

# ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM

## 2018 Grant Cycle



## GUIDELINES and APPLICATION

STATE OF CALIFORNIA  
April 2018



## TECHNICAL ASSISTANCE WORKSHOPS

### **Sacramento**

Monday, April 23, 2018  
9:00 am – 11:00 am  
Resources Building Auditorium  
1416 9<sup>th</sup> Street, 1<sup>st</sup> Floor  
Sacramento, CA 95814  
Parking Information:  
<http://www.cityofsacramento.org/Public-Works/Parking-Services>

### **City of Arcata**

Wednesday, April 25, 2018  
9:30 am – 11:30 am  
Arcata City Hall  
City Council Chambers  
736 F Street  
Arcata, CA 95521  
Free On-Site Parking Available

### **Selma**

Thursday, May 3, 2018  
11:30 am – 1:30 pm  
Fire Administration Building  
1711 Tucker Street  
Selma, CA 93662  
Free onsite parking with additional parking across the street at City Hall

### **Lynwood**

Tuesday, May 1, 2018  
11:00 am – 1:00 pm  
Lynwood Civic Center Complex  
Bateman Hall  
11331 Ernestine Avenue  
Lynwood, CA 90262  
Free On-Site Parking Available

### **San Diego**

Tuesday, May 15, 2018  
11:00 am – 1:00 pm  
San Diego Unified Port District  
Don L. Nay Administration Building  
First Floor Training Room  
3165 Pacific Highway  
San Diego, CA 92101  
Free onsite parking available

### **Ontario**

Thursday, May 10, 2018  
9:00 am – 11:00 am  
DeAnza Community and Teen Center  
1405 S Fern Avenue  
Ontario, CA 91762  
Free onsite parking available

**PLEASE RSVP**  
*(Not mandatory, but helpful)*

**Submit RSVP using the following link**  
<https://goo.gl/forms/ntEqzFvraAGMcskJ3>  
**or**  
**via email at** [emcoordinator@resources.ca.gov](mailto:emcoordinator@resources.ca.gov)

These Guidelines provide information to assist you in preparing an application for funding. Read in their entirety for important information on project eligibility, evaluation criteria and submission requirements.

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

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

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

You may access these EEM Program Guidelines at:

<http://resources.ca.gov/grants/environmental-enhancement-and-mitigation-eem/>

## HOW TO SUBMIT

**Submit Online Applications:** Applications must be submitted through the California Natural Resources Agency's System for Online Application Review (SOAR) found at: <https://soar.resources.ca.gov>. Note: SOAR is not compatible with MACs or Mozilla.

The SOAR system will not accept submissions for this program after **5:00 pm on Wednesday, June 20, 2018**.

A printed original application package (with wet signature) and one copy must also be sent to the Bonds and Grants Unit with a postmark no later than **Friday, June 22, 2018**. Send to:

California Natural Resources Agency  
Attn: EEM Coordinator  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814

Applicants will need to sign up for a SOAR user account. A detailed guide on how to use SOAR and submit applications is located on our website at: <http://resources.ca.gov/grants/>.

## SOAR System Questions

For technical assistance with the SOAR website, please contact the SOAR help desk Monday through Friday, 8:00 am - 5:00 pm.

Phone: (916) 653-6138    Email: [SOAR.ADMIN@resources.ca.gov](mailto:SOAR.ADMIN@resources.ca.gov)

A Help Desk representative will contact you regarding your email or call as soon as they are available to do so.

When contacting the SOAR help desk, please provide the following:

- ✓ Proposal Identification Number (PIN) assigned to the application
- ✓ Name of the funding program to which you are applying
- ✓ Short description of your problem, including where in the application the problem is occurring
- ✓ A screen shot of the error received, if applicable

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## INTRODUCTION

### Purpose and Authority

These procedures and criteria guide the evaluation and selection of projects under the Environmental Enhancement and Mitigation (EEM) Program.

This program, as provided by California Streets and Highways Code Section 164.56 (Article XIX, Section 1, of the State Constitution), authorizes the legislature to allocate up to \$7 million each fiscal year from the Highway Users Tax Account (Motor Vehicle Revenues, Section 2100).

EEM projects must contribute to mitigation of the environmental effects of transportation facilities. The California Natural Resources Agency (Agency) prescribes procedures and criteria to evaluate grant applications and submits a list of projects recommended for funding to the California Transportation Commission (CTC). The CTC awards grants to projects from the Agency's list.

### Eligible Applicants

Any state, local, federal or 501(c)(3) non-profit entity may apply for and receive grants. The entity is **not** required to be a transportation or highway related organization, but must be able to demonstrate adequate charter or enabling authority to carry out the type of project proposed and be eligible for funding under Article XIX of the State Constitution. Partnerships are encouraged; however, only one entity may submit an application.

For Development projects, only **one** application may be submitted per eligible Applicant. However, more than one application may be submitted for acquisition projects.

### Timeline

Application packages for the 2018 grant cycle must be submitted online through SOAR by **5:00 pm on Wednesday, June 20, 2018**. In addition, a printed original (with wet signature) and one copy must also be sent to the Bonds and Grants Unit with a **postmark no later than Friday, June 22, 2018**.

Key timeframes for the program are **anticipated** as follows:

- Site visits by review team to selected sites      October-December 2018
- Funding Recommendations & Awards                      March/May 2019

### 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 over and above the public comment process 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 through that solicitation. Failure to comply with conflict of interest laws, including business and financial disclosure provisions, will result in the application being withdrawn from consideration, 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. Applicants should also be aware that certain state agencies may submit applications that will compete for funding.

### **Tribal Consultation**

The Agency recognizes the need for tribal 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.

### **North/South Split**

In accordance with the provisions of Section 187 and 188 of the Streets and Highways Code, an attempt will be made to allocate 40 percent of the total amount recommended to projects in northern counties and 60 percent of the total amount recommended to projects in southern counties. The southern counties are: San Luis Obispo, Kern, Mono, Tulare, Inyo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, San Diego, and Imperial. For purposes of this north/south split, all other counties are considered northern counties.

### **Environmental Review for the EEM Project**

California Environmental Quality Act (CEQA) compliance for the proposed EEM project **must** be complete and a copy of filed compliance documents attached to the grant application. (see Appendix K).

### **Funding**

Grants for individual projects are generally limited to \$500,000 each. Applicants must submit a Cost Estimate (Appendix G for Development Projects or Appendix H for Acquisition Projects) itemizing the **total** EEM project cost, the portion to be funded by the EEM Program grant, and the amount to be funded from other specified sources.

#### **A. Matching Funds**

Matching funds are **not** required for EEM Program grants. However, applications which include other sources of funds for the proposed project will be more competitive.

#### **B. Other Funding Sources**

If the Applicant has obtained, or is planning to obtain, other sources of funds for the project, identify each source of funding separately on the Cost Estimate (Appendix G or H), including other State of California funds and in-kind contributions.

#### **C. Acquisitions**

Agency may recommend awards up to \$1,000,000 for acquisition projects, based on consideration of numerous factors, including, but not limited to, maximum benefits in a one-time or limited opportunity, acquisition of resource lands of considerable size, substantial leveraging, and/or projects with statewide significance.

1. Property must be acquired from a willing seller and in compliance with current laws governing relocation and acquisition of real property by public agencies<sup>1</sup> in an amount at or below fair market value, as approved by the State.
2. All project parcels must be contiguous.
3. If a signed purchase option agreement is unavailable at the time of application submission, a Willing Seller Letter is required from **each** landowner indicating they are a willing participant in the proposed real estate transaction. The letter should clearly identify the parcels to be purchased and state that “if grant funds are awarded, the seller is willing to enter into negotiations for sale of the property at a purchase price at or below fair market value” (Appendix L).
4. Once funds are awarded and an agreement is signed with Agency, another property cannot be substituted for the property specified in the application. Therefore, it is imperative the Applicant demonstrate the seller is negotiating in good faith and that discussions between the parties have proceeded to a point of confidence.
5. The California Department of General Services (DGS) must review and approve all appraisals of real property. It is recommended that the Applicant budget \$10,000 for the appraisal and/or transaction review, which is an eligible project cost.

### **Memorandum of Unrecorded Grant Agreement (MOUGA)/Deed Restrictions**

For projects funded under the EEM Program, the Grantee will accept, sign, and record against the subject property a Memorandum of Unrecorded Grant Agreement (MOUGA)/Deed Restriction, to define the State’s interest in the property. Exceptions for development projects may be granted as appropriate and at the sole discretion of the State (Appendix R).

For conservation easement acquisition projects involving more than one State funding partner, Agency reserves the right to be designated as a third-party beneficiary in the easement.

### **Eligible Costs**

Direct project related construction and non-construction 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. Costs incurred outside of the project performance period and indirect costs are not eligible (see Appendix N for detailed information on Eligible Costs).

- A. A Cost Estimate (Appendix G or H) is part of the Application Package.
- B. The Cost Estimate should show all EEM project expenses line-item by line-item. EEM project line-items may **not** be split with other funding sources.
- C. Include all other funding sources in separate columns and identify each source, including in-kind, volunteer services or donated items.

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<sup>1</sup> Government Code, Chapter 16, Section 7260 et seq.,

## Selection Process

- A. Applicants submit application packages through the System for Online Application Review (SOAR). See page ii for more information.
- B. Applicants submit one original (with wet signature) and one copy of the complete grant application package to the Agency by the deadline.
- C. Application packages are reviewed for completeness and eligibility.

Incomplete or ineligible applications are subject to being withdrawn from the competitive process. Applications containing more than one project are not eligible for funding. Eligible Applicants may only submit one application for development projects; however, more than one application may be submitted for acquisition projects.

- D. Application packages are evaluated by a review committee using established criteria and any additional funding considerations.
- E. Site visits to selected projects are scheduled and conducted.
- F. Recommendations are submitted to the California Secretary for Natural Resources (Secretary).
- G. The Secretary makes funding recommendations to the CTC.
- H. CTC awards grants.
- I. Agency executes a Grant Agreement with the Grantee and administers the grant.

All information contained in the grant application is confidential until grant awards are announced.

The Agency reserves the right to reject an Applicant during the grant review period that is in violation of law or policy at any other public agency. Potential violations include, but not limited to, being in default of their performance requirements in other contract or grant agreements issued by the State, being engaged in or suspected of criminal conduct that could poorly reflect on or brings discredit to the State, or failing to have all required licenses to perform the State functions.

The Agency further reserves the right to reject any Applicant who has a history of performance issues with past grants or other agreements with any public entity, including the grantor.



## PROJECT REQUIREMENTS

### EEM Project Categories

Eligible EEM projects must fit one of the following categories:

- A. **Urban Forestry** projects designed to offset vehicular emissions of carbon dioxide.
- B. **Resource Lands** projects for the acquisition or enhancement of resource lands to mitigate the loss of, or the detriment to, resource lands lying within or near the right-of-way acquired for transportation improvements.
- C. **Mitigation Projects Beyond the Scope of the Lead Agency** responsible for assessing the environmental impact of the proposed transportation improvement.

### Related Transportation Facility

Every EEM project must mitigate, either directly or indirectly, the environmental impacts of the modification of an existing Transportation Facility or the environmental impacts of the construction of a new Transportation Facility (hereafter referred to as Related Transportation Facility or RTF). The EEM project can be the required mitigation for the RTF or enhancement to mitigation required for the RTF.

- A. For purposes of this program, a RTF is defined as a public street, highway, mass transit guideway (trains, ports, light rail lines, city streets, airports, etc.) or their appurtenant features (e.g. park and ride facilities, high-occupancy vehicle lanes, transit stations, etc.).
- B. The RTF cannot be the same as the EEM project.
- C. “Directly” and “indirectly” refer to:

The geographic **location** of the two projects:

Directly	Indirectly
The EEM project is in the immediate vicinity of the RTF <sup>2</sup>	The EEM project is in the general area of the RTF

The type of **benefit** produced by the two projects:

Directly	Indirectly
The EEM project replaces same habitat lost during the construction of the RTF	The EEM project will protect nearby habitat and open space to mitigate for adverse impacts to habitat during construction of the RTF (similar habitat, same watershed, etc.)

- D. Applicants can identify eligible RTFs by contacting their City or County Transportation Department, Regional Transit Agency, Metropolitan Transit Authority (MTA), Council of Local Governments (COG), Metropolitan Planning Organization (MPO) or Caltrans District Office.

<sup>2</sup> The closer the proposed EEM project is to the RTF, the more competitive the application.

**Please give the transportation agency sufficient lead time to provide the required documentation.**

E. It is up to the Applicant to demonstrate the connection between the RTF and the EEM project.

1. Applicant must describe the RTF thoroughly and provide location maps or site plans.
2. Applicant must establish that there was an environmental impact caused by the RTF. Applicant must show what environmental impact the RTF created and what mitigation was required by law.
3. The more directly the EEM project mitigates that environmental damage, the higher the project will score on those criteria.

F. The RTF must be a project:

1. Where construction began after January 1, 1990; or
2. Which is not yet under construction but is included in an adopted State Transportation Improvement Program (STIP) or in a locally adopted regional transportation improvement program and certified capital outlay program.

G. If the RTF is being constructed in separate and distinct phases, each phase may be considered a separate project for purposes of this program, provided that each phase creates an operable transportation improvement.

