitat seasonal restrictions, etc.).
3. Are there other impediments on the project site (e.g., overhead or underground utilities)? If so, explain their location and nature, including any mitigation measures planned.
4. Does the applicant own the property to be developed? If not, please indicate all entities with jurisdiction and approval over the project.

### ***(Water Rights/Water Acquisitions)***

1. Any proposal that would require a change to water rights, shall demonstrate an understanding of the relevant State Water Resources Control Board (SWRCB) processes,

timelines, and costs necessary for project approvals by SWRCB and the ability to meet those timelines within the term of a grant.

2. 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.
3. All applicants that propose to divert water must demonstrate to the Agency that they have a legal right to divert water and sufficient documentation regarding actual water availability and use.
  - a. For post-1914 water rights, the applicant must submit a copy of a water right permit or license on file with the SWRCB.
  - b. 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.
  - c. 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.
4. All water rights must be accompanied by any operational conditions, agreements or court orders associated with the right, as well as any SWRCB orders affecting the water right.
5. Indicate how many parties will be involved in the transaction, their roles, and whether any party other than the applicant owns an option to buy the rights/water in question.
6. Address the status and timeline of all the following:
  - CEQA compliance
  - Details on sale including comparable sales data.
  - Appraisal
  - Negotiations with a willing seller

## **COLLABORATION/COORDINATION**

### **Collaboration with Organizations**

1. Describe partnerships with nonprofit groups, stakeholders, non-governmental organizations and public or governmental agencies and their corresponding roles.

### **Community**

1. Describe community involvement and support for the project, including landowners, water rights holders, local governments, environmental groups, technical experts, and individual citizens, etc.
2. Has there been any opposition to the project? If so, explain the nature of the concerns and how they were addressed.

## Project Need

1. Describe any compelling reason(s) (timing, loss of matching funds, project momentum, etc.) the grant review team should select the project:
  - Is there an urgent need to implement the project?
  - What will happen if this project does not occur?
  - Describe any future actions needed beyond the scope of this project to fully address the overall project goals.
2. Is the project a continuation of previously completed work, and if so, is this next phase crucial for the continued success of the prior work? If the project requires multiple phases, the applicant must outline all phases (including budget for each phase) required to fully implement the project.

## LEVERAGING OF FUNDS

Priority will be given to projects that leverage private, federal, or local funding, or produce the greatest public benefit.

- A. Identify the source and amount of funds already committed to the project and expected timing of funds. Cite specific dollar amounts for cash contributions, in-kind services, volunteer effort, donated labor and materials, technical expertise, etc.
- B. Indicate any other grants where funding has been requested, the requested amount, and the expected notification date.
- C. If funding is not received from other sources, is the requested grant amount sufficient to complete the project? Explain.
- D. What other options are available to meet the project objectives if this grant request is not successful?
- E. What is the contingency plan for implementation if the project is over budget?

## REQUIRED SUPPORTING MATERIALS

The following supporting materials will need to be submitted online:

### FOR ALL PROJECTS

1. **Location Map** – Directional map, with enough detail to allow a person unfamiliar with the area to locate the project site. Streets and other notable landmarks should be clearly marked to allow for easy identification. Maps or images must fit into an 8½” x 11” folder.
2. **Site Plan** – All site plans should contain details of the property. Indicate the names and location of rivers, creeks or streams that abut or cross the property, other natural/geologic features, as well as any existing buildings and/or impediments (wells, storm drains, power lines, etc.), including exterior boundaries, public access points (if applicable) and proposed signage (bond acknowledgement signage and any interpretive signage).

For development projects, the site plan should include details regarding the location of the improvements. Plan should be specific enough to allow someone unfamiliar with the project to visualize it in detail.

3. **Stormwater Resource Plan** (if applicable) – Provide a copy of the plan demonstrating proposed project is included. OR, provide justification for exemption, OR provide status of plan, including implementing entity, if in progress.
4. **Urban Water Management Plan** (if applicable) – If applicant is an urban water supplier, provide a copy of an urban water management plan in accordance with the Urban Water Management Planning Act.
5. **Agricultural Water Management Plan** (if applicable) – If applicant is an agricultural water supplier, provide a copy of an agricultural water management plan in accordance with the Agricultural Water Management Planning Act.
6. **Groundwater Sustainability Plan** (if applicable) – If project includes groundwater, provide a map showing what basin the water is being extracted from, the type of basin (medium- or high- priority), and provide a copy of groundwater sustainability plan if available in accordance with the Sustainable Groundwater Management Act.
7. **Signed Authorizing Resolution** – Provide a signed authorizing resolution from governing board. Certification Letter acceptable for agencies without a governing board. Resolutions may be submitted later than the application filing deadline if the board meeting schedule prohibits the applicant from obtaining a signed resolution at application filing. Submit the draft resolution(s) and indicate the board meeting date(s) when the resolution(s) will be adopted. Provide the adopted resolution as soon as it comes available.
8. **Other Sources of Funds** – Identify all funding sources necessary to complete the project. Indicate if funds have been committed or requested and provide evidence. Include cash contributions, in-kind services, volunteer efforts, donated labor and materials, technical expertise, etc. Cite specific dollar amounts and the percentages of the total project funding provided from all sources.
9. **Eligibility for Nonprofit Applicants** – (if applicable) Evidence that the corporation is qualified under Section 501(c)(3) of the *Internal Revenue Service Code*. Entities must have active status with the Secretary of State.
10. **Status of Environmental Compliance (CEQA, NEPA, etc.)**

**IN ADDITION, FOR ALL DEVELOPMENT PROJECTS:**

11. **Adequate Site Control/Land Tenure** – Provide copies of documents identifying current ownership information associated with each and every parcel involved in the project. Examples of such documents include tax records, owner data sheets from county records, recorded deeds, title reports or other documents that verify ownership. All documents verifying ownership must have the parcel numbers clearly indicated on the document (handwritten acceptable).

