

ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM

2019 Grant Cycle



GUIDELINES AND PROJECT PROPOSAL

STATE OF CALIFORNIA
April 2019



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TECHNICAL ASSISTANCE WORKSHOPS

<p>Sacramento Tuesday, April 30, 2019 9:30 am – 11:30 am CalEPA Sierra Hearing Room 1001 I Street Sacramento, CA 95812</p> <p>Parking: http://www.cityofsacramento.org/Public-Works/Parking-Services</p>	<p>Sacramento Tuesday, April 30, 2019 9:30 am – 11:30 am Webcast</p> <p>To access the webcast go to https://video.calepa.ca.gov/. The audio and visual links to the webcast will become active approximately 15 minutes before the start of the meeting.</p>
<p>Los Angeles Thursday, May 2nd, 2019 11:00 am – 1:00 pm Los Angeles River Center and Gardens Atrium Room 570 West Avenue 26 Los Angeles, CA 90065</p> <p>Parking: Free onsite parking</p>	<p>Yucaipa Friday, May 3rd, 2019 9:00 am – 11:00 pm Yucaipa Community Center 34900 Oak Glen Road Yucaipa, CA 92399</p> <p>Parking: Free onsite parking</p>
<p>Fresno Tuesday, May 7th, 2019 11:00 am – 1:00 pm Department of Transportation Manchester Office Yosemite Room #145 2015 East Shields Avenue, Suite 100 Fresno, CA 93726</p> <p>Parking: Free onsite parking</p>	<p>San Diego Friday, May 10, 2019 1:00 pm – 3:00 pm Mission Trails Regional Park Visitor and Interpretive Center One Father Junipero Serra Trail San Diego, CA 92119-1008</p> <p>Parking: Free onsite parking</p>

PLEASE RSVP
(Not required, but helpful)

Submit RSVPs using the following link:
<https://forms.gle/SkGLdnVdivUgYnGg8>

or

via email at eemcoordinator@resources.ca.gov
 or by calling (916) 653-2812

These guidelines include information to assist applicants in applying for funding. Please read them in their entirety for important information on project eligibility, evaluation criteria, and submission requirements.

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

Phone: (916) 653-2812

Email: eemcoordinator@resources.ca.gov

Website: <http://resources.ca.gov/grants/>

HOW TO SUBMIT

This grant program includes a progressive, three-step evaluation process

- 1) Project Proposal
- 2) On-Site Field Visit
- 3) Supporting Documents

All documents are submitted using the California Natural Resources Agency's System for Online Application Review (SOAR), which can be found at: <https://soar.resources.ca.gov>.

To access SOAR, applicants must create a user account. A detailed SOAR user manual is located on the California Natural Resources Agency's website at <http://resources.ca.gov/grants/>.

SOAR is **not** compatible with Mac computers or the Mozilla Firefox web browser. SOAR works best on a PC using Internet Explorer.

SOAR SYSTEM QUESTIONS

For technical assistance with SOAR, please call or e-mail the SOAR help desk.

Hours: 8:00 am to 4:00 pm M-F

Phone: (916) 653-6138

Email: soar.admin@resources.ca.gov

When contacting the SOAR help desk, provide the following:

- Proposal Identification Number (PIN) assigned to the Project Proposal
- Name of the Grant Program
- Short description of the problem, including where it is occurring within the Project Proposal
- A screen shot of the error received, if applicable.

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INTRODUCTION

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 project proposals and submits a list of projects recommended for funding to the California Transportation Commission (CTC). The CTC awards grants to projects from Agency's list.

Maximum Awards

Grants for individual projects are generally limited to \$500,000 each. Applicants must submit a Cost Estimate (Appendix D for Development Projects or Appendix E 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, project proposals which include other sources of funds for the proposed project may be more competitive.

B. Other Funding Sources

Applicants who have obtained, or are planning to obtain, other sources of funds for a project should identify each source of funding separately on the Cost Estimate (Appendix D or E), 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.

STATUTORY REQUIREMENTS

Eligible Applicants

Local, state and federal agencies and 501(c)(3) nonprofit entities 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 a project proposal.

For Development projects, only one project proposal may be submitted per eligible Applicant. However, more than one project proposal may be submitted for Acquisition projects.

Eligible Projects

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 the right-of-way acquired for transportation improvements.
- C. **Mitigation Projects Beyond the Scope of the Lead Agency** 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.

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 ¹	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.

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

- E. It is up to Applicants to demonstrate the connection between the RTF and the EEM project.
 1. Applicants must describe the RTF thoroughly and provide location maps or site plans.

¹ The closer the proposed EEM project is to the RTF, the more competitive the project proposal.

2. Applicants must establish that there was an environmental impact caused by the RTF. Applicants must show what environmental impacts the RTF created and what mitigation was required by law.
3. The more directly the EEM project mitigates the 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 (CEQA) must be **completed** for the RTF at the time of project proposal submission, even if construction of the RTF has not yet begun. A Letter from the Lead Agency for the RTF documenting the environmental impacts (Appendix B) must be submitted with the project proposal 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 maintenance. A bicycle lane or a sound barrier, which in itself mitigates an environmental impact, would not qualify as an RTF.

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.

I. Under circumstances where a transportation project received a Negative Declaration or Categorical Exemption and is not required to provide mitigation, Applicants 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 Applicants to:

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

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

J. 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.

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 funding amount recommended to projects in northern counties and 60 percent of the total funding 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.

Minimum Requirements

Projects must meet **all** of the following minimum requirements to be considered for funding.

1. Applicants must establish and demonstrate a direct or indirect relationship between the EEM project and the modification or construction of a RTF.
2. The RTF must have an adverse impact on the environment.
3. The EEM project must be different from the RTF.
4. The EEM project must mitigate the environmental damage caused by the RTF.
5. 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.
6. The EEM project must not limit currently planned or anticipated future improvements to the RTF.
7. 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.
8. If the EEM project is on a State-owned right-of-way, applicable State design and construction standards and practices must apply.
9. If the EEM project is off a State-owned right-of-way, applicable design and construction standards and practices of the local government having jurisdiction over the project location shall apply.
10. Comply with the California Environmental Quality Act (CEQA), Division 13 (commencing with Section 21000). **CEQA must be complete for the proposed EEM project and a copy of the filed and county clerk-stamped compliance documents submitted with the project proposal (see Appendix C).**

Statewide Project Goals

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

- Decreased air and/or water pollution.
- Reduced consumption of natural resources and energy.
- Increased reliability of local water supplies.
- Increased adaptability to climate change.

Examples of Eligible Projects

The list below provides examples of project elements that meet statutory conditions. It is not a comprehensive list.

Urban Forestry:

- Planting of trees and other plants along urban streets and medians.
- Greening existing public lands and structures, including school campuses and urban parks.
- Greening vacant lots and abandoned sites.
- Restoration of urban creeks.

Resource Lands:

- Removal of invasive and restoration of natural plant species.
- Enhancement or restoration of 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.
- 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.
- Acquisitions to preserve in perpetuity Resource Lands for agricultural uses, open space, wetlands, etc.