H. Environmental Review for the RTF

Environmental Review compliance must be **completed** for the RTF at time of application, even if construction of the RTF has not yet begun. A Letter from the Lead Agency for the RTF documenting the environmental impacts (Appendix F), must be attached to your application package and establish:

1. What environmental damage the RTF created; and
2. What mitigation was required.

**Not all transportation facility projects qualify as a RTF.** Projects that are strictly replacement construction or which fall into the category of "maintenance" would not qualify. Additionally, a project which in itself mitigates an environmental impact would not qualify. Only transportation facility projects that result in adverse environmental impacts qualify as a RTF for purposes of this grant program.

For example, pavement resurfacing, repainting a bridge or a replanting project would not, under most circumstances, create an adverse environmental impact and would be considered to be maintenance. A bicycle lane or a sound barrier, which in itself mitigates an environmental impact, would not qualify as an RTF.

- I. In contrast, projects which involve a significant change in the capacity, configuration or physical lay-out of the transportation facility may qualify.

For example, widening a highway, adding a High Occupancy Vehicle (HOV) lane, or constructing a frontage road likely would have an adverse environmental impact and may qualify.

- J. Under circumstances where a transportation project received a Negative Declaration or Categorical Exemption and is not required to provide mitigation, the Applicant may be aware of cumulative impacts which had unforeseen adverse environmental impacts. In such a case, EEM Program funding might be feasible if certain conditions apply. It is the responsibility of the Applicant to:

1. Establish the cumulative impacts of the RTF; and
2. Demonstrate how the EEM project would mitigate for those cumulative impacts.

For example, the EEM project may propose to offset the cumulative impacts of a transportation project which had an unforeseen increase in urban traffic or unforeseen increase in accidents with animals in a wildlife corridor.

- K. The Applicant is required to demonstrate either:

1. Construction of the RTF has, or will have, a significant, immediate adverse impact on the environment; or
2. The RTF itself will have a long-term adverse impact on the environment.

### **Minimum EEM Project Requirements**

EEM projects that fail to meet **all** of the following minimum requirements will **not** be considered for funding.

- A. The Applicant must establish and demonstrate a direct or indirect relationship between the EEM project and the modification or construction of a RTF.
- B. The RTF must have an adverse impact on the environment.
- C. The EEM project must be different from the RTF.
- D. The EEM project must mitigate the environmental damage caused by the RTF.
- E. The EEM project, if in or near the right-of-way, must be compatible with and not interfere with the operation or safety of the RTF.
- F. The EEM project must not limit currently planned or anticipated future improvements to the RTF.
- G. The EEM project must comply with the Model Water Efficient Landscape Ordinance (MWELo) or local agency landscape water ordinance (if as strict or stricter than MWELo)

and use low water, drought tolerant plantings. This program does not fund high water plantings.

- H. If the EEM project is on State-owned right of way, applicable State design and construction standards and practices must apply.
- I. If the EEM project is off State-owned right of way, applicable design and construction standards and practices of the local government having jurisdiction over the project location shall apply.
- J. All necessary encroachment permits to access right of way must be obtained before construction may begin on a project.

**For encroachment permits, evidence that the entity with jurisdiction (including Caltrans) is aware of the project and willing to work with the Applicant to issue the permit must be attached to the application. (See What to Submit - Letters from or Agreements with other Agencies.)**

- K. CEQA must be complete for the proposed EEM project and a copy of the filed, and county clerk stamped compliance documents attached to the grant application (see Appendix K).

### **Eligibility Issues and Competitiveness**

Some EEM project applications may not pass the initial “minimum requirements” screening. Common **deficiencies** that cause applications to be withdrawn from further consideration include:

- A. No specific RTF has been clearly identified.
- B. The RTF is a planning project that, in and of itself, causes no adverse environmental impacts, e.g. future projects based on the plan that may cause the environmental impacts.
- C. The RTF was started before 1990.
- D. Environmental Review has not been completed for the RTF and therefore required mitigation has yet to be established.
- E. No specific EEM project is identified or the EEM project lacks sufficient detail and specificity.
- F. Environmental Review for the proposed EEM project is not complete.
- G. The EEM project is a planning project.
- H. The EEM project is a commuter trail.
- I. The EEM project is a development project contingent on future acquisition for project implementation.
- J. The EEM project includes both acquisition and development. The project must be one or the other, not both.

- K. The application includes more than one project.
- L. The EEM project is an acquisition project that cannot be purchased at or below fair market value.
- M. The EEM project includes invasive plants or trees or plants for aesthetic purposes only.
- N. The EEM project includes planting trees larger than 15 gallon, even if proposed with other funding sources.
- O. The EEM project is an acquisition involving eminent domain.
- P. For Resource Lands applications – The RTF does not specifically impact “Resource Lands.”
- Q. Application package lacks sufficient detail to effectively evaluate the project.

Some EEM project applications may not be **competitive** when compared to the pool of Applicants. Deficiencies may include:

- A. The Applicant does not clearly demonstrate a connection between environmental damage caused by the RTF and the proposed EEM project.
- B. The Applicant does not demonstrate that the EEM project will mitigate the environmental damage caused by the RTF.
- C. The Applicant is aware that the RTF **has** caused significant, adverse environmental impacts even though it received a Categorical Exemption or a Negative Declaration, but fails to sufficiently explain the cumulative or late-occurring adverse impacts, or describe how the RTF caused them.
- D. The timeline for completion of the EEM project conflicts with the funding timeline.
- E. The EEM project does not promote water conservation and efficiencies.
- F. The EEM project is less sustainable and/or less cost effective than other projects submitted for EEM funding.
- G. The Applicant does not demonstrate significant public benefit from this expenditure of public funds.
- H. The Applicant does not demonstrate fiscal and organizational capacity.

## **One-Page Concept Proposal (optional)**

Applicants **may** submit a **one-page** concept proposal. **Though not required**, this will help Applicants determine if their project may be competitive before completing a full application. This summary should be concise, providing reviewers a snapshot of the project. In depth explanations may be provided in the application. Feedback will be provided generally within 1-2 weeks. The summary should include the following:

- Applicant Name
- Project Name
- Amount of Grant Request
- EEM Project Category
- Brief EEM Project Description (focus on tasks for which funding is requested – 150 words maximum).
- Status of CEQA for the EEM project
- Brief Description of Related Transportation Facility including environmental impacts and how the EEM project will mitigate for those impacts.

In order to be reviewed, the one-page concept proposal must be submitted to [eemcoordinator@resources.ca.gov](mailto:eemcoordinator@resources.ca.gov) **no later than May 21, 2018.**

## **PROJECT ADMINISTRATION**

### **General Overview of Grant Process after Grants are Awarded**

- A. Grants Administrator works with Grantee to develop Grant Agreement.
- B. The Agency sends Grant Agreement and materials for project grant administration to Grantee.
- C. Grantee signs and returns all required copies to the Agency (one fully executed original will be returned to the Grantee).
- D. For acquisitions, Grantee submits appraisal, purchase documents, preliminary title report, etc., for Department of General Services (DGS) review. DGS appraisal review fees are an eligible cost. For estimating purposes, Applicants should budget \$10,000 per escrow as an estimate in their grant application to cover these fees.
- E. For development projects, Grantee submits final site control documents adequate to the Agency before ANY reimbursement will be made.
- F. Grantee commences preliminary work (planning, design, permitting, etc.) on the project and submits requests for reimbursements, as applicable.
- G. Grantee submits final site plan, timeline and cost/budget estimate (as applicable) for Agency review prior to commencing with construction.

- H. Grantee notifies the Agency of any public events, including invitee names, related to the initiation of project construction.
- I. Grantee posts a funding acknowledgement sign at the project site (see Appendix Q).
- J. Grantee commences construction work on the project and may submit payment requests for reimbursement of eligible project expenditures.
- K. The Agency conducts, as needed, periodic project site visits and requests periodic progress reports from the Grantee.
- L. Grantee completes project and submits project completion packet (to be provided under separate cover) to the Agency.
- M. The Agency makes final project inspection, deems the project “complete,” and approves final payment.
- N. The grant may be audited as frequently as annually during the course of the project and for three (3) years following final payment of grant funds.
- O. Projects are subject to compliance inspections for the land tenure time period indicated in Appendix M.

### **Changes to Approved Project**

A Grantee seeking changes or amendments to an approved project must first obtain approval from the Agency. Changes in the project scope must meet the need cited in the original application to be approved. The Grantee jeopardizes funding should changes be made without prior Agency approval. Substitution of parcels to be acquired is not permitted.

### **Site Visits**

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

### **Payment Process – Reimbursement for Eligible Expenditures**

Funds will not be disbursed until there is a fully executed grant agreement between the Agency and the Grantee. All payments are made on a reimbursement basis. That is, the Grantee pays for the services, products or supplies and is reimbursed by the State (except for advances to escrow for acquisition projects). For detailed description of the Reimbursement Payment Process, see Appendix O.

- A. Only direct project-related costs specified in the Grant Agreement will be eligible for reimbursement. Indirect /overhead costs are not reimbursable.
- B. Costs incurred outside of the Grant Agreement’s project performance period are not eligible for reimbursement.

- C. All requests for reimbursement must be supported by appropriate documentation.
- D. Agency may recommend projects to the CTC with unallocated reductions in grant funding or with specific line item reductions. In such cases, the Grantee may elect to use non-grant sources of funding if it is deemed necessary to complete the project as planned.

**Loss of Funding (Not a Complete List)**

The following are examples of actions that may result in a Grantee's loss of funding:

- A. Grantee fails to obtain a Grant Agreement.
- B. Grantee loses willing seller(s).
- C. Grantee fails to complete the funded project within the project performance period specified in the Grant Agreement.
- D. Grantee fails to submit all documentation within the time period specified in the Grant Agreement.
- E. Property cannot be acquired at or below approved fair market value (pursuant to appraisal review by the DGS).
- F. Grantee fails to demonstrate project sustainability to meet minimum required useful life.
- G. Grantee is unable to secure adequate land tenure/site control.
- H. Grantee changes project scope without approval of the Agency or the modified project does not meet the intent of the award.
- I. Grantee cannot provide ongoing assurance that the project will be completed by the end of the performance period. Assurance includes, but is not limited to: bid advertisement schedule, escrow schedule for acquisitions, award letter from other funding sources, etc.

Prior to the completion of project construction, either party may terminate the Grant Agreement by providing the other party with thirty (30) days written notice of such termination. The State may also terminate the Grant Agreement for any reason at any time if it learns of or otherwise discovers that there are allegations supported by some reasonable evidence that a violation of any state or federal law or policy by the Grantee which affects performance of this or any other Grant Agreement or contract entered into with the State.



## PREPARING YOUR GRANT APPLICATION PACKAGE

### Grant Application Package

Complete the online application (see page ii), upload all attachments, and print two hardcopies from SOAR (1 original, 1 copy) to be mailed. Hardcopies should be bound with a binder clip only, and all pages should be printed on 8½ x 11-inch paper.

The grant application package includes:

- A. The Application Form – completed and printed directly from SOAR, then signed by the Authorized Representative identified in the Resolution or Certification Letter (Appendix B).
- B. The Related Transportation Facility (RTF) Form – uploaded as an attachment in SOAR. Includes information about the RTF (Appendix C).
- C. One Page Summary – completed and printed directly from SOAR. Include a description of the EEM project, relationship to the RTF and how the EEM project mitigates for the environmental damage of the RTF. Also include a brief description of current site conditions, community and government agency partnerships, additional multiple benefits of the EEM project and extent of public access, if feasible.
- D. Project Data – answered in and printed directly from SOAR (see page 14).
- E. Project Evaluation – The project evaluation questions are to be answered in and printed directly from SOAR. The response field for each question is set for a maximum of 4000 characters.

The project evaluation provides details on the RTF and the EEM project and contains two sections of questions to respond to:

- 1. General Criteria – Respond to **all** questions in this section.
- 2. Project Category Criteria – Select **one** of the three project categories that best suits your proposed project and answer all questions in that selected category: Urban Forestry, Resource Lands, or Mitigation Beyond the Scope of the Lead Agency.

The Project Evaluation is the primary basis for the review committee's evaluation. It provides details on the RTF and the EEM Project and should demonstrate to the committee how effectively the EEM Project meets the goals of the EEM Program.

- F. Exhibits and Supporting Documents – required forms, documents and letters. All supporting documents are listed in the checklist for what to submit (see Appendix A) and should be uploaded directly into SOAR.

## Project Data

Applicants must answer all the questions below. If a question does not apply to your project, indicate that it is not applicable (N/A).

- A. Select the EEM Project Category:
  - 1. Urban Forestry
  - 2. Resource Lands
  - 3. Mitigation Beyond the Scope of the Lead Agency
  
- B. Select the type of CEQA completed for the EEM Project:
  - 1. Exempt
  - 2. Categorical Exemption
  - 3. Negative Declaration
  - 4. Mitigated Negative Declaration
  - 5. EIR
  
- C. Project Location (refer to page 2):
  - 1. North
  - 2. South
  
- D. Is the project required mitigation for the RTF?
  