If applicant does not own all of the parcels, provide a copy of an agreement that gives the applicant legal access, permission to construct and maintain the project for the required

number of years, based on the size of grant requested. For the purposes of the application, it will be sufficient to submit a letter from each landowner identifying the parcel(s), and indicating that, if awarded funding, the owner is willing to enter into a long-term agreement with the applicant to allow long-term access for construction, maintenance and public use of project on the affected parcel(s).

**12. Operations and Maintenance** - If operations and maintenance will be performed by an entity other than the applicant explain and provide evidence of concurrence from that entity, e.g., memoranda of understanding, operational agreement, letters of intent, etc., signed by all parties. If an agreement has not yet been executed, a signed letter by the other party indicating their intent to enter into such an agreement is acceptable.

**13. Cost Estimate** – For development projects, provide a cost estimate reflecting all costs associated with the project. Identify costs included in the grant request and costs covered by other funding sources. Show all costs by type, unit, quantity and total dollar amount. Projects using in-house services must also detail the labor, materials and equipment costs as separate line items. Include Proposition 1 acknowledgement signage costs as an individual line item.

**14. Project Permit/Approval Status** – For development projects, indicate the types of permits necessary to complete the project, permitting submittal and acquisition status, and potential project delays due to permitting.

**IN ADDITION, FOR ALL WATER RIGHTS/WATER ACQUISITION PROJECTS:**

**15. Evidence of Willing Seller** – For acquisitions, provide a letter from EACH water rights holder indicating they are a willing participant in the proposed transaction. The letter should clearly identify the rights owned by each willing seller and indicate that if grant funds are awarded, the seller is willing to enter into an agreement or negotiation for an agreement for the sale of the rights at a purchase price not to exceed fair market value.

## SAMPLES, TEMPLATES, and INSTRUCTIONS

### SAMPLE COST ESTIMATE FORM FOR CVPIA PROJECTS

#### Water Quality, Supply, and Infrastructure Improvement Act of 2014 – Proposition 1

Attach the proposed budget. Where possible, quantify the components of the project (e.g. labor, materials, etc), labor, materials, and equipment requirements. Indicate tasks to be funded by CVPIA and by other sources, as well as in-kind contributions.

Project Elements (SAMPLE ONLY)	Unit Price	Units	Quant.	Total Project Costs	CVPIA Grant	Local Contributions (Specify)	Other Funding Source(s) (Specify)
<b>NON-CONSTRUCTION COSTS</b>							
<b>Direct Project Management &amp; Administration</b>							
Staff Time (direct costs only)		Hrs					
Incidental Charges	LS	LS	LS		<b>Ineligible</b>		
Consultants							
<b>Subtotal – Direct Management</b>							
<b>Planning, Design &amp; Permitting</b>							
Staff Time (direct costs only)		Hrs					
Consultants							
Permit Costs	LS	LS	LS				
<b>Subtotal - Planning, Design &amp; Permitting</b>							
<b>Environmental Compliance (CEQA, NEPA, etc.)</b>							
Staff Time (direct costs only)		Hrs					
Consultants							
<b>Subtotal – Environmental Compliance</b>							
<b>SUB-TOTAL Non-Construction Costs</b> (not to exceed 25% of grant)							
<b>CONSTRUCTION COSTS</b>							
<b>Implementation/Construction – Contracted</b>							
<b>Implementation/Construction – Applicant</b>							
<b>Component Y</b>							
Labor (applicant's personnel/direct costs only)		Hrs					
Materials							
Equipment							
<b>Component Z</b>							
Labor (applicant's personnel/direct costs only)		Hrs					
Materials							
Equipment							
<b>SUB- TOTAL Construction Costs</b>							
<b>Contingency</b> (not to exceed 10% of grant)							
<b>PROJECT GRAND TOTAL:</b>							

Category listing should be detailed and customized to fit the grant application. Each funding source, whether in-kind or cash should have its own column. Specify in-kind or cash in each column heading. The unit price multiplied by the quantity equals the Total Project Costs column. The CVPIA Grant and Other Funding Sources should also sum to the Total Project Costs column. LS = Lump Sum.

## ELIGIBLE COSTS

Direct project-related costs incurred during the project performance period specified in the grant agreement will be eligible for funding. All eligible project costs must be supported by appropriate documentation in accordance with the Grant Agreement. **Costs incurred outside of the project performance period, and overhead rates/costs are not eligible for reimbursement.**

Any project financed with funds made available by the *Water Quality, Supply, and Infrastructure Improvement Act of 2014* (Proposition 1) must comply with all provisions of the California Labor Code. Be sure to include prevailing wages in the cost estimates, as/if applicable. Refer to the Department of Industrial Relations' Division of Labor Statistics and Research Web site at <http://www.dir.ca.gov/DLSR/PWD/index.htm> for general prevailing wage determinations. For questions regarding prevailing wage, contact Department of Industrial Relations.