Mitigation Projects Beyond the Scope of the Lead Agency:

Any of the project examples listed under Urban Forestry and Resource Lands categories may be eligible under the Mitigation Projects Beyond the Scope of the Lead Agency category, if the mitigation or enhancement measures for the RTF were either not feasible or beyond the jurisdiction and/or authority of the Lead Agency for the RTF.

Carbon Offset Projects

At the sole discretion of 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 project proposal plans for carbon offset projects in the project area.**

Examples of Ineligible Projects

The list below provides examples of projects and elements that are not eligible under the EEM Program. It is not a comprehensive list.

- Projects with no specific RTF clearly identified or where construction of the RTF started before 1990.
- Project proposals that do not clearly demonstrate a connection between environmental damage caused by the RTF and the proposed EEM project.
- Projects where CEQA has not been completed.
- Planning only, or operation and maintenance projects.
- Commuter trails.
- Projects that plant invasive plants or trees, or plant for aesthetic purposes only.
- Projects to construct parking lots or bridges (may be funded only as a necessary but minor component).
- Educational or training programs.
- Projects that create or improve roads for motorized use.
- Projects that will not be completed prior to the funding liquidation date.
- Acquisition of property that cannot be purchased at or below fair market value.
- Development projects contingent on future acquisition for project implementation.
- Projects that include both acquisition and development (must be one or the other, not both).
- Acquisitions involving eminent domain.
- Projects that are intended to correct problems caused by inadequate maintenance.
- Project proposals that include more than one project.
- Projects where applicants cannot demonstrate satisfactory permission to develop/maintain project site.
- Projects that include planting trees larger than 15 gallons, even if proposed with other funding sources.
- Resource Lands projects in which the RTF does not specifically impact "Resource Lands".

Other Funding Considerations

In evaluating projects, the State may consider factors including, but not limited to, economic benefits, statewide significance, geographic distribution of funds, and other potential project benefits, as well as partial funding.

In addition, projects must:

1. Be acquired from a willing seller in an amount at or below fair market value, as approved by the State (acquisitions).
2. Comply with all labor codes.
3. Provide public access, where feasible.
4. Engage with the local community to develop and support the project.
5. Provide multiple benefits (environmental, social, health benefits, etc.) to the community.
6. Be developed on or acquired where parcels are contiguous.

Website addresses and links to legislation and other available resource and reference materials may be found in Appendix P.

SELECTION PROCESS

1. Applicants submit project proposals through the System for Online Application Review (SOAR). No hardcopy project proposals are required.
2. Project proposals are reviewed and evaluated. Incomplete or ineligible project proposals may be removed from the competitive process.
3. Field visits are conducted for the most competitive projects.
4. Applicants selected to further compete submit additional documentation.
5. Documentation is evaluated with the most competitive applicants being recommended for funding.
6. Recommendations are submitted to the California Secretary for Natural Resources (Secretary).
7. The Secretary makes funding recommendations to the CTC.
8. The CTC approves recommendations.
9. Final funding decisions are announced.

All information contained in the project proposal and supporting documentation is confidential until grant awards are announced.

The State reserves the right to reject an applicant who is in violation of law or policy at any other public agency. Potential violations include, but are not limited to, being in default of performance requirements in other contracts or grant agreements issued by the State, being engaged in or suspected of criminal conduct that could poorly reflect on or bring discredit to the State or failing to have all required licenses necessary to carry out the project.

The State 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.

Tribal Consultation

Applicants should consult and involve Native American Tribes and stakeholder groups regarding projects that affect California tribal communities.

Conflict of Interest

All applicants and individuals who participate in the review of submitted project proposals are subject to state and federal conflict of interest laws. Any individual who has participated in planning or setting priorities for a specific solicitation 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 project proposal being rejected 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 project proposals that will compete for funding.

EVALUATION/SCORING CRITERIA

Information provided during the evaluation process should demonstrate how effectively the proposed project meets statutory requirements and program objectives. Projects will be evaluated using the established criteria and any additional funding considerations. Projects will receive an initial ranking, with a score of 100 points possible. **Points will be attributed to each section and not to individual questions.**

General Criteria	0-45
➤ Mitigation and Enhancement (0-15)	
➤ Statewide Project Goals (0-10)	
➤ Other Sources of Funds/Local Cash Contributions (0-5)	
➤ Project Readiness/Organizational Capacity (0-15)	
Project Criteria	0-55
➤ Urban Forestry	
○ Suitability (0-20)	
○ Sustainability (0-20)	
○ Cost Effectiveness (0-10)	
○ Other Benefits and Community Participation (0-5)	
➤ Resource Lands	
○ Resource Value of Lands Lost or Injured by the RTF (0-10)	
○ Resource Value of EEM Project Lands (0-20)	
○ Sustainability (0-10)	
○ Cost Effectiveness (0-10)	
○ Other Benefits and Community Participation (0-5)	
➤ Mitigation Project Beyond the Scope of the Lead Agency	
○ Suitability (0-5)	
○ Elements of Mitigation (0-20)	
○ Sustainability (0-15)	
○ Cost Effectiveness (0-10)	
○ Other Benefits and Community Participation (0-5)	

STEP 1: PROJECT PROPOSAL

Applicants are required to submit an online project proposal in SOAR (System for Online Application Review) no later than **June 17, 2019 by 5:00 p.m.** No hard copies are required. Applicants proposing the most competitive eligible projects will be invited to compete in the next phase of the evaluation process, which includes an on-site field visit. The most competitive projects that receive a field visit will be invited to submit additional supporting documentation to continue in the competitive process. All project proposal submittals will include the following:

Project Summary

Describe the discrete EEM project including expected project deliverables. Include a brief description of the relationship to the RTF and how the EEM project mitigates for the environmental damage caused by the RTF. Also include a brief description of current site conditions and extent of public access for the proposed project, if applicable. Summaries are limited to 4,000 characters.

Project Questions

GENERAL CRITERIA QUESTIONS

Applicants must answer **all** the questions in this section. If a question does not apply to the project, indicate "Not Applicable" **with a brief explanation**. Do not leave blank fields. Answers are limited to 4,000 characters.

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.

1. Describe the RTF in detail.
2. Describe the adverse environmental impacts of the RTF, including impacts to the larger biological area, complex or system.
3. Provide a concise but complete explanation of the **required mitigation** for the RTF.
4. Describe the geographic proximity of the EEM project to the RTF.

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.

5. Describe how the EEM project mitigates for climate changes through one or more of the following:
 - a. Decreased air and/or water pollution
 - b. Reduced consumption of natural resources and energy
 - c. Increased reliability of local water supplies
 - d. Increased adaptability to climate change
6. Describe how the EEM project will help to meet California's greenhouse gas reduction targets.
7. Explain how the EEM project is consistent with local, state, and/or federal plans (e.g., General Plans, Transportation Plans, Climate Action Plans, etc.).

8. Explain how the EEM project enhances or expands the State Park System or adds to other protected public lands.
9. Describe how the EEM project reinforces, compliments or fills a deficiency or need in a larger area, complex or system.