- E. Type of Agency:
  - 1. Local
  - 2. State
  - 3. Federal
  - 4. Non-profit
  
- F. Please enter the quantities of the following measures applicable to your project:
  - 1. Net GHG benefit
  - 2. Trees to be planted
  - 3. Acre feet of stormwater captured/treated
  - 4. Acres of green/open space created/restored/enhanced
  - 5. Acres of green/open space to be acquired
  - 6. Miles of nature trail to be created
  - 7. Plants to be planted
  - 8. Acres of riparian habitat restored/enhanced
  - 9. Number of development rights extinguished
  
- G. Type of project:
  - 1. Acquisition
  - 2. Development
  
- H. Is the project ADA accessible?
  
- I. Does the project use recycled or reclaimed water?

J. What are the Other Sources of Funds required to complete the EEM project? Enter the dollar amount in each applicable category:

1. Federal Contribution
2. Local Contribution
3. Other State Funds
4. Private Contribution

**Project Evaluation Criteria**

Projects will be evaluated on **both** General Criteria and Project Category Criteria by assigning values based on a point system using the following criteria and scoring allocation. A maximum of 100 points may be assigned to any one project.

**General Criteria (45 points)**

<b>General Criteria</b>
Mitigation and Enhancement Statewide Project Goals Other Sources of Funds/Local Cash Contributions Project Readiness/Organizational Capacity

**Project Category Criteria (55 points)**

<b>Urban Forestry (UF)</b>	<b>Resource Lands (RL)</b>	<b>Mitigation Beyond the Scope of the Lead Agency (MP)</b>
Suitability Sustainability Cost Effectiveness Other Benefits and Community Participation	Resource Value of Lands Lost/Injured Resource Value of EEM Project Lands Sustainability Cost Effectiveness Other Benefits and Community Participation	Suitability Elements of Mitigation Sustainability Cost Effectiveness Other Benefits and Community Participation

**GENERAL CRITERIA QUESTIONS**

Answer **all** the questions in this section. Provide quantitative explanations in support of each criterion whenever possible.

**Mitigation and Enhancement (0-15 points)**

EEM projects that provide the greatest and most appropriate degree of mitigation (or enhancement to mitigation) for the environmental damage caused by the RTF will be more competitive.

- A. In order to establish the effectiveness of the EEM project, the Applicant must first establish what environmental damage was caused by the RTF.
1. Describe the RTF in detail.
  2. What are the adverse environmental impacts of the RTF?

3. Provide a concise, but complete explanation of the **required mitigation** that was undertaken for the RTF.
  4. What is the proximity of the EEM project to the RTF?
- B. Does the RTF impact a larger biological area, complex or system (such as a wildlife corridor, watershed or regional greenbelt trail system)? If yes, explain.
- C. Is the RTF in an area especially vulnerable to climate change? If yes, explain:
1. The nature of the threat (fire, flood, heat, sea level rise, etc.).
  2. How the RTF accommodates the potential effects of this threat

### **Statewide Project Goals (0-10 points)**

The Agency grant programs assist state and local entities in developing more sustainable communities and increase their adaptability to climate change while improving the quality of life in those communities. EEM projects that demonstrate the following multiple benefits will be more competitive:

- Decrease in air and/or water pollution
- Reduce the consumption of natural resources and energy
- Increase the reliability of local water supplies
- Increase adaptability to climate change

Multiple benefits accrue from the following types of projects that contribute to the reduction of greenhouse gas (GHG) emissions and increase adaptability to climate change:

- Enhancing the tree canopy, urban forest, local parks and open space
- Greening of existing public lands and structures, including school campuses
- Capturing, storing or infiltrating stormwater for ground water recharge using permeable surfaces, collection basins and barriers
- Restoration projects that expand the floodplain
- Installing bioswales, rain gardens, etc. to mitigate stormwater runoff
- Roof gardens and landscaping for heat island mitigation and energy conservation
- Community gardens or orchards with outdoor education opportunities
- Conservation easements or fee title acquisitions to preserve land for agricultural uses, open space, wetlands, etc. in perpetuity

- A. Answer the following questions to demonstrate how your EEM project uses innovative methods and implementation strategies to improve both the project's sustainability and the local community's adaptability to climate change.

1. Is the EEM project in an area especially vulnerable to climate change? If yes, explain:
  - a. The nature of the threat (fire, flood, heat, sea level rise, etc.).
  - b. How the EEM project design ensures that it will **not** be impacted by the potential effects of this threat?
2. Does the EEM project mitigate for climate change by addressing any of the multiple benefits above? If yes, describe.
3. Does the EEM project help to meet California's GHG reduction targets consistent with the California Global Warming Solutions Act of 2006? If yes, explain how? (Applicants should demonstrate a quantifiable reduction in GHG emissions).
4. The State seeks to fund a diverse group of projects that serve the largest number of people in the widest area possible. Demonstrate relevance to larger planning processes (e.g., regional, city, county, state) by elaborating on the following:
  - a. Is the EEM project part of a comprehensive, regional initiative to protect and enhance the State's natural heritage?
  - b. Has the EEM project been identified as a statewide priority in plans, policies, or other pronouncements?
  - c. Is the EEM project consistent with and or identified in local, state, federal plans (e.g., General Plans, Transportation Plans, Climate Action Plans, etc.)?
  - d. Has the EEM project been coordinated with local land use authorities?
  - e. Does the EEM project enhance or expand the State Park System, or add to other protected public lands?
  - f. Does the EEM project reinforce, complement or fill a deficiency or need in a larger area, complex or system?<sup>3</sup> If yes, explain.

### **Other Sources of Funds/Local Cash Contributions (0-5 points)**

Projects that leverage other funding sources may be more competitive. Remember to include this information in the Cost Estimate (Appendix G or H).

- A. Identify the sources and amount of funds already committed to the project and the expected timing of those funds.
- B. Identify sources and amount of funds yet to be secured and the expected timing.
- C. List dollar amounts for cash contributions on the Cost Estimate.

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<sup>3</sup> For example, an EEM project that preserves wildlife habitat lands adjacent to other protected wildlife habitat lands may provide greater protection than a smaller, separate habitat lands project; or adding to an existing greenbelt or trail system may provide greater mitigation benefits than a smaller, separate urban forestry project.

- D. Describe any in-kind services, volunteer labor, donated materials or technical expertise to be used. Be sure to list their value separately from cash contributions on the Cost Estimate.
- E. What is the source of funds for ongoing operations and maintenance?

**Project Readiness/Organizational Capacity (0-15 points)**

Projects that can be started and completed most readily will be more competitive.

- A. Has the RTF been completed? If not, has it been started?
- B. If not started, have funds been specifically appropriated for the RTF? (Required)
- C. Has the Environmental Review been completed for the RTF? (Required)
- D. Has the required mitigation for the RTF been completed?
- E. What is the status of the EEM project designs/specifications?
- F. Has the EEM project permitting started? Is it complete?
- G. Has the Environmental Review for the EEM project been completed? (Required)
- H. Are committed matching funds for the EEM project readily available?
- I. Who owns the property for the proposed EEM project?
- J. Provide the names of all entities with jurisdiction over the proposed EEM project property (i.e., Caltrans, Railroad, Flood Control Districts, etc.).
- K. Have land access/tenure agreements been executed? If not, when do you anticipate having site control?
- L. Is there any toxic contamination resulting from prior mine-related or other industrial activity on the EEM property? Has a Phase I or Phase II Environmental Site Assessment been completed? If yes, address the timing of clean-up, type of toxins and construction delays that might result from the presence of toxins on site.
- M. Describe any due diligence to determine whether there are any abandoned mines on or near the property. Has the Department of Conservation been consulted?
- N. Does the Applicant have prior experience with this kind of project? Is the expertise needed for this project readily available within your organization? If not, how do you plan to procure it?
- O. Describe the Applicant's fiscal capacity to carry out the proposed EEM project on a reimbursement-only basis?

P. Has the Applicant received a prior EEM Program grant? If yes, provide the project name and year.

Q. For acquisitions only:

1. Identify the **specific** parcels to be acquired; list Assessor's Parcel Numbers.
2. Have these parcels been appraised? If not, what is the basis for valuation?
3. Has a preliminary title report been issued? If yes, submit as an attachment to your application.
4. Is a purchase agreement in place with the seller? If yes, submit as an attachment to your application.
5. If the purchase agreement is still pending, has a "Willing Seller" Letter from each person on the title been secured and attached to the application?

## **PROJECT CRITERIA QUESTIONS**

Select **one** of the following categories for your proposed EEM project. Provide responses to all the questions in the **selected category**. Provide quantitative explanations in support whenever possible.

### **Urban Forestry (UF)**

Urban Forestry projects, for purposes of this program, are designed to offset vehicular emissions of carbon dioxide through the planting of trees and other suitable plants.

In addition to the tree canopy, an urban forest includes vegetation along urban streets and medians, in urban parks, abandoned sites and residential areas. Urban Forestry projects may also include nature trails with corresponding amenities and/or interpretive elements.

Within its public road right-of-way, Caltrans will allow the planting of trees and shrubs. Contact your local Caltrans District Office Permit Engineer and Landscape Architect for more information.

Projects in the Urban Forestry category will be evaluated on the following:

A. Suitability (0-20 points)

1. Describe the proposed EEM project.
2. How will it mitigate the environmental impact of the RTF?
3. What is the geographic proximity of the EEM project to the RTF?
4. Describe the environmental condition of the EEM project site.

5. Explain specifically how vehicular emissions of carbon dioxide created by the RTF will be mitigated by the EEM Project.

Projects that demonstrate the following will be more competitive in this category. **For questions 6-9 below, explain how the EEM project:**

6. Provides maximum environmental benefits over the long term. For instance, does your project:
  - a. Extend the existing urban forest with street trees, pocket parks, community gardens and/or orchards?
  - b. Increase open space in residential areas by greening vacant lots, abandoned sites, and public lands such as school acreage?
  - c. Improve existing urban ecosystems, such as stabilizing urban creeks and shorelines with riparian habitat?
  - d. Reduce water usage with native, drought tolerant and low water use plantings?
7. Uses permeable surfaces, bioswales, or other methods to capture, treat, infiltrate and/or reuse stormwater for groundwater recharge and/or reuse.
  - a. What is the estimated volume of stormwater to be captured, treated and/or retained per year? Cite your methodology for these estimates.
  - b. If you plan to reuse a portion of captured stormwater, what portion will be reused as opposed to infiltrated?
  - c. How will you monitor the volume of stormwater captured, treated, infiltrated and/or reused?
8. Demonstrates measurable economic, social and health benefits. For instance,
  - a. The impact of trees in making the community more walkable.
  - b. Reduction of energy costs through summer shade and winter wind protection.
  - c. Improved physical and mental health of urban dwellers.
  - d. Reduced stormwater runoff, flooding, damage from coastal storms, erosion, and potential sources of water pollution.

**B. Sustainability (0-20 points)**

Projects where plantings, once established, will thrive without the need for supplemental irrigation will be more competitive in this category (however, habitat and climate will be taken into consideration).



1. Have you conducted a tree inventory to establish a baseline for management objectives by determining what trees exist and where they are located? If yes, please explain how the results informed your decisions regarding the EEM project. If no, explain how the need for the EEM project was determined.
2. What species of trees and plants will be used? If planting non-native species, explain the rationale behind the selections. Attach a Plant Palette with both scientific and common names.
3. What are the environmental benefits of the species selected? For instance:
  - a. Are selected trees and other plants environmentally tolerant to drought, smog, soil compaction, frost, wind, etc.?
  - b. Will tree and other plant species selected be ecologically and physically appropriate for their function in the planting space available?
4. Will the initial size selected for the planting area have the best chance for survival and growth on the project site? This program does not allow trees larger than 15 gallon to be planted on the project footprint.
5. What consideration, if any, was given to pollen production in the project Plant Palette? (See the links to SelecTree and OPALs in Appendix T for allergy information on specific species).
6. Explain how your project actively preserves and promotes species diversity in the urban forest. For instance:
  - a. Is your project a larger park and/or open space and of significant size to improve species richness?
  - b. Are the species selected to reduce the effects of insects and diseases?
  - c. Have you observed natural regeneration of native species?
  - d. Can you identify the factors explaining the variation in biodiversity indicators?
7. Describe provisions for plant establishment and long-term maintenance. (EEM grant can pay for up to 2 years).
8. What provisions have been made for plantings that fail (e.g. a budget for establishment, removal and/or replacement)?
9. Will the project use recycled or reclaimed water? If not, please explain why reclaimed water is not an option.
10. Is the project in an area easily affected by external events (e.g. weather, vandalism)? If yes, what is planned in the project design to ensure sustainability?

11. Long term water usage will be taken into consideration when evaluating your Plant Palette.

- a. Explain how water use efficiency (including stormwater management from both onsite and adjacent areas) is considered in the design and management of your landscape. How will water conservation be increased?
- b. What Best Management Practices will be implemented, and what is your source of technical expertise?
- c. Is plant selection based on the appropriate and approved Plant Palette for your specific California climate zone? Please describe.
- d. Does the project include temporary or permanent irrigation? What type? (If permanent irrigation is proposed, please explain why it is critical).
- e. How has climate adaptation informed your decisions?

**If maintenance is to be performed by another entity, please attach a letter of concurrence from that entity.**

C. Cost Effectiveness (0-10 points)

Projects that maximize the number of trees and plants within the project footprint and yield the greatest potential for long-term carbon dioxide uptake/sequestration – in a cost-effective way - will be more competitive under this criterion. Consideration will be given for the type of habitat (urban, forest, riparian/wetlands, restoring natives, etc.).