### A. Development

**Project Management** – Up to 25 percent (25%) of the grant funds may be spent on non-construction costs (CEQA compliance, environmental impact reports and assessments, planning and design, utility coordination, architecture and engineering, construction plans, bid preparation, direct project administration and management).

**Personnel or employee services** – Costs for services of the grantee's employees directly engaged in project execution must be computed according to the grantee's prevailing wage or salary scales, and may include fringe benefit costs such as vacations, sick leave, Social Security contributions, etc., that are customarily charged to the recipient's various projects. Costs charged to the project must be computed on actual time spent on the project and evidenced by time and attendance records describing the work performed on the project as well as payroll records. Overtime costs are allowed under the recipient's established policy provided the regular work time was devoted to the same project.

**Construction** - All necessary labor and construction activities, from site preparation (including demolition, excavation, grading, soil/water testing, monitoring during construction, on-site/field supervisor, etc.) to the completion of the project are eligible costs.

Equipment owned by the grantee may be charged to the project for each use. Equipment use charges must be made in accordance with the grantee's normal accounting practices. The equipment rental rates published by the California Department of Transportation or local prevailing rental rates may be used as a guide.

If the grantee's equipment is used, a report or source document must describe the work performed, indicate the hours used, relate the use to the project, and be signed by the operator and supervisor.

Equipment may be leased, rented, or purchased, whichever is most economical. If equipment is purchased, its residual market value must be credited to the project costs upon project completion.



Supplies and materials may be purchased for a specific project or may be drawn from a central stock, providing they are claimed at a cost no higher than paid by the grantee. When supplies and/or materials are purchased with the intention of constructing a piece of equipment, a structure or a part of a structure, the costs that are charged as supplies and materials may be capitalized according to the grantee's normal practice or policy. If capitalized, only that cost reasonably attributable to the project may be claimed under the project.

**Other expenditures** - In addition to the major categories of expenditures, funding may be provided for miscellaneous costs necessary for execution of the project at the discretion of the State. Some of these costs may include:

- Premiums on hazard and liability insurance to cover personnel and/or property.
- Work performed by another section or department of the grantee's agency that can be documented as direct costs to the project. (See requirements above under personnel or employee services).
- Transportation costs for moving equipment and/or personnel.

## **B. Acquisition**

Costs of acquiring water rights or water are eligible and include the purchase price of the water right or water at the approved fair market value, appraisals, and other needed costs to complete the transaction as approved by the Agency. Costs of obtaining State approvals of purchase price and transaction reviews from the Department of General Services are also allowable.

## **C. All Projects**

**Contingency** – Up to 10% of the grant may be budgeted for contingency costs. All such costs must be eligible per these guidelines. Contingency funds may not be used to increase the amount of funds used for project management beyond the 25% maximum nor any other caps set forth in the guidelines.

**CVPIA – RESOLUTION TEMPLATE**

Resolution No: \_\_\_\_\_

**RESOLUTION (GOVERNING BODY OF GRANTEE)**

**APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE CVPIA GRANT PROGRAM UNDER THE WATER QUALITY, SUPPLY, AND INFRASTRUCTURE IMPROVEMENT ACT OF 2014 (Proposition 1)**

WHEREAS, the Legislature and Governor of the State of California have provided funds for the program shown above; and

WHEREAS, the California Natural Resources Agency has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and

WHEREAS, said procedures established by the California Natural Resources Agency require a resolution certifying the approval of application(s) by the Applicants governing board before submission of said grant application(s) to the State; and

WHEREAS, the Applicant, if selected, will enter into an agreement with the State of California to carry out the project

NOW, THEREFORE, BE IT RESOLVED that the \_\_\_\_\_ (Governing Body)

1. Approves the filing of an grant application for the *(name of the project)*;
2. Certifies that Applicant understands the assurances and certification in the grant application; and,
3. Certifies that Applicant or title holder will have sufficient funds to operate and maintain the project(s) consistent with the land tenure requirements; or will secure the resources to do so; and,
4. Certifies that it will comply with all provisions of Section 1771.5 of the California Labor Code; and,
5. If applicable, certifies that the project will comply with any laws and regulations including, but not limited to, the *California Environmental Quality Act (CEQA)*, legal requirements for building codes, health and safety codes, disabled access laws, and, that prior to commencement of construction, all applicable permits will have been obtained; and,
6. Certifies that applicant will work towards the State Planning Priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety as included in Government Code Section 65041.1, and
7. Appoints the *(designate position, not person occupying position)* \_\_\_\_\_, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

Approved and adopted the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_. I, the undersigned, hereby certify that the foregoing Resolution Number \_\_\_\_\_ was duly adopted by the \_\_\_\_\_ (Governing Body).