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

Projects that leverage other funding sources may be more competitive.

10. Identify the sources and amount of funds already committed to the EEM project and the expected timing of those funds.
11. Identify sources and amount of funds yet to be secured and the expected timing.

Project Readiness/Organizational Capacity (0-15 points)

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

12. Describe the status of the following items for the EEM project, including anticipated timing for completion of each:
 - a. Preliminary designs
 - b. Necessary permits
 - c. CEQA (required)
 - d. Willing sellers (e.g., purchase agreement, option, discussions, etc.)
13. List all entities with jurisdiction over the project and the status of notifications, agreements, meetings, etc. (Property Owners, Caltrans, Railroad, Flood Control Districts, etc.).
14. Describe Applicant's experience completing this kind of project.
15. Describe Applicant's fiscal capacity to carry out the proposed EEM project on a reimbursement-only basis.
16. Describe Applicant's experience in managing other grant funded projects.

PROJECT CRITERIA QUESTIONS

Select **one** category for the proposed EEM project and provide responses to **all** the questions in the **selected category**. If a question does not apply to the project, indicate "Not Applicable" **with a brief explanation**. Do not leave blank fields. Answers are limited to 4,000 characters.

Urban Forestry

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

Suitability (0-20 points)

1. Describe the proposed EEM project.
2. Describe how the EEM project will mitigate the environmental impact of the RTF.
3. Explain specifically how vehicular emissions of carbon dioxide created by the RTF will be mitigated by the EEM Project.
4. Describe how the EEM project will reduce water usage with native, drought tolerant and low water use plantings.

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).

5. Describe the species of trees and plants to be used. If planting non-native species, explain the rationale behind the selections.
6. Describe how the tree and other plant species selected are ecologically and physically appropriate for their function in the planting space available.
7. Explain what consideration, if any, was given to pollen production in the project plant palette.
8. Explain how the project actively preserves and promotes species diversity in the urban forest.
9. Describe how the following is included in the project design:
 - a. Water use efficiencies.
 - b. Use of reclaimed or recycled water.
 - c. Use of permeable surfaces, bioswales, or other methods to capture, treat, infiltrate and/or reuse stormwater for groundwater recharge and/or reuse.
10. Describe how climate adaptation has informed the project design/decisions.
11. Describe plans for operating and maintaining the project and indicate the source of funds for ongoing management.

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.).

12. List the number of trees to be planted and the size of the planting area.
13. State the establishment cost per tree (including irrigation) over the first five years following planting.
14. Describe the use of volunteer labor and/or donated materials for the EEM project.

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.

15. Explain how the EEM project will:
 - a. Provide access to outdoor wildlife/nature-oriented recreational opportunities.
 - b. Increase opportunities for interpretive and/or environmental education.
 - c. Comply with Americans with Disabilities Act (ADA) accessibility requirements.
 - d. Maximize citizen involvement in project planning and implementation.
 - e. Provide community stewardship opportunities.
 - f. Provide additional benefits not previously discussed.

Resource Lands

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 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 compatible with conservation goals.

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 for projects to qualify in this category.

Projects that demonstrate the following will be more competitive in this category.

- Protect biodiversity, ecosystem health, habitat quality, and connectivity to secure 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.
- 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 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. Describe how Resource Lands were directly impacted by the RTF.
3. State if the Resource Lands are within the RTF right-of-way.

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

4. Describe the proposed EEM project including environmental condition of the Resource Lands to be acquired or enhanced.

5. Explain how the EEM project will mitigate the environmental impact of the RTF.
6. Differentiate the EEM project acquisition, restoration or enhancement from the required mitigation.
7. Describe how the EEM project:
 - a. Protects ecosystems, watersheds, and/or other natural systems.
 - b. Contains rare, threatened, or endangered species and their habitats.
 - c. Contains special wildlife values such as wildlife corridors, nesting and breeding areas, wetlands, woodlands, and riparian habitat.
 - d. Protects agricultural lands or features of archaeological or historical value.

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.

8. Describe plans for operating and maintaining the project and indicate the source of funds for ongoing management.
9. Describe plans for ongoing stewardship of acquired lands.
10. Describe how the following is included in the project design:
 - a. Water use efficiencies.
 - b. Use of reclaimed or recycled water.
 - c. Use of permeable surfaces, bioswales or other methods to capture, treat, infiltrate and/or reuse stormwater for groundwater recharge and or reuse.
11. Explain how the plant selection is appropriate and based on the approved plant palette for the project's specific California climate zone.
12. Describe how climate adaptation has informed the project design/decisions.

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.

13. State the number of acres to be acquired, restored or enhanced.

For acquisitions:

14. What is the fair market value of the property?
15. Has an appraisal been completed?
16. If not, what is the basis for this assessment?
17. Has the seller discounted the sale price? If yes, by how much?
18. Does the EEM project include a proposed and/or future carbon offset project in the project area?

For restorations or enhancements:

19. Describe methodologies planned for removal of exotic/invasive species and re-vegetation.

20. List the species and size of trees and plants to be used and describe how the selections are habitat appropriate.
21. Describe the use of volunteer labor and/or donated materials for the EEM project.

Other Benefits and Community Participation (0-5 points)

Projects that provide other benefits and demonstrate community support will be more competitive under this criterion.

22. Explain how the EEM project will:
- Provide access to outdoor wildlife/nature-oriented recreational opportunities.
 - Increase opportunities for interpretive and/or environmental education.
 - Be ADA-accessible.
 - Maximize citizen involvement in project planning and implementation.
 - Provide community stewardship opportunities.
 - Provide additional benefits not previously discussed.

Mitigation Projects Beyond the Scope of the Lead Agency

Mitigation Projects Beyond the Scope of the Lead Agency 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.

Suitability (0-5 points)

- Is the EEM project the required mitigation for the RTF?
- If not, describe how the EEM project is different from the required mitigation.
- Describe why it is beyond the scope of the Lead Agency to effectuate.

Elements of Mitigation (0-20 points)

- Describe the proposed EEM project.
- Explain how resources are impacted by the RTF (Select those that apply from “a through f” in Question 6 below).
- Describe how the EEM project mitigates the environmental impacts noted below. (Questions provided for each resource are examples only).
 - Biological Resources** - How will the project control weeds or invasive plants and pests? Restore native habitat? Increase species diversity?
 - Resource Lands** - How will the project connect to or augment an existing wild area? Mitigate disturbances to plant communities or sensitive habitats? Protect, or preserve Resource Lands?
 - Geology/Soils/ Mineral Resources** - How will the project minimize erosion and sediment transport? Help to stabilize soil? Reduce the risk of slope movement?
 - Water Quality/Supply/Stormwater Management** - How will the project reduce non-point pollution? Recharge groundwater supplies? Neutralize the effect of herbicides?
 - Air Quality/Greenhouse Gas Emissions** - How will the project offset vehicular emissions of carbon dioxide through the planting of trees and other suitable plants?
 - Agriculture & Forestry Lands** – How will the project protect or preserve open space, farmland, or forest resources?