1. How many trees will be planted in how much space?
2. What is the size and cost for each of the trees and plants proposed? Plantings should be ecologically and physically appropriate for their function in the planting space available. This program does not allow trees larger than 15 gallon to be planted on the project footprint.
3. What is the water source and cost?
4. What will be the establishment cost per tree (including irrigation) over the first five years following planting?
5. Identify the percentage of expenditures for labor and the percentage for materials.
6. Is the project using volunteer labor and/or donated materials? If yes, explain.

D. Other Benefits and Community Participation (0-5 points)

Projects that provide other benefits and demonstrate local and community support will be more competitive under this criterion. **Explain if/how the EEM project will:**

1. Provide access to outdoor wildlife/nature-oriented recreational opportunities.

2. Increase opportunities for interpretive and/or environmental education.
3. Be ADA<sup>4</sup> accessible? If yes, describe accommodations.
4. Maximize citizen involvement in project planning and implementation.
5. Provide community stewardship opportunities for long-term maintenance.
6. Provide additional benefits not previously discussed.

### **Resource Lands (RL)**

Resource Lands projects include the acquisition, restoration or enhancement of Resource Lands to mitigate the loss of, or the detriment to, Resource Lands lying within or near the right-of-way of the RTF.

Cumulatively, Resource Lands projects address state-wide conservation issues, including climate change, availability of water for fish and wildlife, preservation of California's rich biodiversity and protection of rare species, control of invasive species, protection of large landscape-level land holdings from conversion and fragmentation, preservation of wildlife movement and migration corridors, and expanded public access to outdoor wildlife/nature-oriented recreation.

Resource Lands may include, but are not limited to: natural areas such as inland wetlands, forests, oak woodlands, mountain meadows, creeks and streams with riparian or riverine fish or wildlife habitat, wildlife corridors and fish passages, coastal estuaries, grazing land and grasslands, among others. Additionally, Resource Lands may contain features of archaeological or historical value.

**“Resource Lands” MUST be impacted by the RTF in order to qualify in this category.**

Development and Acquisition projects that demonstrate the following will be more competitive in this category.

- Protect biodiversity, ecosystem health, habitat quality and connectivity, securing the success of wildlife species and populations.
- Conserve wilderness and open space threatened by infrastructure development, population growth, and land use decisions exacerbating habitat loss and fragmentation.
- Protect watersheds to safeguard clean drinking water and preserve the natural beauty of coasts and waterways.
- Restore and enhance natural areas to ensure long-term ecosystem health.
- Protect working lands or working forests that foster a healthy agricultural system and create valuable habitat for wildlife species.
- Expand opportunities for outdoor wildlife/nature-oriented recreation that is compatible with conservation goals.

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<sup>4</sup> Americans with Disabilities Act

- Promote education and public awareness to develop current and future generations of land stewards.
- Prepare for the impacts of climate change, such as shifting species ranges and changes in the composition of natural communities.
- Collaborate in public-private partnerships which leverage investment in priority landscapes, as well as smaller-scale partnerships of local and regional significance.
- Employ forward thinking management strategies which anticipate changing conditions and public needs.

Resource Lands projects may be either Development or Acquisition projects. Examples include, but are not limited to the following:

- Development projects may include restoration of waterways to natural or historic function; floodplain enhancements for climate adaptation and flood control; removal of invasive and restoration of natural species; improved access to public lands, including the addition of trailheads; and nature-oriented trails with corresponding amenities and interpretive elements.
- Acquisitions in fee title or through conservation easements to safeguard regional water supplies, protect riparian and wildlife habitats, conserve agricultural lands for secure wildlife migration corridors, and provide public access for compatible wildlife/nature-oriented recreation by the wider community.

At the sole discretion of the Agency, carbon offset projects within the project area may be allowed for improved forest management projects. Where all proceeds of carbon sales in the project area will be used towards the purchase of the property, conservation easement, or other valuable restriction running with the land (so long as this does not exceed fair market value when coupled with State acquisition funds), **or** where all proceeds will be reinvested into the project for restoration, management or monitoring, will be more competitive. Agency must review and approve terms included in the conservation easement prior to depositing grant funds into escrow. **For evaluation purposes, Applicants must disclose in their application plans for carbon offset projects in the project area.**

Within its public road right-of-way, Caltrans will allow the planting of trees and shrubs. Contact your local Caltrans District Office Permit Engineer and Landscape Architect for more information.

Projects in the Resource Lands category will be evaluated on the following:

A. Resource Value of Lands Lost or Injured by the RTF (0-10 points)

1. Describe the environmental condition of the Resource Lands impacted by the RTF.
2. Where are these lands located?
3. Are the Resource Lands within or near the RTF right-of-way?
4. How are the Resource Lands directly impacted by the RTF?

5. What value is lost by this impact?
6. What mitigation was required by the Environmental Review?

**B. Resource Value of EEM Project Lands (0-20 points)**

1. Describe the proposed EEM project.
2. How will the project mitigate the environmental impact of the RTF? How will it mitigate impacts on Resource Lands specifically?
3. Describe the environmental condition of the Resource Lands to be acquired or enhanced.
4. What is the geographic proximity of the EEM Resource Lands to the RTF-impacted Resource Lands?
5. Differentiate the EEM project acquisition, restoration or enhancement from the required mitigation.

**For questions 6-9 below, provide a response and explain.**

6. Is this a one-time or limited-opportunity acquisition?
7. Is the property of considerable size?
8. Has the Applicant secured substantial leveraging?
9. Are the lands of statewide significance?

Acquisitions or enhancements to Resource Lands which impact the following will be more competitive:

**For questions 10-13 below, provide a response and explain.**

10. Will the EEM project protect ecosystems, watersheds, and/or other natural systems?
11. Do these contain rare, threatened, or endangered species and their habitats?
12. Are there special wildlife values such as wildlife corridors, nesting and breeding areas, wetlands, woodlands, and riparian habitat?
13. Will the EEM project protect agricultural lands, or features of archaeological or historical value?

**C. Sustainability (0-10 points)**

Projects that provide the most reasonable assurance that the project will be maintained and/or protected will be more competitive under this criterion.

1. Describe your plans for operating and maintaining the project, and indicate your source of funds for ongoing management.
2. Is the project in an area easily affected by external events (e.g., weather, vandalism)? If yes, what is planned in the project design to ensure sustainability?
3. If your project involves plantings, once established will they thrive without the need for supplemental irrigation? Please describe. (Consideration will be given for the type of habitat).
4. Describe your plans for ongoing stewardship of acquired lands.
5. Long-term water usage will be taken into consideration when evaluating your Plant Palette.
  - a. Explain how water use efficiency (including stormwater management from both onsite and adjacent areas) is considered in the design and management of your landscape. How will water conservation be increased?
  - b. What Best Management Practices will be implemented, and what is your source of technical expertise?
  - c. Is plant selection based on the appropriate and approved Plant Palette for your specific California climate zone?
  - d. Does the project include temporary or permanent irrigation? What type? (If permanent irrigation is proposed, please explain why it is critical).
  - e. Will the project use recycled or reclaimed water? If not, please explain why reclaimed water is not an option.
  - f. How has climate adaptation informed your decisions?

**If maintenance is to be performed by another entity, please include evidence of concurrence from that entity.**

**D. Cost-Effectiveness (0-10 points)**

Projects that provide the greatest benefit by acquiring, restoring or enhancing the most extensive or most critical Resource Lands will be more competitive under this criterion. Consideration will be given for the type of habitat and location.

1. How many acres will be acquired, restored or enhanced?

**For acquisitions:**

2. What is the fair market value of the property?
3. Has an appraisal been completed?

4. If not, what is the basis for this assessment?
5. Has the seller discounted the sale price? If yes, by how much?
6. Does the EEM project include a proposed and/or future carbon offset project in the project area? If yes, please see page 24 for additional details related to carbon offset projects.

**For restorations or enhancements:**

Plantings should be ecologically and physically appropriate for their function in the planting space available. This program does not allow trees larger than 15 gallon to be planted on the project footprint.

7. Describe methodologies planned for removal of exotic/invasive species and re-vegetation.
8. What species of trees and plants will be used? Attach a Plant Palette with both scientific and common names.
  - a. Are the species and size of plants appropriate to the habitat?
  - b. Are native, drought tolerant and low water use trees and plants being used? If planting non-native species, explain the rationale behind the selections.
  - c. What is the water source and cost?
  - d. What is the projected plant establishment time and cost? (The EEM grant can pay for up to 2 years).
9. Identify the percentage of expenditures for labor and the percentage for materials.
10. Is the project using volunteer labor and/or donated materials?

**E. Other Benefits and Community Participation (0-5 points)**

Projects that provide other benefits and demonstrate community support will be more competitive under this criterion. **Explain if/how the EEM project will:**

1. Provide access to outdoor wildlife/nature-oriented recreational opportunities.
2. Increase opportunities for interpretive and/or environmental education.
3. Offset vehicular emissions of carbon dioxide through the planting of trees or other suitable plants.
4. Impact the nearby urban forests; if yes, describe the connection through wildlife, fire, nature-oriented recreation and/or water management.
5. Be ADA accessible; If yes, describe accommodations.

6. Maximize citizen involvement in project planning and implementation.
7. Provide community stewardship opportunities for long-term maintenance.
8. Provide additional benefits not previously discussed.

### **Mitigation Projects Beyond the Scope of the Lead Agency (MP)**

These projects mitigate the impact of proposed transportation facilities or enhance the environment, where the ability to effectuate the mitigation or enhancement measures are beyond the scope of the lead agency responsible for assessing the environmental impact of the proposed transportation improvement.

Within its public road right-of-way, Caltrans will allow the planting of trees and shrubs. Contact your local Caltrans District Office Permit Engineer and Landscape Architect for more information.

#### A. Suitability (0-5 points)

1. Is this mitigation included in the Environmental Review documents?
2. Is it required mitigation?
  - a. If yes, is the EEM project the same as the required mitigation?
  - b. If no, how does it differ?
3. Why is it beyond the scope of the Lead Agency to effectuate?

#### B. Elements of Mitigation (0-20 points)

1. Describe the proposed EEM project.
2. What is the geographic proximity to the RTF?
3. Which resources are impacted by the RTF? (Select those that apply from “a through f” in Question 4 below).
4. Describe how the EEM project mitigates the environmental impacts noted below. (Questions provided for each resource are examples only).
  - a. **Biological Resources** - How will the project control weeds or invasive plants and pests? Restore native habitat? Increase species diversity?
  - b. **Resource Lands** - How will the project connect to, or augment an existing wild area? Mitigate disturbances to plant communities or sensitive habitats? Will the project protect, or preserve Resource Lands?
  - c. **Geology/Soils/ Mineral Resources** - How will the project minimize erosion and sediment transport? Help to stabilize soil? Reduce the risk of slope movement?



- d. **Water Quality/Supply/Stormwater Management** - How will the project reduce non-point pollution? Recharge groundwater supplies? Neutralize the effect of herbicides?
- e. **Air Quality/Greenhouse Gas Emissions** - How will the project offset vehicular emissions of carbon dioxide through the planting of trees and other suitable plants?
- f. **Agriculture & Forestry Lands** – How will the project protect or preserve open space, farmland, or forest resources?

Projects that demonstrate the following will be more competitive in this category. Explain how the EEM project:

- 5. Provides maximum environmental benefits over the long term.
- 6. Serves the greatest geographic area and/or number of people.
- 7. Is consistent with regional habitat management or conservation objectives.

### C. Sustainability (0-15 points)

Projects that provide the most reasonable assurance that the project will be maintained and/or protected will be more competitive under this criterion.

- 1. Describe your plans for operating and maintaining the project, and indicate your source of funds.
- 2. Is the project in an area easily affected by external events (e.g., weather, vandalism)? If yes, what is planned in the project design to ensure sustainability?
- 3. Describe your plans for ongoing stewardship of acquired lands.

Long-term water usage will be taken into consideration when evaluating your Plant Palette.

- 4. Explain how water use efficiency (including stormwater management both onsite and from adjacent areas) is considered in the design and management of your landscape. How will water conservation be increased?
- 5. What Best Management Practices will be implemented, and what is your source of technical expertise?
- 6. Is plant selection based on the appropriate and approved Plant Palette for your specific California climate zone?
- 7. Once established, will plantings thrive without the need for supplemental irrigation? Please describe. (Consideration will be given for the type of habitat).
- 8. Does the project include temporary or permanent irrigation? What type? (If permanent irrigation is proposed, please explain why it is critical).

9. Will the project use recycled or reclaimed water? If not, please explain why reclaimed water is not an option.
10. How has climate adaptation informed your decisions?

**If maintenance is to be performed by another entity, please include evidence of concurrence from that entity.**

D. Cost Effectiveness (0-10 points)

1. What species of trees and plants will be used? Attach a Plant Palette with both scientific and common names. This program does not allow trees larger than 15 gallon to be planted on the project footprint.
2. Are native, drought tolerant, and low water use plants being used? If planting non-native species, explain the rationale behind the selections.
3. What is the water source and cost?
4. What is the projected plant establishment time and cost? (The EEM grant can pay for up to 2 years of plant establishment).
5. Identify the percentage of expenditures for labor and the percentage for materials.
6. Is the project using volunteer labor and/or donated materials?
7. For acquisitions:
  - a. What is the fair market value of the property?
  - b. Has an appraisal been completed?
  - c. If not, what is the basis for this assessment?
  - d. Has the seller discounted the sale price? If yes, by how much?
  - e. Does the EEM project include a proposed and/or future carbon offset project in the project area? If yes, please see page 24 for additional details related to carbon offset projects.