Following Roll Call Vote:    Ayes:            \_\_\_\_\_  
                                          Nos:             \_\_\_\_\_  
                                          Absent:        \_\_\_\_\_

\_\_\_\_\_  
Clerk/Secretary for the Governing Board

## CVPIA – CERTIFICATION LETTER REQUIREMENTS

If an applicant does not have a governing board, a certification letter from the organization's director or chief executive officer must be furnished. The letter must:

1. Approve the application for grant funds from the CVPIA Grant Program under the *Water Quality, Supply and Infrastructure Improvement Act of 2014*.
2. Approve the filing of a grant application.
3. Certify that the applicant understands the assurances and certification in the proposal.
4. Certify that applicant or title holder has or will have sufficient funds to operate and maintain the project(s).
5. Certify that the project will comply with any laws and regulations that apply to development projects including, but not limited to, the *California Environmental Quality Act (CEQA)*, legal requirements for prevailing wages, building codes, health and safety codes, and disabled access laws.
6. Certify that prior to commencement of construction all applicable permits will have been obtained.
7. Certify that it will comply with all provisions of Section 1771.5 of the California Labor Code.
8. Certifies that applicant will work towards the State Planning Priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety as included in Government Code Section 65041.1.
9. Appoint the (***designate position, not person occupying position***), or designee, \_\_\_\_\_ as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).
10. Contain the signature of the Director or Chief Executive Officer and date of signature.

## PROJECT PERMIT/APPROVAL STATUS

List is not all inclusive. It is Grantee's responsibility to comply with all applicable permits.

Permitting Agency	Type of Requirement	Required?	Applied?	Acquired?	Date Anticipated
<b>State Agencies:</b>					
California Department of Fish and Game	Streambed Alteration Agreement Permit (Section 1600)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
California Department of Fish and Game	Incidental Take Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
CalTrans	Encroachment Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Coastal Commission	Coastal Development Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Coastal Commission	Letter of Consistency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Regional Water Quality Control Board	401 Water Quality Certification or Waste Discharge Requirement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
State Water Resources Control Board	Water Rights Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
State Water Resources Control Board	General Industrial Storm Water Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Central Valley Flood Protection Board	Permission to Encroach on Waterways within Designated Floodways	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
State Lands Commission	Permit required if using State owned property	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
State Office of Historic Preservation	Cultural Resources-Submission of findings to State Historic Preservation Officer (National Historic Preservation Act, Section 106)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Federal Agencies</b>					
U.S. Fish and Wildlife Service (USFWS)	Section 7 consultation if federal nexus (see ACOE), or Section 10 Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
U.S. Army Corps of Engineers (ACOE)	Clean Water Act, Section 404 Permit, will consult w/USFWS & NMFS Section 7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
U.S. Army Corps of Engineers	Rivers and Harbors Act, Section 10 Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
U.S. Coast Guard / U.S. Army Corps of Engineers	Rivers and Harbors Act, Section 9 Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
U.S. National Resources Conservation Service	Consultation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
National Marine Fisheries Service (NMFS)	Section 7 consultation if federal nexus see ACOE, or Section 10 Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Local and Regional Planning Agencies</b>					
City/County	Grading Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
City/County	Environmental Health Department	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
San Francisco Bay Conservation and Development Commission	Any relevant permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Tahoe Regional Planning Agency	Any relevant permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Local Resource Conservation District	Consultation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Flood Control Districts	Floodway & Hydrological Analysis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Others</b> (e.g., CalRecycle, State Contractors Board, State Lands Commission):					

## **CVPIA - SITE CONTROL/LAND TENURE REQUIREMENTS**

The State recognizes that specific activities may change over time; however all uses on the project property must remain compatible with the CVPIA Grant Program in accordance with the following requirements:

### **Acquisition projects -**

The grantee or the grantee's successor in interest shall hold the water rights only for the purpose for which the grant was made and make no other use or sale or other disposition of the water rights without the written permission of the State.

### **Development projects -**

The grantee shall maintain and operate the property developed pursuant to this grant for a period of:

- a. At least 10 years for grants up to \$100,000
- b. At least 20 years for grants up to \$1 million
- c. At least 25 years for grants over \$1 million

### **All projects**

- A document must be recorded against the real property that defines the State's interest in the property whether the grantee owns the property or not. Exceptions may be granted as appropriate and at the sole discretion of the State. A copy of the full grant terms and conditions may be obtained by contacting our office.
- With the approval of the State, the grantee or the grantee's successor in interest in the property may enter into an agreement with another party to maintain and operate the property in accordance with this program. At a minimum, the agreement must do the following:
  1. Clearly spell out the roles of each party in detail,
  2. Be signed by both parties signifying their acceptance,
  3. Not terminate prior to the length of site control/land tenure required by the grant agreement (only agreements that allow early termination for cause or by mutual consent will be acceptable) and,
  4. Include language that the grantee would resume responsibility for ongoing operations and maintenance in the event of cancellation.
- Grantee may be excused from its obligations for operation and maintenance of the project site only upon the written approval of the State for good cause. "Good cause" includes, but is not limited to, natural disasters that destroy the project improvements and render the project obsolete or impracticable to rebuild.

## ENVIRONMENTAL COMPLIANCE

To demonstrate compliance with the California Environmental Quality Act (CEQA) Public Resources Code, Sections 21000 et seq. Applicants must submit one of the following:

- a) Notice of Exemption stamped by the county clerk if the project is categorically exempt.
- b) Negative Declaration and Initial Study including the checklist and Notice of Determination stamped by the county clerk or State Clearinghouse with the State Clearinghouse response, as applicable.
- c) Final Environmental Impact Report with Initial Study including the checklist and Notice of Determination with State Clearinghouse response.
- d) A current and complete Initial Study with a description of how the Grantee will complete CEQA compliance within one year from date of Grant Agreement. Remaining CEQA requirements may be met as part of the grant work plan. However, grant funds for construction or acquisition will be available only after the project is in compliance with CEQA and other environmental laws. Funds for planning and document preparation may be available sooner if included in the grant work plan.
- e) For projects included in a Master Environmental Impact Report (MEIR), CEQA compliance shall include a copy of the subsequent Initial Study for the proposed project together with a copy of the Notice of Determination, stamped by the county clerk or State Clearinghouse.