7. Explain how the EEM project:
 - a. Provides maximum environmental benefits over the long term.
 - b. Serves the greatest geographic area and/or number of people.
 - c. Is consistent with regional habitat management or conservation objectives.

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.

8. Describe plans for operating and maintaining the project and indicate the source of funds.
9. Describe plans for ongoing stewardship of acquired lands.
10. Describe how the following is included in the project design:
 - a. Water use efficiencies.
 - b. Use of reclaimed or recycled water
 - c. Use of permeable surfaces, bioswales or other methods to capture, treat, infiltrate and/or reuse stormwater for groundwater recharge and or reuse.
11. Explain how the plant selection is appropriate and based on the approved plant palette for the project's specific California climate zone.
12. Explain how climate adaptation has informed the project's decisions.

Cost Effectiveness (0-10 points)

13. List the species and size of trees and plants to be used and describe how the selections are habitat appropriate.
14. Describe methodologies planned for removal of exotic/invasive species and re-vegetation.
15. Explain the use of volunteer labor and/or donated materials for the EEM project.

For acquisitions:

16. What is the fair market value of the property?
17. Has an appraisal been completed?
18. If not, what is the basis for this assessment?
19. Has the seller discounted the sale price? If yes, by how much?
20. Does the EEM project include a proposed and/or future carbon offset project in the project area?

Other Benefits and Community Participation (0-5 points)

Projects that provide other benefits and demonstrate community support will be more competitive under this criterion.

21. Explain how the EEM project will:
 - a. Provide access to outdoor wildlife/nature-oriented recreational opportunities.
 - b. Increase opportunities for interpretive and/or environmental education.
 - c. Be ADA accessible.
 - d. Maximize citizen involvement in project planning and implementation.
 - e. Provide community stewardship opportunities.
 - f. Provide additional benefits not previously discussed.

End of Questions

REQUIRED DOCUMENTATION FOR PROJECT PROPOSAL

The following documents must be uploaded into SOAR as part of the project proposal:

1. **Project Proposal Form Signature Page** - The signature page of the completed Project Proposal Form should be printed and signed by the same Authorized Representative identified in the submitted resolution or certification letter (see Appendix G and H) and then scanned and uploaded to SOAR as an attachment.

To print the Project Proposal Form from SOAR:

- a. Log into SOAR and go into the active Environmental Enhancement and Mitigation Grant Program Project Proposal.
 - b. Ensure all project proposal page information is complete and accurate.
 - c. On the General Information tab, scroll to the bottom of the page and select the Preview/Submit button (*NOTE: Clicking this button will not submit the project proposal*).
 - d. On the Project Proposal Preview page, select the "Print Project Proposal" button on the top.
 - e. Select Ctrl+P, to print the project proposal. Choose the correct page range for just the signature page. Click Print.
2. **Letter from the Lead Agency Responsible for the RTF** – The letter must provide responses to specific questions provided in the template (Appendix B) and be signed by the Transportation Agency Representative.

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.

3. **Environmental Review Compliance Documents for the EEM Project** – California Environmental Quality Act (CEQA) compliance for the EEM project must be complete and a copy of the County Clerk filed compliance documents submitted. (Appendix C)
4. **Site Plan/Location Map** – Plans should be for the project for which funding is requested. If the project is part of a larger project, clearly indicate the portions to be grant-funded. Plans should contain specific property details, exterior boundaries, public access points, and location of the proposed improvements described in the project proposal. The plan should be specific enough to allow someone unfamiliar with the project to visualize it in detail. For acquisition projects only, submit a location map instead of a site plan.
5. **Photographs** – Provide up to five (5) labeled color photographs of different views of the project site reflecting **current** conditions.
6. **Cost Estimate** – Provide a cost estimate reflecting all costs associated with the project. Identify costs included in the grant request and costs covered by other funding sources. The cost of project elements funded by the EEM Grant should not be split between the grant and other funding sources. (See Appendix D for a sample format for development projects and Appendix E for a sample format for acquisition projects.) Cost estimates should include an individual line item for funding acknowledgment signage costs (See Appendix M).

End of Required Documentation for Project Proposal

STEP TWO – ON SITE FIELD VISIT (QUALIFYING PROJECTS ONLY)

Applicants submitting the most competitive project proposals will be further evaluated during an on-site field visit. At the site visit, applicants should be prepared to respond to project-specific questions including, but not limited to, the cost estimate, funding, site plan, site control, operations and maintenance, partnerships, community involvement, and any possible barriers to successful completion.

End of Step Two Information

STEP 3 – SUPPORTING DOCUMENTATION (QUALIFYING PROJECTS ONLY)

Applicants with the most competitive projects after field visits will be required to submit supporting documentation further demonstrating their ability to carry out the project.

The following required supporting materials must be uploaded as attachments in SOAR. If an item is not applicable to the project but is required in SOAR, upload an attachment with a brief explanation of why it is not applicable.

The following supporting materials must be uploaded as attachments in SOAR. Templates for some materials can be found at <http://resources.ca.gov/grants/environmental-enhancement-and-mitigation-eem/>.

For All Projects -

1. **Location Map** – Directional map, with enough detail to allow a person unfamiliar with the area to locate the project site.
2. **Signed Authorizing Resolution or Certification Letter**– Provide a signed authorizing resolution from the applicant’s governing board or a certification letter (only for entities without a governing board). See Appendix G or H for the required format and content. The resolution or certification letter must include all assurances contained in the template.
3. **Eligibility for Nonprofit Applicants** – Provide evidence: 1) the corporation is qualified under Section 501(c)(3) of the Internal Revenue Service Code (e.g., IRS Determination Letter) and 2) the corporation is in good standing with the Secretary of State (e.g., Active Status printout).
4. **Project Timeline** – Provide an estimated timeline for major project milestones.
5. **Assessor’s Parcel Map** – Provide a photocopy of relevant assessor’s parcel maps, with project parcels highlighted and full parcel numbers clearly labeled.

For Development Projects

6. **Plant Palette** – For projects with any plantings, provide genus, species, common name, and stock size (if known). **Trees must not be larger than 15-gallon.** (See Appendix P for resources to aid in plant selection and planting standards.)
7. **Property Data Sheet** – Provide the completed Property Data Sheet for all parcels included in the project (see Appendix I). Be sure to include properties that do not have parcel numbers, e.g. rights-of-way, etc.
8. **Proof of Ownership** – Provide copies of documents verifying current ownership of each parcel listed on the Property Data Sheet. Examples of such documents include tax records, owner data sheets from county records, recorded deeds, title reports, etc. All documents verifying ownership must have the parcel numbers clearly indicated on the document (handwritten acceptable).
9. **Adequate Site Control/Land Tenure** – For parcels not owned by the applicant, provide a copy of an agreement giving the applicant legal access to and permission to construct and maintain the project on the property. If applicable, the agreement should also permit public access to the project for the required number of years (see Appendix J).