E. Other Benefits and Community Participation (0-5 points)

Projects that provide other benefits and demonstrate community support will be more competitive under this criterion. **Explain if/how the EEM project will:**

1. Provide access to outdoor wildlife/nature-oriented recreational opportunities.
2. Preserve or restore natural habitat for wildlife.

3. Offset vehicular emissions of carbon dioxide through the planting of trees or other suitable plants.
4. Be ADA accessible. If yes, describe accommodations.
5. Increase opportunities for interpretive and/or environmental education.
6. Maximize citizen involvement in planning and implementation.
7. Provide community stewardship opportunities for long-term maintenance.
8. Provide additional benefits not previously discussed.

## WHAT TO SUBMIT: REQUIREMENTS FOR A COMPLETE APPLICATION

The Grant Application includes the following documents:

- A. Application Form (Appendix B)
- B. The Related Transportation Facility (RTF) Form (Appendix C)
- C. One Page Summary
- D. Project Data
- E. Project Evaluation (General Criteria and Project Category Criteria Responses)
- F. Exhibits & Supporting Documents

**The application must be completed online no later than 5:00 p.m., Wednesday, June 20, 2018, and two hardcopies (1 original, 1 copy) sent in by mail, postmarked no later than Friday, June 22, 2018.**

### Required Exhibits & Supporting Documents

#### A. Agency Eligibility

##### 1. Resolution or Certification Letter

A Resolution by the Applicant's governing body authorizing or delegating to Applicant the authority to apply for the grant is required for all Applicants (Appendix D).

- a. A draft Resolution may be submitted with the application if the governing body meeting to consider the Resolution is scheduled for a date after the application deadline. If a draft copy is submitted, provide the date when the governing body will be meeting. The adopted copy must be received prior to an evaluation site visit.
- b. The Resolution must include all assurances indicated in Appendix D.

Only entities without a governing board may submit a **Certification Letter** (Appendix E).

For Non-profit Applicants, please submit:

- 2. **IRS determination letter** of Section 501(c)(3) non-profit status; and **Active status printout** from the California Secretary of State showing the Applicant corporation is in good standing.

#### B. Related Transportation Facility

##### **Letter from the Lead Agency Responsible for the RTF** (Appendix F)

Applicants can identify eligible Related Transportation Facilities by contacting their City or County Transportation Department, Regional Transit Agency, Metropolitan Transit Authority (MTA), Council of Local Governments (COG), Metropolitan Planning Organization (MPO) or Caltrans District Office.

**Be sure to give the transportation agency sufficient lead time to provide the required documentation.**

- C. Cost Estimate** for EEM Project: Line-item detail of all elements to be funded by the EEM Program grant.
1. Appendix G - Development Projects; or
  2. Appendix H - Acquisitions.
  3. Show other sources of funds in separate columns, and specify each source.
  4. Allocate EEM Program grant funds to specific line items **not** shared with other funding sources.
  5. Show volunteers, in-kind services and donated items in separate columns.
- D. Property Data Sheet** detailing current ownership of each parcel included in the project (Appendix I).
- E. Ownership Documents** for each parcel listed on the Property Data Sheet (Appendix I) including rights of way, must be attached (Examples include, but are not limited to: Grant Deed, Title Reports, Tax Records or Data Sheets From County Records, etc.).
- F. Assessor's Parcel Map** obtained from Assessor's Office, with each project parcel highlighted.
- G. Timeline for EEM Project** providing estimated timeline for all project tasks from design to construction, to ribbon cutting, and project closeout. Use **actual** dates based on funding cycle.
- H. Permit Approval Status** for required permits, with status of applications filed with appropriate agencies (Appendix J).
- I. Environmental Review Compliance Documents for the EEM Project;** see Appendix K.
- J. Location map** showing EEM project and RTF.
- K. Photos** of EEM project site (up to five).
- L. Site Plans** showing EEM project design or concept drawings. Plans should contain specific property details, including exterior boundaries, public access points and location of the improvements described in the grant application. The plan should be specific enough to allow someone unfamiliar with the project to visualize it in detail.
- M. Plant Palette** for all projects involving plantings. Include a description of the number of plantings, species, size, density, and locations, including scientific and common names. For resources to aid in plant selection see Appendix T.
- N. Letter from Certified Arborist, Registered Professional Forester or Landscape Architect** for all projects with plantings, a letter must be attached from a certified arborist, registered professional forester or landscape architect, certifying the following for projects involving tree planting:

1. Carbon dioxide uptake and carbon sequestration capability.<sup>5</sup>
2. Appropriateness of species for location (identify the approved planting palette for this specific California climate zone).<sup>6</sup>
3. Optimal initial tree size for survival.
4. Native plants are or are not feasible; if not feasible, provide rationale.
5. Project complies with MWELo or local agency landscape water ordinance (if as strict or stricter) and uses low-water, drought tolerant plantings.
6. How water conservation will be increased.
7. Best practices in planting and maintenance.

**O. Letters from or Agreements with other Agencies** with jurisdiction over property to be developed, giving permission to implement project, such as:

1. Property owners (if other than Applicant)

If an agreement has not yet been executed giving permission to **develop** the property, a signed letter from the landowner indicating their intent to enter into such agreement, is acceptable for application purposes.

2. Flood Control Districts, Utilities, Caltrans, Railroads, etc.

For encroachment permits, evidence that the entity with jurisdiction is aware of the project and willing to work with the Applicant to issue the permit must be attached to the application.

3. Entities responsible for Operations & Maintenance

If **operations and maintenance** will be performed by another entity, a signed letter of concurrence from that entity indicating their intent to enter into such agreement, is acceptable for application purposes.

4. Other funding sources needed to implement the project

**Site Control and Land Tenure requirements adequate to the State must be submitted before ANY grant funds will be disbursed (see Appendix M).**

**The Letter from the Lead Agency for the RTF is purely informational and does not indicate support for the proposed EEM project. If the proposed EEM project is on property owned by the Lead Agency, a separate letter of permission to develop and/or maintain the project must be provided.**

**P. Letters of Endorsement**, partnerships and/or support from community groups mentioned in the Application (if applicable).

**Q. Acquisitions Only** submit the following in addition to the above:

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<sup>5</sup> For suitable trees see the U.S. Forest Service's Tree Carbon Calculator at the Center for Urban Forest Research <http://www.fs.usda.gov/ccrc/tools/cufr-tree-carbon-calculator-ctcc> or Tree Planting Standards and Specifications [http://www.fire.ca.gov/resource\\_mgt/downloads/CALFIRE\\_Nursery\\_Standards\\_and\\_Specs11\\_12.pdf](http://www.fire.ca.gov/resource_mgt/downloads/CALFIRE_Nursery_Standards_and_Specs11_12.pdf)

<sup>6</sup> See Appendix T (Resources for Sustainable Communities)

1. **Purchase Option Agreement:** If a purchase option agreement has not been executed, a **Willing Seller Letter** from **each person on the title** stating the seller is willing to enter into negotiations for sale of the property at a purchase price **at or below fair market value** must be attached to the application (Appendix L).

If available, also submit the following:

2. **Appraisal**
3. **Stewardship Plan**
4. **Preliminary Title Report**

## APPENDIX A – CHECKLIST FOR WHAT TO SUBMIT

The following items, as applicable, make up the EEM Program Application Package. All items must be submitted online through SOAR (see page ii for instructions). In addition, you must submit 2 hardcopies (1 original and 1 copy) of the complete package assembled in the order listed below. Binder clips only – no folders, binders or notebooks.

### Appendix

	Application Form – Completed and Signed	B
	Related Transportation Facility (RTF) Form	C
	One Page Project Summary	
	Project Data	
	Project Evaluation: General Criteria & Project Criteria Questions	
	Authorizing Resolution/Certification Letter from CEO	D or E
	Eligibility for Nonprofit Applicants (see page 32)	
	Letter from the Lead Agency for the RTF	F
	Cost Estimate (Development or Acquisition Projects)	G or H
	Property Data Sheet	I
	Ownership Documents (Deeds, Tax Records, etc.)	
	Assessor's Parcel Map(s) of all parcels	
	Project Timeline	
	Permit Approval Status	J
	Environmental Review Documents for <b>EEM</b> Project	K
	Location Map for EEM project and RTF	
	Photos of EEM Project Site	
	EEM Project Site Plans	
	Plant Palette (Projects with Plantings)	
	Letter from Certified Arborist, Registered Professional Forester or Landscape Architect (Projects with Plantings)	
	Letters/Agreements from Agencies with Jurisdiction	
	Letters/Agreements from Entities to Perform O&M	
	Letters of Endorsement	
	Acquisitions Only – in addition to the above:	
	Purchase Option Agreement or Willing Seller Letter (if a purchase option agreement has not been executed, submit Willing Seller Letter)	L
	Appraisal (if available)	
	Stewardship Plan (if available)	
	Preliminary Title Report (if available)	

**Incomplete applications may not be evaluated or considered for funding.**



## APPENDIX B – APPLICATION FORM

To print your EEM Application Form from SOAR, please follow the steps below:

1. Log into SOAR and enter your active EEM Application.
2. On the General Information tab, scroll down to the bottom of the page and select the Preview/Submit button. (Note: Clicking this button will not submit your application).

### General Information

The Application is organized into different tabs. Each tab should be completed according to the instructions provided. All tabs should be completed before submitting the Application.

SAVE: Pressing this button will save the information entered thus far.

PREVIEW/SUBMIT: Pressing this button will allow you to preview/submit the information entered thus far.

PIN 52 - EEMP 2018 test - IN PROGRESS

General Information	Project Budget	Funding	Project Management	Legislative Information	Contacts	Cooperating Entities	Questionnaire	Attachments	Status	Feedback
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The "General Information" tab allows the user to enter a project title, project description, and location information for the project.

**General Information**

RFP Title: Environmental Enhancement and Mitigation Program 2018 Grant Cycle

Applicant Organization: California Department of Water Resources

Applicant Division: Information Technology Services

Submitting Organization: California Department of Water Resources

Submitting Division: Information Technology Services

Project Title:  \*  
(125 characters maximum)

Project Description:  \*  
(1000 character maximum)

• **PROJECT LOCATION**

Latitude:  (32.0000 to 42.0000)      Longitude:  (-125.0000 to -114.0000)     

County:  ▼

Estimated Date of Completion:

Project Address (or nearest cross street):

Nearest City/Town:

Co-ordinates Represent:

Co-ordinates Determined Using:

3. On the Application Preview page, select the Print Application button on the top.

**Application Preview**

This is a preview of your application. Please review and confirm the information is accurate before submitting the application. SOAR will perform a check to verify whether required fields are completed and/or required attachments are uploaded. Once you have verified the information, please read the certification statement and enter your initials to submit the application to the State Water Board.  
 Note: To print the application, please use the "FILE -> PRINT" menu option on the browser.

**PIN 62 - EEMP 2018 test - IN PROGRESS**

Print out the entire application for your records.

**Application Preview**

RFP Title: Environmental Enhancement and Mitigation Program 2018 Grant Cycle

Submitting Organization: California Department of Water Resources

Submitting Organization Division: Information Technology Services

Project Title: EEMP 2018 test

Project Description: test

District Office:

**APPLICANT DETAILS**

Applicant Organization: California Department of Water Resources

Applicant Organization Division: Information Technology Services

Applicant Address: 1001 I St, Sacramento, CA - 95814

**PROJECT LOCATION**

Latitude: Longitude:

County:

Estimated Date of Completion: 01/01/1900

Project Address (or nearest cross street):

Nearest City/Town:

Coordinates Represent:

Coordinates Determined Using:

**PROJECT BUDGET**

Funds Requested(\$): 0.00

Other Sources of Funds(\$): 0.00

Total Budget(\$): 0.00

A pop-up box with your application will appear.

**Print Application**

RFP Title: Environmental Enhancement and Mitigation Program 2018 Grant Cycle

Project Title: EEMP 2018 test

Estimated Date of Completion: 01/01/1900

Funds Requested(\$): 0.00

Other Sources of Funds(\$): 0.00

Total Budget(\$): 0.00

Applicant Organization: California Department of Water Resources

Applicant Address: 1001 I St, Sacramento, CA - 95814

Federal Tax ID: 123456789

County: City/Town:

Project Address:

Senate District

Assembly District

US Congressional District

Project Description: test

Latitude: Longitude: Coordinates Represent: Coordinates Determined Using:

Project Director (Applicant's Representative Authorized in Resolution) **(Signature required at bottom of this page)**

Name: - Title: Project Director: Authorized Representative

Phone: - Email:

Project Manager - Person with day to day responsibility for project (if different from authorized representative)

Name: - Title: Project Manager: Day to day contact

Phone: - Email:

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: \_\_\_\_\_ Title: \_\_\_\_\_

**Application Overview**

RFP Title: Environmental Enhancement and Mitigation Program 2018 Grant Cycle

Submitting Organization: California Department of Water Resources

4. Select Ctrl+P, to print the application. Click Print. The first page is the application form and includes a signature line for the Authorized Representative.

