



PROPOSITION 84 GRANT PROGRAM

FUNDED BY

**The Safe Drinking Water, Water Quality and Supply, Flood Control, River
and Coastal Protection Bond Act of 2006**

DRAFT GRANT GUIDELINES

Fiscal Year 2013-14

The Sierra Nevada Conservancy initiates, encourages, and supports efforts that improve the environmental, economic, and social well-being of the Sierra Nevada Region, its communities, and the citizens of California.

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I. Introduction

A. Background

The Sierra Nevada Conservancy (SNC) is a California state agency that initiates, encourages, and supports efforts that improve the environmental, economic, and social well-being of the Sierra Nevada Region, its communities, and the citizens of California. The SNC provides state funding through its Proposition 84 Grant Program for local projects in partnership with eligible nonprofits, tribes, and public agencies.

California voters passed Proposition 84, The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (the Act) on November 7, 2006. Proposition 84 added Section 75050 to the Public Resources Code (PRC), authorizing the State to issue bonds, and the Legislature to appropriate the proceeds, for the protection and restoration of rivers, lakes and streams, their watersheds, and associated land, water, and other natural resources. Section 75050 (j) of the PRC allocates \$54 million of these funds for SNC.

The Laird-Leslie Sierra Nevada Conservancy Act (Act), enacted in 2004 and commencing with PRC Section 33300, established the SNC, and Sections 33343 and 33346 set forth the authority for SNC to award grants of funds in order to carry out the purposes of the Act. The SNC adopted Program Guidelines and adopted its Strategic Plan in accordance with the Act; these documents provide general direction for SNC's activities and serve as the basis for these Grant Guidelines.

B. Purpose of Grant Guidelines and Grant Application Packet

The Grant Guidelines establish the process used by the SNC to solicit applications, evaluate proposals, and authorize grants under the SNC Proposition 84 Grant Program. They also explain the scope of, and the requirements for, grant applications. A Glossary of Terms is provided in [Appendix A](#).

A Grant Application Packet (GAP) accompanies the Grant Guidelines, and includes information and forms needed for each category of grant application. For applicants who want more information about the administrative requirements once a grant is authorized, sample grant agreements for each of the Proposition 84 project types are provided at:

www.sierranevada.ca.gov/other-assistance/applying-for-a-grant

II. Grant Program Information

A. Funding and Eligibility

Grants up to \$350,000 for Category 1 (on-the-ground projects) and up to \$75,000 for Category 2 (necessary activities that will lead to on-the-ground projects) will be made by the SNC to eligible federal, state, and local governments, 501(c)3 nonprofit organizations, and federally recognized Tribal Organizations, for projects meeting the criteria described below. Projects that result in direct on-the-ground outcomes will be given preference.

In order to be eligible to receive a grant award from the SNC under this program, projects must meet **all** of the following criteria:

- Be located within the Sierra Nevada Region or have a direct impact on lands or waters within the Region.
- Meet the Public Resources Code 75050 (Proposition 84) mandate that awards go to projects that protect and restore rivers, lakes and streams, their watersheds and associated land, water, and other natural resources.
- Be consistent with the SNC mission and program areas.
- Projects that result in:
 1. on-the-ground outcomes; or,
 2. necessary activities that will lead to on-the-ground projects that have identified a clear implementation funding strategy, for example completing environmental documentation for projects.

-- AND EITHER --

Projects that improve the health of the forest, including reducing the risk of large damaging fires and improving forest stand and habitat conditions, or result in the utilization of forest biomass removed as a part of restoration activities.

-- OR --

Projects that contribute to improved water quality and reliability by removing toxins associated with historic abandoned mine lands from waters and waterways and/or preventing them from entering waters and waterways.

Note: In addition, projects proposed on private land must demonstrate a clear public benefit in order to be eligible for funding, and any revenue generated as a direct result of a grant-funded project must be tracked and subsequently re-invested into the project (e.g. the sale of forest products, recovery of precious metals, etc.).

Based on the limited funding that is available, the following project types will not be eligible for funding under this program:

- Fee title acquisitions or activities leading to fee title acquisitions.
- Conservation easements or activities leading to conservation easements.