If an agreement has not yet been executed at the time of submitting supporting documentation, the applicant may submit a signed letter from each landowner identifying the affected parcel(s) and indicating that, if awarded funding, the owner is willing to enter into an

agreement with the applicant to allow long-term access for construction, maintenance and public use of the 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.

10. **Operation and Maintenance** – If operation and maintenance will be performed by an entity other than the applicant, explain and provide evidence of concurrence from that entity (e.g., operational agreements, letters of intent, memoranda of understanding signed by all parties, etc.). If an agreement has not yet been executed at the time of project proposal, the applicant may submit a signed letter by the entity indicating its intent to enter into such an agreement.
11. **Project Permit Approval Status** – Indicate the types of permits necessary to complete the project, permitting submittal, and potential project delays due to permitting (see Appendix K).

For Acquisition Projects

12. **Evidence of Willing Seller** – Provide a letter from each landowner indicating they are a willing participant in the proposed real property transaction. The letter should clearly identify the parcels owned by each seller and state if grant funds are awarded, the seller is willing to enter into an agreement or negotiation for an agreement for the sale of the real property at a purchase price not to exceed fair market value. (See Appendix L for a sample letter.) If available, include a copy of the fully executed purchase option agreement as well
13. **Conservation Easement** – If acquiring a conservation easement, provide a description of the proposed restrictions and reservations for the easement and the funding mechanism available to support long-term stewardship.
14. **Appraisal** – If available.
15. **Preliminary Title Report** – If available.

End of Step Three Information

PROJECT ADMINISTRATION (POST GRANT AWARD)

All projects awarded funding will follow the general administrative procedure outlined below:

1. Grantee attends grant management workshop which addresses project administration, including proper submission of payment requests.
2. State grants administrator works with grantee to develop and execute grant agreement.
3. For Acquisition projects, grantee submits appraisal and purchase documents for Department of General Services' (DGS) review.
4. Grantee submits final site control documents.
5. Grantee commences preliminary project work (planning, design, permitting, etc.) and submits reimbursement requests for eligible expenses.
6. Prior to commencing construction, grantee submits final design plans for the State's review, as well as evidence of funding acknowledgment sign installation.
7. Grantee notifies the State of public events related to the initiation of project construction.
8. Grantee commences project construction work.
9. Grantee submits periodic progress reports and periodic reimbursement requests for eligible expenses (payment requests are subject to retention).
10. For acquisition projects, grantee may request an advance of funds into escrow (subject to retention).
11. For fee-title/simple acquisitions, grantee records the deed with restrictions (See Appendix O)
12. For conservation easement acquisitions, grantee records the conservation easement subject to restrictions (See pg. 20 Conservation Easements and pg.22 Use of Project Property).
13. As applicable, grantee records Deed Restriction/Memorandum of Unrecorded Grant Agreement (MOUGA) (See Appendix N and O).
14. Grantee completes project and submits project completion packet.
15. The State conducts final project inspection and approves final payment request(s).

Changes to Approved Project

Grantees seeking changes or amendments to an approved project must obtain the State's approval. Changes in project scope must continue to meet the need cited in the original proposal. Grantees jeopardize funding should changes be made without prior notice to and approval by the State.

Eligible costs

Direct project-related costs incurred during the project performance period specified in the grant agreement will be eligible for reimbursement. All eligible costs must be supported by appropriate documentation. Costs incurred outside of the project performance period are not eligible for reimbursement. **Indirect and overhead costs are not eligible** for reimbursement. (See Appendix F for further information on Eligible Costs).

Site Visits

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

Payment of Grant Funds

Funds will not be disbursed until there is a fully executed grant agreement between the State and the grantee. Funds for **construction/implementation** cannot be disbursed until environmental review is completed and the bond acknowledgment sign is installed at the project site.

Development Projects

- Payments will be made on a reimbursement basis. This means the grantee **pays** for services, products or supplies; submits invoices and proof of payment; and is **then** reimbursed by the State. It generally takes six to eight weeks to receive payment after grantee submits a completed payment request.
- Ten percent (10%) of the amount requested for reimbursement may be retained and issued as a final payment upon project completion.

Acquisition Projects

- Properties must be acquired at a price that does not exceed fair market value.
- The property appraisal must be reviewed and approved by the Department of General Services (DGS).
- The State-approved purchase price, together with eligible acquisition costs, may be advanced into an escrow account within 60 days of close of escrow. All disbursements are subject to a ten percent (10%) retention.
- Any remaining grant funds may be available on a reimbursable basis for other eligible costs.
- Acquisitions are subject to the State's interest expressly stated in the deed.

Loss of Funding

The following are examples of actions that may result in a grantee's loss of funding. It is not a comprehensive list.

1. Grantee fails to execute a grant agreement.
2. Grantee changes the project scope without prior notice to and approval by the State.
3. Grantee fails to submit evidence of environmental compliance as specified in the grant agreement.
4. Grantee fails to timely submit all required documentation as specified in the grant agreement.
5. Grantee loses willing seller(s).
6. Property cannot be acquired at or below approved fair market value.
7. Grantee fails to complete the project.
8. Grantee fails to provide project updates as requested.

Use of Project Property

Grantee must maintain and operate project property acquired or developed in a manner consistent with the grant agreement and grant guidelines for a period commensurate with land tenure/site control requirements (see Appendix J).

Conservation easement proposals must include the proposed restrictions and reservations for the easement and the funding mechanism available to support long-term stewardship. The final conservation easement terms and conditions are subject to input, review and approval by the State. The State's interest will be included in the conservation easement.

Grantee must own the land or hold a lease or other legal, long-term interest in the land that is satisfactory to the State. For fee-title/simple acquisitions, grantees include deed restrictions including the State's interest in the property (See Appendix O). The final deed is subject to input, review and approval by the State.

Grantee is responsible for ensuring the project complies with all applicable state and federal laws and regulations, including, but not limited to: CEQA/NEPA, legal requirements for construction,

building codes, health and safety codes, state contractor's and other licenses, and disabled access laws. Grantee must certify that all applicable permits have been obtained.

Project Reporting

Grantee is required to keep the State informed of the project's progress throughout the project performance period. Grantee must submit periodic status reports as requested by the grants administrator.

STATE AUDIT AND ACCOUNTING REQUIREMENTS

Audit Requirements

Projects are subject to audit by the State annually and for three (3) years following the final payment of grant funds. If the project is selected for audit, grantee will be contacted in advance. The audit shall include all books, papers, accounts, documents, or other records of grantee, as they relate to the project. All project expenditure documentation should be available for an audit, whether paid with grant funds or other funds.

Grantee must have project records, including source documents and evidence of payment, readily available and must provide an employee with knowledge of the project to assist the auditor. Grantee must provide a copy of any document, paper, record, etc., requested by the auditor.

Accounting Requirements

Grantee must maintain an accounting system that:

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

Records Retention

Records must be retained for a period of three (3) years after final payment is made by the State. Grantee must retain all project records at least one (1) year following an audit.