## CVPIA SIGN GUIDELINES

### Types of Signs

- 1) Construction - A sign acknowledging the funding source is required during construction.
- 2) Post Completion - All grantees are required to post a sign at the project site upon completion of the project. The sign must be available for the final inspection of the project and be in place for a minimum of four (4) years from date of project completion. There is no minimum or maximum size other than the minimum size for the logo as long as the sign contains the required wording. If appropriate, the same sign can be used during construction and completion.

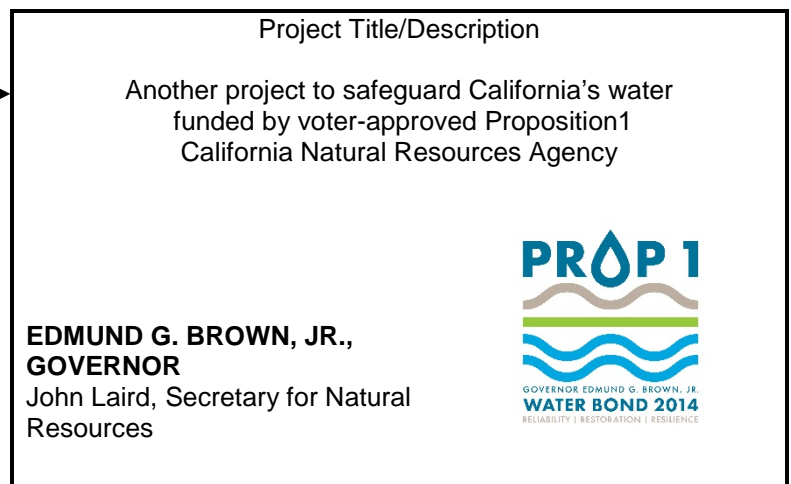
### Language for Signs

All signs will contain the following minimum language:

The name of the director of the local public agency or other governing body may also be added. The sign may also include the names (and/or logos) of other partners, organizations, individuals and elected representatives.

### Logo

All signs must contain the universal logo for the Infrastructure Improvement Act. The logo must be mounted in an area to maximize visibility and durability. Each edge of the logo itself must be a minimum of 1' X 1'. Exceptions may be approved when appropriate at the discretion of the State.



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### **Sign Construction**

All materials used shall be durable and resistant to the elements and graffiti. The California Department of Parks and Recreation and California Department of Transportation standards can be used as a guide for gauge of metal, quality of paints used, mounting specifications, etc.

### **Sign Cost**

The cost of the sign(s) is an eligible project cost. Permanent signage is encouraged.

### **Appropriateness of Signs**

For projects where the required sign may be out of place or where affected by local sign ordinances, the grants administrator in consultation with the grantee may authorize a sign that is appropriate to the project in question.

### **Signs on State Highways**

Signs placed within the state highway right-of-way may require a Caltrans encroachment permit. Contact the local Caltrans District Office early in the planning phases for more information. For locations, visit <http://www.dot.ca.gov/localoffice.htm>.

### **State Approval**

The grantee shall submit proposed locations, size, number of signs and language for review prior to ordering signs. Final funds for development projects will not be reimbursed until signage has been approved and installed.

## APPENDIX A – CVPIA PROGRAM IMPLEMENTING STATUTE

### WATER QUALITY, SUPPLY, AND INFRASTRUCTURE IMPROVEMENT ACT OF 2014 CHAPTER 188, STATUTES OF 2014

Division 26.7. This Division shall be known, and may be cited, as the Water Quality, Supply, and Infrastructure Improvement Act of 2014.

#### Chapter 2

79701.

The people of California find and declare all of the following:

- (a) Safeguarding California's supply of clean and safe water for homes, businesses, and farms is an essential responsibility of government, and critical to protecting the quality of life for all Californians.
- (b) Every Californian should have access to clean, safe, and reliable drinking water.
- (c) California has been experiencing more frequent and severe droughts and is currently enduring the worst drought in 200 years. These droughts are magnifying the shortcomings of our current water infrastructure.
- (d) California's water infrastructure continues to age and deteriorate. More than 50 years ago, Californians approved the construction of the State Water Project. In recent decades, however, that infrastructure has proven inadequate to meet California's growing needs.
- (e) This measure provides funding to implement the three objectives of the California Water Action Plan which are more reliable water supplies, the restoration of important species and habitat, and a more resilient and sustainably managed water infrastructure.
- (f) Developing and guarding our water resources is critical for California to maintain vibrant communities, globally competitive agriculture, and healthy ecosystems.
- (g) Encouraging water conservation and recycling are commonsense methods to make more efficient use of existing water supplies.
- (h) Sustainable water management in California depends upon reducing and reversing overdraft and water quality impairment of groundwater basins. Investments to expand groundwater storage and reduce and reverse overdraft and water quality impairment of groundwater basins provide extraordinary public benefit and are in the public interest.
- (i) Protecting lakes, rivers, and streams, cleaning up polluted groundwater supplies, and preserving water sources that supply the entire state are crucial to providing a reliable supply of water and protecting the state's natural resources.
- (j) The Water Quality, Supply, and Infrastructure Improvement Act of 2014 provides a comprehensive and fiscally responsible approach for addressing the varied challenges facing California's water resources.