B. Project Development and Selection Process

The following steps will be followed in this grant cycle:

- Potential applicant contacts the SNC Area Representative assigned to their county to determine whether a potential project is eligible for consideration.
- Potential applicant works with SNC Staff to complete a project proposal to initiate discussion and analysis of a potential future grant (see GAP).
- The project proposal will be reviewed by the SNC Management team and technical experts to confirm project eligibility and to evaluate benefits, project design and readiness and other factors (see criteria below). Additional information may be requested from potential applicants during this process to ensure adequate understanding of the proposed project.
- If the proposed project demonstrates a high probability of success and is deemed to have significant benefits consistent with the criteria described below, the applicant may be invited to work with SNC Staff to develop a full application.
- SNC Staff will continue to work closely with the applicant to ensure that the project is consistent with the information provided in the project proposal and that necessary documentation is available (land tenure, permits, California Environmental Quality Act (CEQA), public agency consultation and cooperation requirements, etc.).
- Funding recommendation(s) will be placed on the Board meeting agenda as an action item at the direction of the Executive Officer, upon consultation with the appropriate Board committee, after all application requirements are completed (or acted upon under the Executive Officer's delegated authority).

Executive Officer Authorization: The Executive Officer of the SNC has the authority to award up to three Category 2 grants between scheduled Board meetings, not to exceed \$50,000 each. Executive Officer awards will only be made for projects that have a legitimate time sensitive nature (where waiting for Board approval would render the project unfeasible). The SNC Governing Board will be notified of any Executive Officer awards at the next SNC Board meeting.

C. Evaluation Criteria

Prior to a decision to develop a full application, the SNC will use the following evaluation criteria in determining a project score of up to 100 points:

- Tangible results from the project that will further the purposes of Proposition 84 and the SNC program areas. (35)

- The design and readiness of the project, including the proposed budget and funding sources. The plan for long term management will also be assessed for Category 1 projects. (25)
- The degree to which a forest health project builds on existing partnerships where SNC has a history of involvement, including grant awards and other activities or the degree to which an abandoned mine land project aligns with the purposes of the Abandoned Mine Initiative included in the SNC's 2013-14 Action Plan. (15)
- Likelihood of successful implementation based on the applicant's capacity and experience in implementing similar projects. (10)
- The degree, to which the project has community support, is consistent with similar efforts on nearby or surrounding lands and is a part of larger plans or identified partnerships. (5)
- The degree to which the project leverages resources of other agencies and funding sources, to maximize benefits and outcomes. (5)
- Category 1 projects (resulting in on-the-ground outcomes) will be given priority. (5)

The SNC will also consider the geographic distribution of projects (taking into account Regional distribution from previous SNC grants).

D. Grant Categories

Category 1 grants include site improvement/restoration projects. Examples of potential Category 1 grant projects include, but are not limited to:

1. Vegetation treatments, prescribed fire, or other fuel reduction activities to reduce the risk and harmful impacts of large damaging fires.
2. Forest management to increase forest resilience, enhance water supply and quality, and/or improve habitat conditions and biodiversity.
3. Reforestation and implementation of suitable stand maintenance activities after wildfire, when appropriate.
4. Forest treatments to prevent or treat forest pests and invasive species.
5. Utilization of biomass resulting from sustainable activities associated with improving forest health.
6. Toxic remediation projects that mitigate legacy mining impacts.
7. Treatment measures used to prevent sediment or runoff from Abandoned Mine Lands from entering a watercourse and subsurface water sources.

Category 2 grants are limited to pre-project activities that are necessary for a specific future on-the-ground project that meets the requirements in these Guidelines for Category 1 projects, including the Healthy Forest and Abandoned Mine Lands definitions.

Examples of Category 2 grant projects include work such as:

1. Acquiring permits.

2. Completing California Environmental Quality Act (CEQA) and or National Environmental Policy Act (NEPA) compliance.
3. Performing necessary studies and assessments, and developing necessary project designs related to a specific site or physical project, located on publicly and/or privately owned or managed lands.
4. Preparing plans or supplementing existing plans that will result in a specific project or a set of projects.

E. Ineligible Projects

Examples of ineligible projects include:

1. Fee title or conservation easement acquisitions and associated planning activities.
2. Grants to service or repay bridge-loans.
3. Purchase of mechanical equipment solely for purposes of implementing a single project.
4. Projects dictated by a legal settlement or mandated to address a violation of, or an order (citation) to comply with, a law or regulation.
5. Operations and maintenance of existing structures, including roads.
6. Education, outreach, or event-related projects, although these types of activities may be included as a small part of the overall implementation of a project eligible for SNC grant funds.
7. Projects to implement required mitigation measures unless they are included as a part of the overall implementation of a project eligible for SNC grant funds.
8. Abandoned Mine Land projects where a viable responsible party has been identified for the historic mining activities.

This list is not exhaustive and is offered only as guidance to potential applicants. The SNC will make determinations of eligibility on a project-by-project basis during the evaluation phase of the application process. If you have questions about the eligibility of your project, please consult with SNC Staff.