**APPENDICES FOR
STEP 1 – PROJECT PROPOSAL
(PAGES 25-32)**

APPENDIX A – SUBMITTAL CHECKLIST: STEP 1 - PROJECT PROPOSAL

The following is entered directly into SOAR:	
• Project Proposal Form	
• Project Summary	
• Project Questions	
The following will be uploaded into SOAR as attachment:	
• Project Proposal Form Signature Page (print signature page and upload)	
• Letter from the Lead Agency Responsible for the RTF (Appendix B)	
• Environmental Compliance (CEQA) for the EEM project (Appendix C)	
• Site Plan/Location Map	
• Photographs	
• Cost Estimate (Appendix D or E)	

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

This letter is required with each EEM Project Proposal

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 project proposal **package prior to the online submission deadline of 5:00 pm on Monday, June 17, 2019.**

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 C – ENVIRONMENTAL COMPLIANCE

All projects shall comply with the California Environmental Quality Act, Division 13 (commencing with section 21000; 14 California Code of Regulations section 15000 *et seq.* [“CEQA”]), Applicants must submit one of the following:

The State of California, acting through its administering agencies and departments, will typically act as a responsible agency for the purposes of CEQA. For the EEM program, applicants must demonstrate compliance with CEQA for the proposed project at the time of project proposal submission. To demonstrate compliance, **one** of the following **must** be submitted.

- a. The Notice of Exemption filed with the County Clerk and State Clearinghouse (as applicable) if the proposed project is categorically or statutorily exempt, with the appropriate Public Resources Code section citation to the exemption(s) being relied upon by the lead agency
- b. The Negative Declaration or Mitigated Negative Declaration adopted by the lead agency and Initial Study, including a copy of the Environmental Checklist Form located in Appendix G of the CEQA Guidelines and the Notice of Determination filed with the County and with the State Clearinghouse. If the lead agency has adopted a Mitigated Negative Declaration, the applicant must also provide the adopted mitigation monitoring and reporting program*
- c. The Final Environmental Impact Report certified and adopted by the lead agency with Initial Study, including a copy of the Environmental Checklist Form located in Appendix G of the CEQA Guidelines, the adopted mitigation monitoring and reporting program, and the Notice of Determination filed with the County and the State Clearinghouse. Please include any State Clearinghouse Responses received by the applicant*

*For b and c, include documentation the State of California Department of Fish and Wildlife CEQA fee was paid or is not applicable.

- d. Projects that tier from a Programmatic, Master, or other Environmental Impact Report shall include a copy of any subsequent Initial Study for the proposed project together with a copy of any supplementary environmental documentation adopted by the lead agency, including, if applicable, any required findings pursuant to Public Resources Code section 21157.1, subdivision (c), and the Notice of Determination, filed with the County Clerk and with the State Clearinghouse, as applicable

Pursuant to section 75102 of the Public Resources Code, before the adoption of a Negative Declaration or Environmental Impact Report, the lead agency shall notify the proposed action to a California Native American tribe, which is on the contact list maintained by the Native American Heritage Commission, if that tribe has traditional lands located within the area of the proposed project.

APPENDIX D – SAMPLE COST ESTIMATE FOR DEVELOPMENT PROJECTS

In preparing a cost estimate for the project, applicants should comply with the following:

1. All project elements should be detailed and customized to fit the project. Each element should be clearly described in the project narrative.
2. Each funding source must have its own column. Other Funding Source column headings should specify cash or in-kind.
3. The EEM Grant and Other Funding Source columns should sum to the Total Cost column.
4. **The cost of project elements funded by the EEM Grant should not be split between the grant and other funding sources.**
5. Overhead/indirect costs are not eligible for reimbursement. In-service payroll may not include a “billable rate” or administrative cost allocation.

PROJECT ELEMENTS (Examples)		Unit Price	Unit of Measure	Qty	Total Cost	EEM Grant	Other Funding Source Name (Indicate Cash or In-Kind)	Other Funding Source Name (Indicate Cash or In-Kind)
NON-CONSTRUCTION (not to exceed 25% of grant)								
A	Direct Project Management & Administration							
1	Staff Time							
2	Technical Consultants							
B	Planning, Design & Permitting							
1	Design							
2	Engineering							
3	Environmental Documents							
TOTAL NON-CONSTRUCTION (not to exceed 25% of grant)								
CONSTRUCTION								
C	Site Preparation							
1	Demolition							
2	Grading							
D	Greening Elements							
1	Trees (15-gallon)							
2	Plants							
3	Mulch							
E	Other							
1	Hazard Insurance/Bond							
2	Inspections							
3	Funding Acknowledgment Sign							
TOTAL CONSTRUCTION								
Contingency (not to exceed 10% of grant)								
PROJECT GRANT TOTAL								

The unit price multiplied by the quantity equals the Total Cost column.

APPENDIX E – SAMPLE COST ESTIMATE FOR ACQUISITION PROJECTS

(Complete one form for each separate escrow)

Project Title:					
Assessor's Parcel Number(s)	Acreage	Indicate Fee or Easement	Willing Seller Name and Address		
ACQUISITION COST ESTIMATE					
	Total Costs	EEM Grant	Other Funding Source (Name)	Other Funding Source (Name)	Other Funding Source (Name)
Estimated Fair Market Value					
Relocation Costs					
Preliminary Title Reports, Appraisal					
Escrow Fees, Title Insurance, Closing Costs					
Surveying <i>(limited to boundary line adjustments)</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>	\$10,000				
Contingency <i>(not to exceed 10% of grant)</i>					
Funding Acknowledgement Sign (Required)					
7. Other <i>(specify)</i>					
Grand Total					

Acquisition Schedule*

Date 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 F – 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, cost estimates should include prevailing wages, as applicable. See 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 the Department of Industrial Relations.

All Projects

1. **Direct Costs** – Only direct costs are eligible. General administrative costs and overhead (e.g., costs calculated as a percentage of other direct costs, such as telephone, utilities, and space rental, etc.) and endowments for ongoing project maintenance are not eligible and will not be reimbursed.
2. **Contingency** – Up to ten percent (10%) of the grant may be budgeted for contingency costs. All contingency 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) work.
3. **Signs and Interpretive Aids** – Costs can include construction of exhibits, kiosks, display boards or signs located at and communicating information about the project as well as the required funding acknowledgement sign (see Appendix M).

Development Projects

1. **Project Management/Non-Construction Costs** – Up to twenty-five percent (25%) of 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, environmental documents, architecture and engineering, construction plans, permitting, and direct project administration and management.
2. **Personnel or Employee Services** – Costs for the services of grantee's employees directly engaged in project execution must be computed according to 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 grantee's various projects, **excluding** overhead allocations.
 - a. 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 as well as payroll records. Overtime costs may be allowed under grantee's established policy, provided the regular work time was devoted to the same project.
 - b. Salaries and wages claimed for employees working on State grant-funded projects must not exceed grantee's established rates for similar positions.
3. **Contracted Services** – The costs of contracted services may be reimbursed if invoices are presented with payment requests that identify the specific project activities and include evidence of payment.