79702.

For purposes of this chapter, the following terms have the following meanings:

- (a) "Acquisition" means 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.
- (b) "Stormwater" has the meaning set forth in subdivision (e) of Section 10573.
- (c) "Nonprofit organization" means an organization qualified to do business in California and qualified under Section 501(c)(3) of Title 26 of the United States Code.
- (d) "Public agency" means a state agency or department, special district, joint powers authority, city, county, city and county, or other political subdivision of the state.
- (e) "Secretary" means the Secretary of the Natural Resources Agency.



- (f) “Economically distressed area” means a municipality with a population of 20,000 persons or less, a rural county, or a reasonably isolated and divisible segment of a larger municipality where the segment of the population is 20,000 persons or less, with an annual median household income that is less than 85 percent of the statewide median household income, and with one or more of the following conditions as determined by the department:
- (1) Financial hardship.
  - (2) Unemployment rate at least 2 percent higher than the statewide average.
  - (3) Low population density.

79712.

- (a) Eligible applicants under this division are public agencies, nonprofit organizations, public utilities, federally recognized Indian tribes, state Indian tribes listed on the Native American Heritage Commission’s California Tribal Consultation List, and mutual water companies.
- (b) (1) To be eligible for funding under this division, a project proposed by a public utility that is regulated by the Public Utilities Commission or a mutual water company shall have a clear and definite public purpose and shall benefit the customers of the water system and not the investors.
- (c) (2) To be eligible for funding under this division, an urban water supplier shall adopt and submit an urban water management plan in accordance with the Urban Water Management Planning Act (Part 2.6 (commencing with Section 10610) of Division 6).
- (d) (3) To be eligible for funding under this division, an agricultural water supplier shall adopt and submit an agricultural water management plan in accordance with the Agricultural Water Management Planning Act (Part 2.8 (commencing with Section 10800) of Division 6).
- (e) (4) In accordance with Section 10608.56, an agricultural water supplier or an urban water supplier is ineligible for funding under this division unless it complies with the requirements of Part 2.55 (commencing with Section 10608) of Division 6.

79730. (Chapter 6)The sum of one billion four hundred ninety-five million dollars (\$1,495,000,000) shall be available, upon appropriation by the Legislature from the fund, in accordance with this chapter, for competitive grants for multi-benefit ecosystem and watershed protection and restoration projects in accordance with statewide priorities.

79736. Of the funds authorized by Section 79730, four hundred seventy-five million dollars (\$475,000,000) shall be available to the Natural Resources Agency to support projects that fulfill the obligations of the State of California in complying with the terms of any of the following:

- (a) Subsection (d) of Section 3406 of the Central Valley Project Improvement Act (Title 34 of Public Law 102-575).

### **SENATE BILL 985**

The underlying concepts for the program are derived, in part, from the applicable sections of Senate Bill No. 985, Chapter 555, Sec 4. Section 10563 (c) (1) of the Water Code:

“The development of a stormwater resource plan and compliance with this part in accordance with Section 10565 shall be required to receive grants for stormwater and dry weather runoff capture projects from a bond act approved by the voters after January 1, 2014.”

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## **APPENDIX B – STATE AUDIT AND ACCOUNTING REQUIREMENTS**

### **Audit requirements**

All projects are subject to audit by the State of California annually and for three (3) years following the final payment of grant funds. If the project is selected for audit, the grantee will be contacted in advance. The audit shall include all books, papers, accounts, documents, or other records of the grantee, as they relate to the project for which the funds were granted.

The grantee must have the project records, including the source documents and canceled checks, readily available, and provide an employee with knowledge of the project to assist the auditor. The Grantee must provide a copy of any document, paper, record, or the like, requested by the auditor.

### **Accounting requirements**

The grantee must maintain an accounting system that:

- accurately reflects fiscal transactions, with the necessary controls and safeguards,
- provides a good audit trail, including original source documents such as purchase orders, receipts, progress payments, invoices, time cards, canceled checks, etc.
- provides accounting data so the total cost of each individual project can be readily determined.

### **Records Retention**

Project records must be retained for a period of three (3) years after final payment is made by the State. All project records must be retained by the grantee at least one (1) year following an audit. Grantees are required to keep source documents for all expenditures related to each grant for at least three (3) years following project completion and one year following an audit. A project is considered complete upon receipt of final grant payment from the State.

## APPENDIX C – GLOSSARY – Definition of Terms

Unless otherwise stated, the terms used in these grant guidelines have the following meanings:

**Acquisition** - means 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** - means an eligible organization requesting funding from a program administered by the State.

**Bond or Bond Act** - means Proposition 1 Water Quality Supply, and Infrastructure Improvement Act of 2014

**CEQA** - means the California Environmental Quality Act, Public Resources Code Section 21000 et seq.; Title 14, California Code of Regulations, Section 15000 et seq.

**Fair Market Value** - means the value placed upon the property as supported by an appraisal that has been reviewed and approved by the State.