**APPENDIX C - RELATED TRANSPORTATION FACILITY (RTF) FORM**

**RELATED TRANSPORTATION FACILITY (RTF)**

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Transportation District	City	County	Route Number / Name
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Location

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Description of RTF

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Name of Transportation Agency	Date Construction Began or Scheduled
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Name of Approved/Certified Capital Outlay Program for RTF (if not started)

**ENVIRONMENTAL COMPLIANCE FOR RTF PROJECT (check type and status)**

Type: Exempt \_\_\_ Negative Declaration \_\_\_ Categorical Exemption \_\_\_ EIR \_\_\_

Status: Complete \_\_\_ In Progress \_\_\_

**What were the primary environmental Impacts of the RTF? (max 25 words)**

**Describe the *required* environmental mitigation? (max 25 words)**

---

**Name of Lead Agency for RTF:** \_\_\_\_\_

**Application must include the Letter from the Lead Agency Responsible for the construction of the RTF.  
(APPENDIX F)**

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## APPENDIX D – RESOLUTION TEMPLATE

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

RESOLUTION (GOVERNING BODY OF APPLICANT)  
APPROVING THE APPLICATION FOR GRANT FUNDS FOR  
THE ENVIRONMENTAL ENHANCEMENT AND MITIGATION (EEM) PROGRAM

WHEREAS, the Legislature and Governor of the State of California have enacted Section 164.56 of the California Streets And Highways Code, which is intended to provide grant funds to local, state and federal agencies and nonprofit entities for projects to enhance and mitigate the environmental impacts of modified or new public transportation facilities; and

WHEREAS, the California Natural Resources Agency has been delegated the responsibility for the administration of this grant program, establishing necessary procedures and criteria, and is required to submit to the California Transportation Commission a list of recommended projects from which the grant recipients will be selected; and

WHEREAS, said procedures established by the California Natural Resources Agency require a resolution certifying the approval of an application by the Applicants governing board before submission of said application 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 of Applicant)

1. Approves the filing of an application for the (name of the project); and
2. Certifies that Applicant understands the requirements in the Program Guidelines;
3. Certifies that Applicant or title holder will have sufficient funds to operate and maintain the project consistent with the land tenure requirements; or will secure the resources to do so; and
4. Certifies that Applicant will record a document against the real property that defines the State's interest in the property whether the Grantee owns the property or not; and
5. Certifies that Applicant will comply with the provisions of Section 1771.5 of the State Labor Code regarding payment of prevailing wages on Projects awarded EEM Program Funds; and
6. If applicable, certifies that the project will comply with any laws and regulations including, but not limited to, legal requirements for building codes, health and safety codes, disabled access laws, environmental laws and, that prior to commencement of construction, all applicable licenses and permits will have been obtained; and
7. Certifies that Applicant will work towards the Governor's 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
8. 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 etc., which may be necessary for the completion of the aforementioned project.

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

## APPENDIX E - 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 filing of an application for grant funds from the Environmental Enhancement and Mitigation (EEM) Grant Program under *California Streets and Highways Code Section 164.56*.
2. Certify that Applicant or title holder has or will have sufficient funds to operate and maintain the project consistent with the land tenure requirements; or will secure the resources to do so.
3. Certify that Applicant will comply with the provisions of Section 1771.5 of the State Labor Code regarding payment of prevailing wages on Projects awarded EEM Program Funds.
4. If applicable, certify that the project will comply with any laws and regulations including, but not limited to, legal requirements for building codes, health and safety codes, disabled access laws, environmental laws and, that prior to commencement of construction, all applicable licenses and permits will have been obtained.
5. Certify that Applicant will record a document against the real property that defines the State's interest in the property whether the Grantee owns the property or not.
6. Certify that Applicant will work toward the Governor's 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.
7. Appoint the (designate position, not person occupying position) , or designee, as agent to conduct all negotiation, 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.
8. Contain the signature of the Director or Chief Executive Officer.

## **APPENDIX F - LETTER FROM THE LEAD AGENCY Responsible for CONSTRUCTION OF Related Transportation Facility (RTF)**

*This letter is required with each EEM Project Application.*

**Instructions to the Lead Agency responsible for construction of the RTF:** The Environmental Enhancement and Mitigation (EEM) Program awards up to \$7 million each fiscal year for grants to mitigate the environmental impacts of modified or new public transportation facilities. Please provide a letter describing construction of a new Transportation Facility or modification / enhancement of an existing Transportation Facility.

Send this letter, on Lead Agency stationery, **to the Applicant** for inclusion in their application package **prior to the online submission deadline of 5:00 pm on Wednesday, June 20, 2018.**

Provide the following information about the **RTF**:

1. Describe the RTF construction or modification or planned construction or modification.
2. What is the location of the RTF?
3. When did the RTF construction or modification begin? When was it completed?
4. What type of Environmental Review was required?
5. When was the Environmental Review completed?
6. Provide State Clearinghouse Number of the completed Environmental Review.
7. Was mitigation required? If so, please describe the type of habitat impacted and list the required mitigation.
8. Have the environmental mitigation measures been started or completed?
9. If the RTF is planned, what is the projected construction start date? Completion date?
10. What is the funding source for the RTF?

Provide the following information about the proposed **EEM Project**:

11. Name of the EEM Project.
12. Is the EEM Project the required mitigation for the RTF? If yes, please describe how the project mitigates the impacts of the RTF?
13. If Applicant is applying under Mitigation Projects Beyond the Scope of the Lead Agency (MP) Category, please provide a statement of concurrence explaining how the ability to effectuate the mitigation or enhancement measures are beyond the scope of the lead agency responsible for assessing the environmental impact of the proposed transportation improvement.
14. Is the proposed EEM project incompatible with the RTF? If so, does it interfere with the operation or safety of the RTF? (please explain.)
15. Does the proposed EEM project limit or interfere with planned or anticipated future improvements to the RTF? (If it interferes, please explain.)
16. Describe any concerns about the proposed EEM project (e.g., design, safety, tree density, other.)
17. Are you aware of another EEM project previously undertaken to mitigate the impact of this RTF? (If you have knowledge of the project, please explain.)
18. Do you have any knowledge why the Applicant would not be able to complete this project?

**Please include:**

Signature of Transportation Agency Representative, Title, Date Signed  
Name of Transportation Agency  
Contact information (address, phone, email)

**This letter is purely informational and does not indicate support for the proposed EEM project. If the proposed EEM project is on property owned by the Lead Agency, a separate letter of permission must be provided.**

## APPENDIX G - COST ESTIMATE FOR DEVELOPMENT PROJECTS

All cost elements should be clearly described in the project narrative. Add/delete elements and funding sources as needed.

PROJECT ELEMENT – (Examples)	Unit Price	Unit of Measure	Quantity	Total Amount	EEM Grant	Funding Source (specify)	Funding Source (specify)	Funding Source (specify)
<b>NON-CONSTRUCTION (not to exceed 25% of grant)</b>	\$			\$	\$	\$	\$	\$
Direct Project Management & Administration								
Staff Time								
Technical Consultants								
Planning, Design & Permitting								
Staff Time								
Technical Consultants								
Permit Costs								
<b>Total Non-Construction: (not to exceed 25% of grant)</b>								
<b>CONSTRUCTION</b>								
Site Preparation								
Clearing/Grubbing								
Grading								
Mobilization								
<b>Subtotal:</b>								
Materials								
Trees								
Nature Trail								
Native Plants								
Bioswales								
<b>Subtotal:</b>								
Other								
Hazard Insurance/Bond								
Inspections								
Signs & Interpretive Aids								
<b>Subtotal:</b>								
<b>Total Construction:</b>								
<b>Contingency (not to exceed 10% of grant)</b>								
<b>Grand Total</b>								

Task listing should be detailed and customized to fit your project application. Each funding source, whether in-kind or cash, should have its own column. Specify both funding source and whether funds are in-kind or cash in each column heading. The EEM grant-funded tasks should not be split with tasks funded by other Funding Sources. The unit price multiplied by the quantity equals the Total Amount column. The EEM Grant and Other Funding Sources should also sum to the Total Amount column.

**APPENDIX H - COST ESTIMATE FOR LAND ACQUISITIONS**  
**(Please complete one form for each separate escrow)**

<b>Project Title:</b>					
<b>Assessor's Parcel Number(s)</b>	<b>Acreage</b>	<b>Indicate Fee or Easement</b>	<b>Willing Seller Name and Address</b>		
<b>ACQUISITION COST ESTIMATE</b>					
	<b>Total Costs</b>	<b>EEM Grant</b>	<b>Other Funding Source (Name)</b>	<b>Other Funding Source (Name)</b>	<b>Other Funding Source (Name)</b>
Estimated Fair Market Value of property					
Relocation Costs					
Preliminary Title Reports, Appraisal					
Escrow Fees, Title Insurance, Closing Costs					
Surveying ( <i>limited to boundary line adjustment</i> )					
Direct costs ( <i>staff and consultants – limited to \$10,000 per grant</i> )					
State approval of appraisal, transaction review, etc. ( <i>Recommend budgeting \$10,000</i> )	<b>\$10,000</b>				
Contingency ( <i>not to exceed 10% of total grant</i> )					
Funding Acknowledgement Sign(Appendix Q) ( <b>Required</b> )					
7. Other ( <i>specify</i> )					
<b>Grand Total</b>					

**Acquisition Schedule\***

**Completed By**

Complete Appraisal	
Submit appraisal, purchase docs and title report to State	
Open escrow & request advance into escrow	
Submit instruments of conveyance	
Close escrow (submit final closing documents to State)	
Install Bond Acknowledgement Sign	
Close-out	

\*Grantee should submit evidence of progress on the acquisition within 6 months of grant execution.



## APPENDIX I - PROPERTY DATA SHEET

Complete the Property Data Sheet listing each parcel included in the proposed project, as well as the owner(s) of each parcel. Indicate and attach all required documents\* including any clarifying comments below. Attach additional sheets if necessary.

No	Owner Name	Assessor Parcel Number(s)	Acreage	If parcel(s) owned by Applicant(s), indicate type of ownership			For all parcels, indicate *document used to demonstrate ownership and attach a copy of each document-clearly labeled with the APN-to this document	If parcel(s) not owned by Applicant(s) indicate *document verifying long-term Permission to Develop and maintain <b>and attach</b>						Entity to perform O&M	# of years O&M to be performed
				Fee Simple	Easement	Other (describe)		Proof of Ownership (tax bill, grant deed, etc.)	O&M Agreement	Lease	JPA	Letter from Owner	Other (describe)		
1															
2															
3															
4															
5															
6															
7															
8															
9															
10															
<b>Comments:</b>															

**Total Number of Parcels:** \_\_\_\_\_ **Total Number of Acres:** \_\_\_\_\_

## APPENDIX J - 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 Wildlife	Streambed Alteration Agreement Permit (Section 1600)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
California Department of Fish and Wildlife	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"/>	
Model Water Efficient Landscape Ordinance		<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"/>	
City/County	Model Water Efficient Landscape Ordinance – Landscape Documentation Package	<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):					
<b>Describe any potential delays due to permitting (indicate specific permits).</b>					

**Note: If acquiring a long-term encroachment permit, submit evidence that the entity with jurisdiction over the project is aware of the project and willing to work with the Applicant to issue the permit.**

## APPENDIX K - ENVIRONMENTAL COMPLIANCE

To demonstrate compliance with the California Environmental Quality Act Division 13 (commencing with Section 2100; 14 California Code of Regulations section 15000 *et seq.* ["CEQA"]), Applicants must submit one of the following:

- a) Notice of Exemption **stamped by the county clerk** if the EEM Project is categorically exempt.
- b) Negative Declaration and Initial Study including the checklist and Notice of Determination **stamped by the county clerk and 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.

For b and c: include documentation that the State of California Department of Fish and Game CEQA fee was paid or is not applicable.

- d) For EEM 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 and State Clearinghouse, as applicable.

Where a lead agency cannot make the findings required in Section 21157.1 Subdivision (c) of the California Public Resources Code for a subsequent Project, CEQA compliance shall include a copy of the Mitigated Negative Declaration or Environmental Impact Report.

**APPENDIX L - WILLING SELLER LETTER**  
(Acquisition Projects Only)

If a purchase option agreement has not been executed, acquisition application packages must include willing seller letters from **each person on the title**. The letter must include the following information and be signed and dated from the legal owner(s) of each parcel to be acquired.

***(Sample -- Willing Seller Letter)***

Date:

To: California Natural Resources Agency  
Environmental Enhancement and Mitigation (EEM) Grant Program

From: Name(s) of Legal Owner (*Trust, etc.*)  
Address of Legal Owner(s)

Re: Parcel number(s):  
County:  
Property Address:

To Whom It May Concern:

This letter is provided to confirm that (*name of owner, trust, etc.*), owner of the above referenced property, is a willing participant in the proposed real property transaction. Should grant funds be awarded to the grant Applicant (*name of grant Applicant*), then (*name of owner, trust, etc.*), as Seller, is willing to enter into negotiations for the sale of the real property for a purchase price at or below fair market value.