4. Construction

- a. 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 they are claimed at a cost no higher than that paid by grantee.
 - Grantees in the business of growing plants may not charge retail rates for plants reared for a project; however, charges for materials and staff time are allowable.
 - Trees larger than 15 gallons in size are not eligible for reimbursement.
 - c. Equipment owned by grantee may be charged to the project for each use. Equipment use charges must be made in accordance with grantee's normal accounting practices. 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>).
 - If grantee's equipment is used, a use log or source document must describe the work performed, indicate the hours used, relate the use to the project, and be signed by the operator and supervisor.
 - Equipment may be leased, rented, or purchased, whichever is most economical. If equipment is purchased, its residual market value must be credited to the project costs upon completion of the project.
5. **Other Expenditures** - In addition to the major categories of expenditures, grant funding may be used for miscellaneous costs necessary for execution of the project at the discretion of the State. 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 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. **DGS Appraisal Review** - Costs of obtaining State approvals of purchase price and transaction reviews from the State Department of General Services are also allowable.
3. **Relocation Costs** - 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).
4. **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 applicant. No consultant fee may be paid to applicant's own employees without prior approval or unless specifically agreed to by the State.

**APPENDICES FOR
STEP 3 – SUPPORTING DOCUMENTATION
(QUALIFYING PROJECTS ONLY)
(PAGES 34-48)**

APPENDIX G – RESOLUTION TEMPLATE

Resolution No: _____
RESOLUTION (GOVERNING BODY OF GRANTEE)
APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE
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 application(s) by the Applicant's governing board before submission of said application(s) to the State; and

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

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

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

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

Following Roll Call Vote: Ayes: _____
Nos : _____
Absent: _____

Clerk/Secretary for the Governing Board

APPENDIX H – 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 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. Include any clarifying comments below. Attach additional sheets if necessary.

No	Owner Name	Assessor Number(s)	Parcel	Acreage	If parcel(s) owned by applicant(s), indicate type of ownership			For all parcels, indicate document used to demonstrate ownership	If parcel(s) not owned by applicant(s), indicate document verifying long-term permission to develop and maintain					Entity to perform O&M	# of years O&M to be performed
					Fee Simple	Easement	Other (describe)		O&M Agreement	Lease	JPA	Letter from Owner	Other (describe)		
					Proof of Ownership (tax bill, grant deed, etc.)										
1															
2															
3															
4															
5															
6															
7															
8															
9															
10															
Comments:															

Total Number of Parcels: _____ Total Number of Acres: _____

APPENDIX J – SITE CONTROL/LAND TENURE REQUIREMENTS

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

Acquisition Projects

Grantee or grantee's successor-in-interest shall hold 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

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

- At least 10 years for grants up to \$100,000
- At least 20 years for grants up to \$1 million

All Projects

1. All projects may be required to record a document against the real property defining the State's interest in the property (see Appendices N and O), whether grantee owns the property or not. Exceptions may be granted as appropriate and at the sole discretion of the State.
2. Grantee shall not use or allow the use of any portion of the real property for additional mitigation (i.e., to compensate for adverse changes to the environment elsewhere) without the written permission of the State.
3. Grantee shall not use or allow the use of any portion of the real property as security for any debt.
4. With the approval of the State, grantee or 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 grant program. At a minimum, the agreement must do the following:
 - Clearly spell out the roles of each party in detail
 - Be signed by both parties signifying their acceptance
 - 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)
 - Include language that grantee will resume responsibility for ongoing operation and maintenance in the event of cancellation
5. 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.

APPENDIX K – PROJECT PERMIT APPROVAL STATUS

Indicate the status of all federal, state and local permits required for the project. Describe any potential delays due to permitting (indicate specific permits). **If acquiring a long-term encroachment permit, submit evidence the entity with jurisdiction is aware of the project and is willing to work with applicant to issue the permit.**

This list is not all-inclusive. It is grantee's responsibility to identify and obtain all applicable permits.

PERMITTING AGENCY	TYPE OF REQUIREMENT	REQUIRED	APPLIED	ACQUIRED	DATE EXPECTED
State Agencies					
Department of Fish & Wildlife	Lake or Streambed Alteration Agreement (Section 1600)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Department of Fish & Wildlife	Incidental Take Permit or Consistency Determination (CESA) (California Endangered Species Act)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Department of Transportation	Encroachment Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Coastal Commission	Coastal Development Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Coastal Commission	Letter of Consistency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Regional Water Quality Control Board	401 Water Quality Certification or Waste Discharge Requirement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
State Water Resources Control Board	Water Rights Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
State Water Resources Control Board	General Industrial Stormwater Permit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
State Lands Commission	Permit (if using State-owned property)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
State Office of Historic Preservation	Section 106 Consultation with State Historic Preservation Officer (National Historic Preservation Act of 1986)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Federal Agencies					
U.S. Fish and Wildlife Service	Section 7 Consultation, Biological Opinion or Section 10 Permit (Endangered Species Act)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
U.S. Army Corps of Engineers	Section 404 Permit (Clean Water Act)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
U.S. Army Corps of Engineers	Section 10 Permit (Rivers & Harbors Act of 1899)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
U.S. Coast Guard / U.S. Army Corps of Engineers	Section 9 Permit (Rivers & Harbors Act of 1899)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
U.S. National Resources Conservation Service	Section 106 Consultation (National Historic Preservation Act of 1986)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
National Marine Fisheries Service	Section 7 Consultation, Biological Opinion, or Section 10 Permit (Endangered Species Act)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Local and Regional Planning Agencies					
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 (MWELO) Landscape Documentation Package	<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"/>	
S.F. 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"/>	
Others (e.g., CalRecycle, State Contractors Board, etc.):		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

APPENDIX L – WILLING SELLER LETTER (ACQUISITIONS ONLY)

All acquisition packages must include Willing Seller letters from **each person on the title**. The letter must include the following information and be signed and dated by the legal owner(s) of each parcel to be acquired.

(Sample -- Willing Seller Letter)

Date:

To: California Natural Resources Agency
Environmental Enhancement and Mitigation 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 – SIGN GUIDELINES

Types of Signs

1. **Construction** - A sign acknowledging the funding source is required during construction.
2. **Post Completion** – A funding acknowledgment sign must be installed before the final project inspection and remain in place for at least four (4) years from date of project completion. The size of the sign is not prescribed; however, the funding source logo must comply with minimum size requirements and all required language must be included.