**Fund or Funds** - means The Water Quality, Supply, and Infrastructure Improvement Fund of 2014 created by Section created pursuant to Water Code Section 79715.

**Grant Agreement** - means a contractual arrangement between the State and Grantee specifying the payment of funds by the State for the performance of specific project objectives within a specific project performance period by the Grantee.

**Grantee** - means an applicant that has an agreement for grant funding with the State.

**Grants Administrator** - means an employee of the State who manages the grants.

**In-Kind** - means non-cash donations, from governmental or private sources, and includes volunteers, materials and services.

**Land Tenure/Site Control** - means the applicant owns the project land or has other legal long-term interest with the landowner that is satisfactory to the State.

**Local Public Agency** - means any political subdivision of the State of California, including but not limited to any county, city, city and county, district, joint powers agency, local community conservation corps agency, or council of governments.

**Mutual Water Company** – means any private corporation or association organized for the purposes of delivering water to its stockholders and members at cost, including use of works for conserving, treating and reclaiming water.

**Nonprofit Organization** - means any nonprofit corporation qualified to do business in California, and qualified under Section 501 (c) (3) of Title 26 of the Internal Revenue Code.

**Other Sources of Funds** - means cash or in-kind contributions that are required or used to complete the project beyond the grant funds provided by the CVPIA grant.

**Overhead/Indirect Costs** - means expenses of doing business that are of a general nature and are incurred to benefit at least two or more functions within an organization. These costs are not usually identified specifically with a grant, Grant Agreement, Project or activity, but are necessary for the general operation of the organization. Examples of overhead costs include salaries and benefits of employees not directly assigned to a project; functions such as personnel, business services, information technology, janitorial, and salaries of supervisors and managers; and rent, utilities, supplies, etc. These costs are NOT eligible for reimbursement with grant funds, but may be used to show applicant's portion of costs.

**Planning** - means specific preparations necessary to execute eligible CVPIA projects. Planning includes conceptual designs, pre-schematic work, such as initial architectural and engineering plans prepared during the preliminary project phase; schematic documents; technical consulting; construction design; preparation of construction bidding documents; permits or appraisals. Planning costs are distinct from "hard" project costs of actual construction or acquisition.

**Project** - means the acquisition or development activity to be accomplished with CVPIA grant funds, and other funds if necessary, that meets eligibility requirements.

**Project Performance Period** - refers to the beginning and ending dates of the grant agreement. Eligible costs incurred during this period may be funded from the grant.

**Project Scope** - means the description or activity of work to be accomplished by the project.

**Public Agency** - means a state agency or department, special district, joint powers authority, city, county, city and county, or other political subdivision of the state.

**Secretary** - means the Secretary for Natural Resources or his/her representative.

**State** - means a political subdivision of the State of California.

**Stormwater** – means temporary surface water runoff and drainage generated by immediately preceding storms.

**Water Conservation and Efficiency Program** - Pursuant to Governor Brown's April 2014 Executive Order, recipients of funding for future projects that impact water resources, including groundwater resources, must have appropriate water conservation and efficiency programs in place in response to persistent drought conditions. CNRA is interpreting this to include all of the eligible project types that could be funded through this Solicitation. The water conservation and efficiency program is specific to the organization, not the proposed project. The Executive Order did not provide specific guidance concerning format or content of the programs. As such, each entity can develop a program that is appropriate for the type and scale of their organization.

**Willing Seller** - means the project property owner(s) is/are a willing participant(s) in the proposed real property transaction and at a purchase price not to exceed fair market value as verified by the State.

## Appendix D – Federal Statute

### Subsection (d) of Section 3406 of the Central Valley Project Improvement Act

(d) Central Valley Refuges and Wildlife Habitat Areas.--In support of the objectives of the Central Valley Habitat Joint Venture and in furtherance of the purposes of this title, the Secretary shall provide, either directly or through contractual agreements with other appropriate parties, firm water supplies of suitable quality to maintain and improve wetland habitat areas on units of the National Wildlife Refuge System in the Central Valley of California; on the Gray Lodge, Los Banos, Volta, North Grasslands, and Mendota state wildlife management areas; and on the Grasslands Resources Conservation District in the Central Valley of California.

(1) Upon enactment of this title, the quantity and delivery schedules of water measured at the boundaries of each wetland habitat area described in this paragraph shall be in accordance with Level 2 of the "Dependable Water Supply Needs" table for those habitat areas as set forth in the Refuge Water Supply Report and two-thirds of the water supply needed for full habitat development for those habitat areas identified in the San Joaquin Basin Action Plan/Kesterson Mitigation Action Plan Report prepared by the Bureau of Reclamation. Such water shall be provided through long-term contractual agreements with appropriate parties and shall be supplemented by the increment of water provided for in paragraph (1) of this subsection; Provided, That the Secretary shall be obligated to provide such water whether or not such long-term contractual agreements are in effect. In implementing this paragraph, the Secretary shall endeavor to diversify sources of supply in order to minimize possible adverse effects upon Central Valley Project contractors.