Acknowledged:

\_\_\_\_\_  
*Signature of land owner*

\_\_\_\_\_  
*Date signed*

\_\_\_\_\_  
*Signature of land owner*

\_\_\_\_\_  
*Date signed*

\_\_\_\_\_  
*Signature of land owner*

\_\_\_\_\_  
*Date signed*

## **APPENDIX M – SITE CONTROL / LAND TENURE REQUIREMENTS**

The State recognizes that specific activities may change over time; however, the property must remain available for compatible Environmental Enhancement and Mitigation (EEM) Program use in accordance with the following requirements:

### **Acquisition Projects**

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

### **Development Projects**

The Grantee shall maintain and operate the project developed pursuant to this grant for:

- a. At least 10 years for Grants **up to \$100,000**
- b. At least 20 years for Grants **\$100,000 up to \$1 million**

### **All Projects**

1. The Grantee shall not use or allow the use of any portion of the real property for mitigation (i.e., to compensate for adverse changes to the environment elsewhere) without the written permission of the State.
2. The Grantee shall not use or allow the use of any portion of the real property as security for any debt.
3. 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 1) clearly spell out the roles of each party in detail, 2) be signed by all 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.
4. 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.
5. For projects funded under the EEM Program, the Grantee will accept, sign, and record against the subject property, whether the Grantee owns the property or not, a Memorandum of Unrecorded Grant Agreement (MOUGA)/Deed Restrictions, to define the State's interest in the property (see Appendix R).

Exceptions for development projects may be granted as appropriate and at the sole discretion of the State.

## APPENDIX N - ELIGIBLE COSTS

Direct project-related costs incurred during the project performance period specified in the Grant Agreement may be eligible for reimbursement and must be supported by appropriate documentation. **Indirect costs and costs incurred outside of the project performance period are not eligible for reimbursement.**

Projects must comply with Labor Code Section 1771.5, therefore, include prevailing wages in your cost estimates, as applicable. Refer to the Department of Industrial Relations' Division of Labor Statistics and Research website at <http://www.dir.ca.gov/DLSR/PWD/index.htm> for general prevailing wage determinations. For questions about prevailing wage, contact Department of Industrial Relations.

### All Projects

1. Only direct costs are eligible. General administrative costs and overhead (e.g., costs calculated as a percentage of other direct costs, such as telephone, fax, and space rental, etc.) and endowments for ongoing project maintenance are not eligible and will not be reimbursed.
2. 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 that can be used for project management/non-construction pre-implementation.
3. Signs and Interpretive Aids – Costs include construction of exhibits, kiosks, display boards or signs located at and communicating information about the EEM project and the required funding acknowledgement signs (see Appendix Q).

### Development Projects

#### 1. Project Management/Non-Construction Costs

- a. Up to 25 percent (25%) of the grant funds for a development project may be spent on project management/non-construction (pre-implementation) costs, including but not limited to: planning and design, architecture and engineering, construction plans, permitting, and direct project administration and management.
- b. 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 benefits such as vacation, sick leave, Social Security contributions, etc., that are customarily charged to the recipient's various projects, **excluding** overhead allocations.
  - i. 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 and payroll records. Overtime costs may be allowed under the recipient's established policy provided the regular work time was devoted to the same project.

- ii. Salaries and wages claimed for employees working on State grant-funded projects must not exceed the Grantee's established rates for similar positions.

## 2. Contracted Services

The costs of contracted services may be reimbursed if invoices are presented with payment requests that identify the specific project activities and are supported by evidence of payment.

## 3. Construction

- a. **Labor** - All necessary labor and construction activities to complete the project are eligible, including site preparation (demolition, clearing and grubbing, excavation, grading), monitoring (including soil and water testing during construction), onsite/field implementation, and construction supervision, etc. The grant can pay for up to two years of plant establishment, as deemed appropriate.
- b. **Trees, supplies, and materials** – may be purchased for a specific project or may be drawn from a central stock, provided that they are claimed at a cost no higher than that paid by the Grantee.
- c. **Equipment** - 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.<sup>7</sup>
  - i. 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.
  - ii. 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 completion of the project.
- d. **Supplies and Materials** – 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.

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<sup>7</sup> The equipment rental rates published by the California Department of Transportation may be used as a guide. (refer to <http://www.dot.ca.gov/hq/construc/equipmnt.html>)

4. **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 Agency. Some of these costs may include:
- a. Premiums on hazard and liability insurance to cover personnel and/or property
  - b. 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)
  - c. Transportation costs for moving equipment and/or personnel

### **Acquisition Projects**

1. Acquisition – Costs of acquiring real property are eligible and include the purchase price of the property at or below approved fair market value, appraisals, surveys for boundary adjustments, preliminary title reports, escrow fees and title insurance fees.
2. Applicants should justify the cost effectiveness of a proposed acquisition, including the cost/benefit of acquiring easements versus fee title, when appropriate.
3. Costs of obtaining State approvals of purchase price and transaction reviews from the State Department of General Services are also allowable.
4. Relocation costs are eligible for Acquisition projects that result in displacement of any person and/or business (See State Relocation Act requirements, Chapter 16, Section 7260 et seq., Government Code).
5. Direct Staff and Consultant Services - The costs of direct staff and consultant services necessary for the project are eligible and may be reimbursed up to \$10,000. Invoices must be presented with payment requests that identify the specific project activities, and include evidence of payment. Consultants must be paid by the customary or established method and rate of the Applicant. No consultant fee may be paid to the Applicant's own employees without prior approval or unless specifically agreed to by the Agency.



## APPENDIX O - REIMBURSEMENT PAYMENT PROCESS

All payments are made on a **reimbursement** basis (i.e., the Grantee pays for the services, products or supplies and is reimbursed by the State) with the exception of advances to escrow.

- A. The Grant Agreement Cost Estimate will be used by Agency as the basis for reimbursement.
- B. Direct project-related costs specified in the Grant Agreement will be eligible for reimbursement.
- C. Funds cannot be reimbursed until a fully executed Grant Agreement is in place. No costs incurred outside of the project performance period specified in the Grant Agreement will be reimbursed.
- D. All requests for reimbursement must be supported by appropriate documentation including evidence of payment (with the exception of Advances to escrow for acquisition projects).
- E. Agency may recommend projects to the CTC with unallocated reductions in grant funding or with specific line item reductions. In such cases, the Applicant may elect to use non-grant sources of funding if it is deemed necessary to complete the project as planned.

### F. **Development Projects**

- 1. Funds cannot be disbursed until there is a fully executed Grant Agreement between the State and the Grantee.
- 2. Payments will be made on a **reimbursement** basis (i.e., the Grantee pays for services, products or supplies and is reimbursed by the State).
- 3. All costs submitted for reimbursement must be supported by appropriate invoices, purchase orders, canceled warrants, and other documentation.
- 4. Periodic progress payments may be contingent upon satisfactory documentation of stated objectives in the application and administrative benchmarks (e.g., collaboration efforts, outreach, funding acknowledgement signs, final design, etc.).
- 5. At the sole discretion of the State, ten percent (10%) of the amounts submitted for reimbursement will be retained and released as a final payment upon satisfactory project completion.

### G. **Acquisition Projects**

- 6. Payments are contingent on the Department of General Services (DGS) approving the appraised fair market value of the property.
- 7. State-approved purchase price (at or below fair market value), together with eligible acquisition costs, may be advanced into an escrow account within 60 days of close of escrow.
- 8. At the sole discretion of the State, all disbursements are subject to a ten percent (10%), retention.
- 9. The remainder of the Grant, if any, shall be available on a reimbursement basis for other eligible costs.

## APPENDIX P - STATE AUDIT AND ACCOUNTING REQUIREMENTS

- A. 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, advance notice will be given. 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.
- B. Grantee must have the project records, including the source documents and evidence of payment, 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.
- C. Grantee must maintain an accounting system that:
  - 1. Accurately reflects fiscal transactions, with the necessary controls and safeguards.
  - 2. Provides a good audit trail, including original source documents such as purchase orders, receipts, progress payments, invoices, employee time cards, paystubs and evidence of payment, etc.
  - 3. Provides accounting data so the total cost of each individual project can be readily determined.
- D. Records Retention
  - 1. A project is considered complete upon receipt of final grant payment from the State.
  - 2. Records must be retained for a period of three (3) years after final payment is made by the State.
  - 3. All project records must be retained by the Grantee at least one (1) year following an audit.
  - 4. 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.

## APPENDIX Q - SIGN GUIDELINES

All Grantees are required to post a sign at the project site. The sign must be available for the final inspection of the project. There is no minimum or maximum size (other than the minimum size for the logo) as long as the sign contains the required wording.

### Types of Signs

- 1) A sign is required during construction.
- 2) A sign must be posted upon completion. (1 & 2 can be the same if sign is durable).

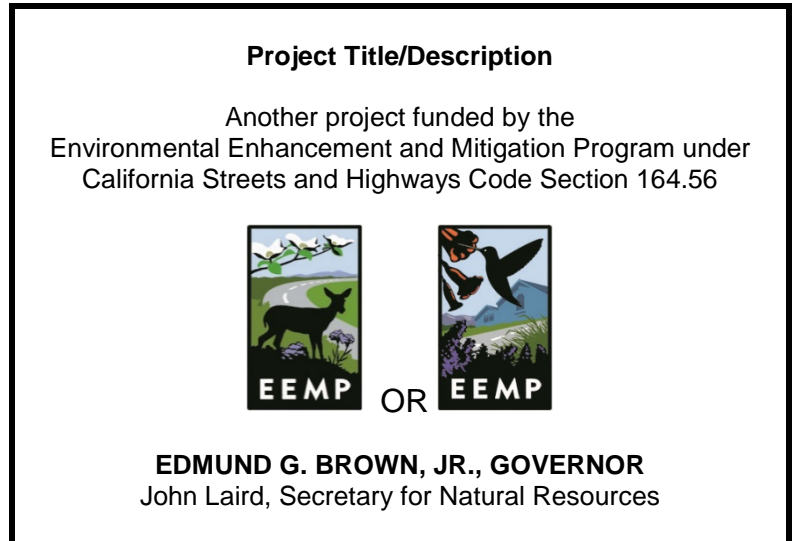
### Language for Signs

All signs will contain the following minimum language:

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

### Logo(s)

All signs must include **your choice of one** of the EEM Program logos which must be mounted in an area to maximize visibility and durability. The **height** of the logo must be a minimum of 12 inches - exceptions may be approved when appropriate.



The logo is available at: [http://resources.ca.gov/bonds\\_and\\_grants/logos/](http://resources.ca.gov/bonds_and_grants/logos/)

### 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, mounting specifications, etc.

### Sign Duration

Project signs must be in place for a minimum of four (4) years from date of project completion.

### Sign Cost

The cost of the sign(s) is an eligible project cost. More permanent signage is also encouraged (e.g., bronze memorials mounted in stone at trailheads, on structures, etc.).

### Appropriateness of Signs

For projects where the required sign may be out of place or where covered 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 your local Caltrans District Office early in the planning process for more information. You can find your local Caltrans District Office by visiting <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. Funds for development projects will not be reimbursed until signage has been approved and installed.

**APPENDIX R - MEMORANDUM OF UNRECORDED GRANT AGREEMENT/  
DEED RESTRICTIONS**

Recording requested by, and )  
when recorded, return to: )  
State of California )  
Natural Resources Agency )  
Bonds & Grants )  
1416 Ninth Street, Suite 1311 )  
Sacramento, CA 95814 )

Space above this line for Recorder's use

**MEMORANDUM OF UNRECORDED GRANT AGREEMENT/DEED RESTRICTIONS**

This Memorandum of Unrecorded Grant Agreement/Deed Restrictions (Memorandum), dated as of \_\_\_\_\_, 20\_\_\_\_, is recorded to provide notice of an agreement between the State of California, by and through the Natural Resources Agency ("Agency") and

\_\_\_\_\_  
("Grantee").

RECITALS

- On or about \_\_\_\_\_, \_\_\_\_\_, Agency and Grantee entered into a certain Grant Agreement, Grant No. \_\_\_\_\_ ("Grant"), pursuant to which Agency granted to Grantee certain funds for the acquisition or development of certain real property, more particularly described in attached Exhibit A and incorporated by reference (the "Real Property"). **(Must attach the legal description as Exhibit A.)**
- Under the terms of the Grant, Agency reserved certain rights with respect to the Real Property.
- Grantee desires to execute this Memorandum to provide constructive notice to all third parties of certain Agency reserved rights under the Grant.

NOTICE

- The Real Property (including any portion of it or any interest in it) may not be sold or transferred without the written approval of the State of California, acting through the Natural Resources Agency, or its successor, provided that such approval shall not be unreasonably withheld as long as the purposes for which the Grant was awarded are maintained.
- The Grantee shall not use or allow the use of any portion of the real property for mitigation without the written permission of the State.
- The Grantee shall not use or allow the use of any portion of the real property as security for any debt.
- For additional terms and conditions of the Grant, reference should be made to the Grant Agreement, which is on file with the Natural Resources Agency, 1416 Ninth Street, Suite 1311, Sacramento, California 95814.