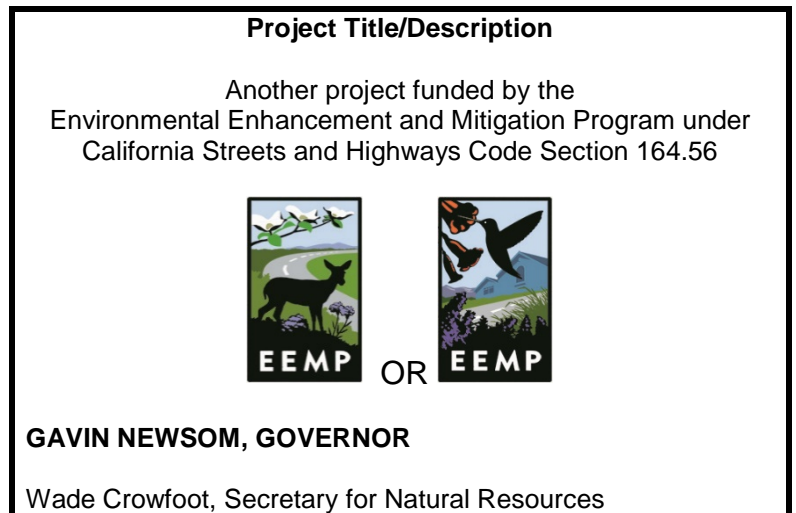
If appropriate, the same sign can be used during construction and completion.

Sign Language

All signs must contain the language shown to the right. The name of the director of the local agency or other governing body may be added, as well as the names (and/or logos) of other partners, 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/grants/logo-art/>.



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 Cost

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

Appropriateness of Signs

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

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/contactus.html>

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 N – SAMPLE MEMORANDUM OF UNRECORDED GRANT AGREEMENT (DEVELOPMENT PROJECTS ONLY)

(DO NOT FILL OUT AS PART OF APPLICATION)

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

This Memorandum of Unrecorded Grant Agreement (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 of certain real property, more particularly described in the attached Exhibit A and incorporated by reference (the “Real Property”).
- 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 O – SAMPLE DEED RESTRICTION (ACQUISITIONS ONLY)

This property was purchased in part or in whole with grant funds provided by the State of California under the Environmental Enhancement and Mitigation Program. The burdened property currently consists of: *(description of property)*. Landowner desires and intends that in order to provide public benefit and meet the terms of the funding, the burdened property shall be used for purposes consistent with funding.

The restrictions imposed on the burdened property shall run with the land and pass with each and every portion of the Property and shall apply to and bind the respective successors in interest.

Use of the burdened property shall exclusively be for *(description of property use)*.

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 by and through the Natural Resources Agency, or its successor, provided that such approval shall not be unreasonably withheld, as the purposes for which the funding was awarded are expressly assumed by the purchaser as part of the purchase agreement and prior to the close of escrow.

Responsibilities to maintain and operate the property in accordance with these restrictions may be assigned only upon the written approval of the State, acting by and through the Natural Resources Agency or its successor in interest.

Obligations for operation and maintenance of the burdened property may be excused only upon the written approval of the State, acting by and through the Natural Resources Agency or its successor in interest, and only for good cause. Good cause includes, but is not limited to, natural disasters that destroy the property improvements and render the project obsolete or impracticable to rebuild. Good cause shall not include more expedient or economically beneficial development.

The landowner shall not use or allow the use of any portion of the real property for mitigation without the written permission of the State, acting by and through the Natural Resources Agency or its successor in interest.

The landowner shall not use or allow the use of any portion of the real property as security for any debt.

APPENDIX P – AVAILABLE RESOURCES

AB 32, the Global Warming Solutions Act of 2006.

<https://www.arb.ca.gov/cc/ab32/ab32.htm>

CAL FIRE's Tree Planting Standards and Specifications

http://www.fire.ca.gov/resource_mgt/downloads/CALFIRE_Nursery_Standards_and_Specs11_12.pdf

California Department of Industrial Relations Prevailing Wage Determination

<https://www.dir.ca.gov/OPRL/DPreWageDetermination.htm>

California Invasive Plant Inventory Database

<https://www.cal-ipc.org/plants/inventory/>

California Native American Heritage Commission

<http://nahc.ca.gov/>

California Native Plant Society

<https://www.cnps.org/helpful-tools>

California Regional Progress Report (2010) - Framework for measuring sustainability.

http://www.dot.ca.gov/hq/tpp/offices/orip/Collaborative%20Planning/California_Regional_Progress_Report.html

California Secretary of State Business Search

<https://businesssearch.sos.ca.gov/>

California Stormwater Quality Association

<https://www.casqa.org/resources/california-lid-portal>

California Streets and Highways Code Section 164.56 (Article XIX, Section 1, of the State Constitution)

https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201320140AB105

California Water Action Plan

http://resources.ca.gov/docs/california_water_action_plan/Final_California_Water_Action_Plan.pdf

CalPoly Urban Forest Ecosystems Institute

www.ufe.org

Caltrans District Local Assistance Offices

<http://www.dot.ca.gov/localoffice.htm>

Governor's Office of Planning and Research CEQA Documents

<http://opr.ca.gov/clearinghouse/ceqa/document-submission.html>

i-Tree Planting

<https://planting.itreetools.org/>

i-Tree Streets

<http://www.itreetools.org/>

Model Water Efficient Landscape Ordinance

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

OPALS - Plant Allergy Scale

<http://www.allergyfree-gardening.com/>

Safeguarding California 2018

<http://resources.ca.gov/climate/safeguarding/>

Save Our Water

<http://saveourwater.com/>

SB 32 - confirms the State's continued commitment to reducing GHG emissions
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB32

SelecTree - Urban Forest Ecosystems Institute at Cal Poly
<http://selectree.calpoly.edu/>

Tree Standards & Specifications
https://ufei.calpoly.edu/tree_standards.lasso

APPENDIX Q – DEFINITIONS

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

Acquisition - means obtaining a fee interest or any other interest in real property.

Agency - means the California Natural Resources Agency.

Americans with Disabilities Act (ADA) - means 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.

Applicant - means an eligible organization requesting funding from a program 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.

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

Climate Adaptation - means the adjustment or preparation of natural or human systems to a new or changing environment which moderates harm or exploits beneficial opportunities.

Climate Change - means any long-term change in average climate conditions in a place or region, whether due to natural causes or the result of human activity.

Community - means 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 - means 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 - includes, but is not limited to, improvement, rehabilitation, restoration, enhancement, preservation, protection, and interpretation.

Easement - means an interest in land entitling the holder thereof to a limited use or enjoyment of the land in which the interest exists.

Enhancement - means 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.

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

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

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

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

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

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

Habitat - means 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.).

Indirect Costs - means expenses of doing business that are of a general nature and are incurred to benefit at least two or more functions within an organization. These costs are not usually identified specifically with a grant, grant agreement, project or activity, but are necessary for the general operation of the organization. Examples of 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.

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

Interpretation - includes, but is not limited to, a visitor-serving amenity that enhances the ability to understand and appreciate the significance and value of natural, historical and cultural resources and that may utilize educational materials in multiple languages, digital information, and the expertise of a naturalist or other skilled specialist.

Landscape - means arranging or modifying the features of a natural environment, such as planting trees, flowers and/or shrubs, for merely aesthetic purposes.

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

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 - means 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 federal agencies.

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

Other Sources of Funds - means cash or in-kind contributions that are required or used to complete the project beyond the grant funds provided by the EEM 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 - means the acquisition or development activity to be accomplished with grant funds, and other funds if necessary, that meets eligibility requirements.

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

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

Public Agency - means 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 - 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.

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

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

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

END OF GUIDELINES