(2) Not later than ten years after enactment of this title, the quantity and delivery schedules of water measured at the boundaries of each wetland habitat area described in this paragraph shall be in accordance with Level 4 of the "Dependable Water Supply Needs" table for those habitat areas as set forth in the Refuge Water Supply Report and the full water supply needed for full habitat development for those habitat areas identified in the San Joaquin Basin Action Plan/Kesterson Mitigation Action Plan Report prepared by the Bureau of Reclamation. The quantities of water required to supplement the quantities provided under paragraph (1) of this subsection shall be acquired by the Secretary in cooperation with the State of California and in consultation with the Central Valley Habitat Joint Venture and other interests in cumulating increments of not less than ten percent per annum through voluntary measures which include water conservation, conjunctive use, purchase, lease, donations, or similar activities, or a combination of such activities which do not require involuntary reallocations of project yield.

(3) All costs associated with implementation of paragraph (1) of this subsection shall be reimbursable pursuant to existing law. Incremental costs associated with implementation of paragraph (2) of this subsection shall be fully allocated in accordance with the following formula: 75 percent shall be deemed a nonreimbursable Federal expenditure; and 25 percent shall be allocated to the State of California for recovery through direct reimbursements or through equivalent in-kind contributions.

(4) The Secretary may temporarily reduce deliveries of the quantity of water dedicated under paragraph (1) of this subsection up to 25 percent of such total whenever reductions due to hydrologic circumstances are imposed upon agricultural deliveries of Central Valley Project water; provided, that such reductions shall not exceed in percentage terms the reductions imposed on agricultural service contractors. For the purpose of shortage allocation, the priority or priorities applicable to the increment of water provided under paragraph (2) of this subsection shall be the

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priority or priorities which applied to the water in question prior to its transfer to the purpose of providing such increment.

(5) The Secretary is authorized and directed to construct or to acquire from non-Federal entities such water conveyance facilities, conveyance capacity, and wells as are necessary to implement the requirements of this subsection; Provided, that such authorization shall not extend to conveyance facilities in or around the Sacramento-San Joaquin Delta Estuary. Associated construction or acquisition costs shall be reimbursable pursuant to existing law in accordance with the cost allocations set forth in paragraph (3) of this subsection.

(6) The Secretary, in consultation with the State of California, the Central Valley Habitat Joint Venture, and other interests, shall investigate and report on the following supplemental actions by not later than September 30, 1997:

(A) Alternative means of improving the reliability and quality of water supplies currently available to privately owned wetlands in the Central Valley and the need, if any, for additional supplies; and

(B) Water supply and delivery requirements necessary to permit full habitat development for water dependent wildlife on 120,000 acres supplemental to the existing wetland habitat acreage identified in Table 8 of the Central Valley Habitat Joint Venture's "Implementation Plan" dated April 19, 1990, as well as feasible means of meeting associated water supply requirements.

## Appendix E – Project Units



Appendix F – Sample Application Form



Central Valley Project  
Improvement Act Grant Program  
Project Proposal



Project Name		Estimated Date of Completion: _____	
		Grant Amount Requested: \$ _____	
		Estimated Total Project Cost: \$ _____ (State Grant and other funds and In-Kind Donations)	
APPLICANT (with mailing address)	<b>Check one:</b> Non Profit <input type="checkbox"/> Local Public Agency <input type="checkbox"/> State Agency <input type="checkbox"/> Indian Tribe <input type="checkbox"/> Mutual Water Company <input type="checkbox"/>	County	Nearest City/Town
		Project Address (or nearest cross street)	
		Senate Dist.	Assembly Dist.
Applicant's Representative Authorized in Resolution <span style="color: red;">(Signature required at bottom of this page)</span>			
Name: _____		Title: _____	
Phone: _____		Email Address: _____	
Project Manager - Person with day to day responsibility for project (if different from authorized representative)			
Name: _____		Title: _____	
Phone: _____		Email Address: _____	
<b>Brief Description of Project</b> (Summarize major activities to be funded by this CVPIA Grant)		Latitude	Longitude
		Coordinates Represent: _____	
		Coordinates Determined Using: _____	
Select a project type:	<ul style="list-style-type: none"> <li>• Finalizing existing water conveyance construction projects where federal funding is insufficient to attain project completion (e.g. Gray Lodge Wildlife Area, Sutter National Wildlife Refuge).</li> <li>• Development of new, or improvement of existing water conveyance facilities which ensure and improve capacity and reliance for delivery of refuge water supplies.</li> <li>• Acquisition of permanent water rights or conservation easements which provide firm water supplies of suitable water quality. Senior water rights with documented priority historic availability and beneficial use, and reporting to the State Water Resources Control Board.</li> <li>• Consideration of temporary or short term water supplies where permanent water rights or conservation easements are not available.</li> </ul>	<input type="checkbox"/> Project Type (Acquisition or Development): _____	_____
		<input type="checkbox"/> Acre-feet of water purchased:	_____
		<input type="checkbox"/> Acre-feet of new water conveyance capacity created:	_____
		<input type="checkbox"/> Acre-feet of water rights purchased:	_____
		<input type="checkbox"/> Acre-feet of improved water conveyance capacity:	_____
I certify that the information contained in this project application, including required attachments, is complete and accurate			
Signed: _____		Date: _____	
Applicant's Authorized Representative as shown in Resolution			
Print Name:	Print Title:	Designee? Y N If yes, attach letter of designation from authorized representative.	



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## END OF GUIDELINES



*EDMUND G. BROWN JR., Governor*  
*JOHN LAIRD, Secretary for Natural Resources*