GRANTEE:

By: \_\_\_\_\_

## APPENDIX S - AUTHORIZING LEGISLATION

### SECTION 1 OF ARTICLE XIX OF THE CALIFORNIA CONSTITUTION

#### California Streets and Highways Code Section 164.56

- 164.56. (a) It is the intent of the Legislature to allocate seven million dollars (\$7,000,000) annually to the Environmental Enhancement and Mitigation Program Fund, which is hereby created.
- (b) Local, state, and federal agencies and nonprofit entities may apply for and may receive grants, not to exceed five million dollars (\$5,000,000) for any single grant, to undertake environmental enhancement and mitigation projects that are directly or indirectly related to the environmental impact of modifying existing transportation facilities or for the design, construction, or expansion of new transportation facilities.
- (c) Projects eligible for funding include, but are not limited to, all of the following:
- (1) Urban forestry projects designed to offset vehicular emissions of carbon dioxide.
  - (2) Acquisition or enhancement of resource lands to mitigate the loss of, or the detriment to, resource lands lying within the right-of-way acquired for proposed transportation improvements.
  - (3) Projects to mitigate the impact of proposed transportation facilities or to enhance the environment, where the ability to effectuate the mitigation or enhancement measures is beyond the scope of the lead agency responsible for assessing the environmental impact of the proposed transportation improvement.
- (d) Grant proposals shall be submitted to the Resources Agency for evaluation in accordance with procedures and criteria prescribed by the Resources Agency. The Resources Agency shall evaluate proposals submitted to it and prepare a list of proposals recommended for funding. The list may be revised at any time. Prior to including a proposal on the list, the Resources Agency shall make a finding that the proposal is eligible for funding pursuant to subdivision (f).
- (e) Within the fiscal limitations of subdivisions (a) and (b), the commission shall annually award grants to fund proposals that are included on the list prepared by the Resources Agency pursuant to subdivision (d).
- (f) Projects funded pursuant to this section shall be projects that contribute to mitigation of the environmental effects of transportation facilities, as provided for by Section 1 of Article XIX of the California Constitution.

## APPENDIX T - RESOURCES FOR SUSTAINABLE COMMUNITIES

### Legislation

**AB 32, the Global Warming Solutions Act of 2006** Sets the 2020 greenhouse gas emissions reduction goal into law. CalEPA Air Resources Board. <http://www.arb.ca.gov/cc/ab32/ab32.htm>

**SB 32**, confirms the State's continued commitment to reducing GHG emissions to a target of 40% below 1990 levels by 2030 [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB32](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB32)

**California Environmental Quality Act (CEQA)** Statute and Guidelines. [http://resources.ca.gov/ceqa/docs/2016\\_CEQA\\_Statutes\\_and\\_Guidelines.pdf](http://resources.ca.gov/ceqa/docs/2016_CEQA_Statutes_and_Guidelines.pdf)

### Plant Palette and Water Use

**CAL FIRE's Tree Planting Standards and Specifications** [http://www.fire.ca.gov/resource\\_mgt/downloads/CALFIRE\\_Nursery\\_Standards\\_and\\_Specs11\\_12.pdf](http://www.fire.ca.gov/resource_mgt/downloads/CALFIRE_Nursery_Standards_and_Specs11_12.pdf)

**California Invasive Plant Inventory Database** <http://www.cal-ipc.org/paf/>

**California Native Plant Society** <http://www.cnps.org/cnps/grownative/lists.php/>

**CalPoly Urban Forest Ecosystems Institute** [www.ufe.org](http://www.ufe.org)

**i-Tree Planting** <https://planting.itreetools.org/>

**i-Tree Streets** <http://www.itreetools.org/>

**SelectTree** Urban Forest Ecosystems Institute at Cal Poly <http://selecttree.calpoly.edu/>

**Model Water Efficient Landscape Ordinate** <https://www.water.ca.gov/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency>

**OPALS- Plant Allergy Scale** <http://www.allergyfree-gardening.com/>

**Tree Standards & Specifications** [https://ufe.calpoly.edu/tree\\_standards.lasso](https://ufe.calpoly.edu/tree_standards.lasso)

**Water Use Classification Of Landscape Species** <http://ucanr.edu/sites/WUCOLS/>

**WUCOLS Made Easy** <http://www.cselandscapearchitect.com/2013/10/15/wucols-made-easy/>

### Project Planning

**California Regional Progress Report (2010)** - Framework for measuring sustainability based on twenty integrated, place-based quality-of-life regional indicators. [http://dot.ca.gov/hq/tpp/offices/orip/Collaborative%20Planning/California\\_Regional\\_Progress\\_Report.html](http://dot.ca.gov/hq/tpp/offices/orip/Collaborative%20Planning/California_Regional_Progress_Report.html)

**California Stormwater Quality Association** <https://www.casqa.org/resources/california-lid-portal>

**California Water Action Plan** [http://resources.ca.gov/docs/california\\_water\\_action\\_plan/Final\\_California\\_Water\\_Action\\_Plan.pdf](http://resources.ca.gov/docs/california_water_action_plan/Final_California_Water_Action_Plan.pdf)

**Caltrans District Local Assistance Offices** <http://www.dot.ca.gov/localoffice.htm>

**Safeguarding California (draft)** <http://resources.ca.gov/climate/safeguarding/>

**Save Our Water website at** <http://saveourwater.com/>

**Strategic Growth Council** A cabinet level committee tasked with coordinating member state agencies to improve air and water quality, protect natural resources and agriculture lands, revitalize community and urban centers, etc. <http://sgc.ca.gov/>

## APPENDIX U - DEFINITION OF TERMS

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

**Americans with Disabilities Act (ADA):** The U.S. Americans with Disabilities Act of 1990 that gives civil rights protections to individuals with disabilities, guaranteeing equal opportunity in employment, public accommodations, transportation, State and local government services, and telecommunications.

**Acquisition:** The act of obtaining a fee interest or any other interest, including easement, leases, and development rights.

**Adaptive Management:** An iterative approach to managing ecosystems, where the methods of achieving the desired objectives are unknown or uncertain.

**Applicant:** The eligible organization requesting funding from this program to be administered by the State.

**California Department of Transportation (Caltrans):** The State agency responsible for improving mobility across California with six primary programs: Aeronautics, Highway Transportation, Mass Transportation, Transportation Planning, Administration and the Equipment Service Center.

**California Natural Resources Agency (Agency):** The State agency responsible for reviewing and evaluating EEM applications and administering the EEM grants once funding awarded by the California Transportation Commission.

**California Transportation Commission (CTC):** The State agency responsible for the construction of highway, passenger rail and transit improvements throughout California. For purposes of this program, the entity responsible for approving awards recommended by the Secretary for Natural Resources.

**CEQA:** The California Environmental Quality Act, Public Resources Code Section 21000 et seq.; Title 14, California Code of Regulations, Section 15000 et seq. The California Environmental Quality Act is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible.

**Climate Adaptation:** The Adjustment or preparation of natural or human systems to a new or changing environment which moderates harm or exploits beneficial opportunities.<sup>8</sup>

**Climate Change:** Any long term change in average climate conditions in a place or region, whether due to natural causes or the result of human activity.<sup>9</sup>

**Community:** A population of persons residing in the same locality under the same local governance, such as a city, town, county, or named unincorporated area.

**Conservation Easement:** Any limitation in a deed, will or other instrument in the form of an Easement, restriction, covenant or condition which is or has been executed by or on behalf of the owner of the land subject to such easement and is binding upon the successive owners of such land, and the purpose of which is to retain land predominantly in its natural, scenic, historical, agricultural, forested or open-space condition (Civil Code Section 815.1).

**Development:** A Project that includes, but is not limited to, improvement, rehabilitation, restoration, enhancement, preservation, protection, and interpretation.

**Easement:** An interest in land entitling the holder thereof to a limited use or enjoyment of the land in which the interest exists.

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<sup>8</sup> Safeguarding California <http://resources.ca.gov/climate/safeguarding/>

<sup>9</sup> 2009 California Climate Adaptation Strategy [http://resources.ca.gov/docs/climate/Statewide\\_Adaptation\\_Strategy.pdf](http://resources.ca.gov/docs/climate/Statewide_Adaptation_Strategy.pdf)

**EEM Project:** The acquisition or development activity to be accomplished with Environmental Enhancement and Mitigation Program grant funds, and other funds if necessary, that meets eligibility requirements.

**Enhancement:** Modifications to current conditions that result in a natural resource, recreational area, or existing facility realizing desired improvements (e.g., greater public access, increased adaptation to climate change, etc.) while considering the protection of the natural environment. It is distinguished from "Restoration" in that it does not imply merely a return to natural conditions, but may include the provision of recreation, or other aspects that were not originally part of the features.

**Environmental Review/Compliance:** See CEQA and NEPA.

**Fair Market Value (FMV):** The value placed upon the property as supported by an appraisal that has been reviewed and approved by the California Department of General Services.

**Global Warming Solutions Act of 2006 (AB 32):** Requires California to lower greenhouse gas emissions to 1990 levels by 2020.

**Grant Administrator:** An employee of the State who manages the grants.

**Grant Agreement:** An arrangement between the State and grantee specifying the payment of funds by the State for the performance of specific EEM project objectives within a specific project performance period by the Grantee.

**Grantee:** An Applicant that has an agreement for grant funding with the State.

**Greenhouse Gases:** Include, but are not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride.

**Habitat:** The place where an animal or plant normally lives, often characterized by a dominant plant form or physical characteristic (i.e., forest habitat, stream habitat, etc.).

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

**Indirect/Overhead 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 indirect 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 not directly related to the project and supported with timesheets; and overhead such as rent, utilities, supplies, etc.

**Interpretation:** Includes, but is not limited to, visitor-serving amenities that communicate the significance and value of natural, historical and cultural resources in a way that increases understanding and enjoyment of those resources and that may utilize the expertise of a naturalist or other specialist skilled at educational interpretation.

**Landscape:** Arranging or modifying the features of a natural environment, such as planting trees, native grasses, flowers and/or shrubs.

**Land Tenure/Site Control:** The status of ownership or control over the project land, including legal long-term interests with the landowner, satisfactory to the State (see Appendix M).

**Lead Agency for CEQA:** The public agency with primary responsibility for approving a project that may have a significant impact upon the environment. Normally, the Lead Agency is the agency with general governmental powers such as a city or a county.

**Mitigation:** Human intervention to avoid or compensate for impacts on the natural environment by repairing, rehabilitating, restoring, replacing or providing substitute resources or environments. (For purposes of this program, impacts are caused by construction of a new or modification of an existing Transportation Facility.)



**NEPA:** The National Environmental Policy Act that establishes national environmental policy and goals for the protection, maintenance, and enhancement of the environment, and provides a process for implementing these goals within the federal agencies.

**NET GHG Benefit:** The sum of the greenhouse gas emission reductions and sequestration, less any greenhouse gas emissions resulting from project implementation.

**Nonprofit Organization:** Any nonprofit corporation qualified to do business in California, and qualified under Section 501 (c) (3) of the Internal Revenue Code.

**Other Sources of Funds:** Cash or in-kind contributions that are required or used to complete the EEM project, beyond the grant funds provided by this program.

**Plant Palette:** A recommended list of plants (shrubs, trees, etc.) which are appropriate and sustainable for a given jurisdiction and/or environment, considering economic, environmental, and social factors such as rainfall, terrain, soil, maintenance requirements, appearance, desired function, and public use.

**Preliminary Project Costs:** Non-construction costs associated with preparations necessary to execute eligible EEM projects. Preliminary costs include conceptual designs, surveys, architectural and engineering plans, schematic documents; technical consulting, construction design, preparation of construction bidding documents, permits, or appraisals. Preliminary costs are distinct from costs of actual construction or acquisition land costs.

**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:** The description or activity of work to be accomplished by the EEM project.

**Public Agency:** Any State of California department or agency, a county, city, public district or public agency formed under California Law

**Related Transportation Facility:** A transportation project used as the basis for the EEM project, where construction began after January 1, 1990; or which is not yet under construction but is included in an adopted State Transportation Improvement Program (STIP) or in a locally adopted regional transportation improvement program and certified capital outlay program (Examples include city streets, highways, trains, ports, airports, light rail lines, mass transit stations, park and ride facilities, high-occupancy vehicle lanes, etc.).

**Resource Lands:** Natural areas, wetlands, forests (including tree canopy, plants and underbrush), woodlands, meadows, streams or other areas containing fish or wildlife habitat.

**Restore or Restoration:** To establish some of the structures, functions or dynamics of an indigenous (native) ecosystem.

**Right-of-Way:** An area of land over which people and goods have the right to pass or travel. A public right-of-way grants passage to all and provides the right to park registered vehicles in accordance with local parking restrictions. Public right-of-way is a form of easement typically dedicated to the local jurisdiction during subdivision for public use. Right-of-way is not part of the adjacent parcels; the right-of-way boundary usually coincides with adjacent parcel property lines. Right-of-way may also be deeded, in which case, it is not an easement, but land owned in fee by an entity or person(s).

**Secretary:** The Secretary for Natural Resources or his/her representative.

**State:** The State of California, or its representative.

**Stewardship Plan:** A plan to provide ongoing implementation and management associated with the acquisition of a conservation easement.

**State Transportation Improvement Program (STIP):** The biennial five-year plan adopted by the CTC for future allocations of certain state transportation funds for state highway improvements, intercity rail, and regional highway and transit improvements.

**Traditional Lands:** Lands that are synonymous with aboriginal or indigenous cultural territories or areas generally defined by natural boundaries containing static and transient habitation sites used for subsistence hunting, fishing and gathering that may have fluctuated and overlapped over time and where religious practices were culturally significant to the Native American tribe or their ancestors.

**Urban forestry:** The care and management of single trees and tree populations in urban settings for the purpose of improving the urban environment

**Willing Seller:** The project property owner(s) that is/are a willing participant(s) in the proposed real property transaction and at a purchase price at or below fair market value as verified by the State.