F. Eligible Applicants

Grant funds may be authorized for:

1. Public agencies (any city, county, district, or joint powers authority; state agency; public university; or federal agency).
2. Qualifying 501(c)(3) nonprofit organizations. "Nonprofit Organization" means a private, nonprofit organization that qualifies for exempt status under Section 501(c)(3) of Title 26 of the United States Code, and whose charitable purposes are consistent with the purposes of the SNC.
3. Eligible Tribal Organizations (includes any Indian Tribe, band, nation, or other organized group or community, or a tribal agency authorized by a tribe, which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians and is identified on pages 47868 to 47872, inclusive, of Number 155 of Volume 77 (August 10, 2012) of

the Federal Register, as that list may be updated or amended from time to time).

NOTE: As a general rule, organizations or individuals performing non-grant-related work for the Sierra Nevada Conservancy (SNC) under contract are ineligible to apply for a grant from the SNC during the life of the contract. This policy applies to organizations that:

1. Contract directly with the SNC.
2. Are providing services as a subcontractor to an individual or organization contracting directly with the SNC.
3. Employ an individual, on an ongoing basis, who is performing work for the SNC under a contract whether as the contractor or as a subcontractor.

If you have a contract with the SNC and are contemplating applying for a grant, please consult with SNC Staff to determine eligibility.

G. Consultation and Cooperation with Local Agencies

In compliance with the SNC's governing statute, we notify local government agencies, such as counties, cities, and local water districts, of eligible grant projects being considered for funding in their area.

For all applications under consideration, SNC Staff will notify the county and/or city affected and public water agency (when appropriate), and request comments within 15 business days following notification. The SNC will make all reasonable efforts to address concerns raised by local governments. The individual SNC Boardmembers representing each geographic Subregion within the SNC boundary will also be notified at this time and may wish to communicate with the affected entities as well.

If an applicant has a project-specific resolution of support from the affected city and/or county and water agency, it should be included in the application package in order to facilitate the overall assessment process.

H. Grant Provisions

For each awarded grant the SNC develops an individual grant agreement with detailed provisions and requirements specific to that project. Please be aware that if you are authorized to receive a grant from the SNC, the provisions listed below will also apply:

1. Actual awards are conditional upon funds being available from the State.
2. Grant-eligible costs may be incurred by the grantee only after the grantee has entered into a fully executed agreement with the SNC; only these costs will be eligible for reimbursement.
3. Grantees may be required to reimburse SNC for some or all of the funds provided if the project is not completed.

The SNC will provide assistance to the grantee to ensure the grantee's clear understanding and interpretation of the terms and conditions of the grant.

I. Environmental Documents

The SNC is required to comply with the California Environmental Quality Act (CEQA) at the time the Board authorizes any grants. Since CEQA compliance will vary depending on the proposed project activities and the type of applicant, it is very important that applicants consult with SNC Staff as early as possible. Status of CEQA compliance must be addressed in the initial project proposal.

J. Eligible Costs

Only direct project costs for items within the scope of the project and within the time frame of the project agreement are eligible for payment. Costs related to project-specific performance measures and reporting are required to be addressed in the project budget.

Eligible administrative costs must be directly related to the project and may not exceed 15 percent of the project implementation cost. To determine the amount of eligible administrative costs, the applicant must first determine the cost of implementing the project, not including any administrative costs. Once the project implementation cost has been determined, the applicant may calculate administrative costs and include them in the total grant request.

K. Ineligible Costs

Indirect expenditures billed as a percentage of implementation costs are not eligible for reimbursement. These are expenses that involve ongoing operations, or repair or maintenance costs, regardless of whether the repair or maintenance may last more than one year.

In addition, grant funding may not be used to establish or increase a legal defense fund or endowment, make a monetary donation to other organizations, or pay for food or refreshments.

If ineligible costs are included in the project budget, it could result in the project being deemed ineligible in total. In some cases, the project may be approved for funding with the total amount of the award reduced by the amount of the ineligible costs. In that event, SNC will contact the applicant to confirm that the project is still viable. Applicants should avoid including ineligible costs in the application and should contact SNC Staff with questions.

L. Performance Measures and Reporting

Performance measures are used to track progress toward project goals and desired outcomes. They provide a means of reliably measuring and reporting the outcomes and effectiveness of a project and how it contributes to the SNC

achieving its programmatic goals.

Applicants must propose project-specific performance measures at the time of full application submittal. Detailed information and recommended performance measures can be found in the Grant Application Package (GAP) to be released with this Grant Guidelines document. Applicants may also propose alternative performance measures, which will be subject to the approval of SNC Staff if the grant is authorized. The proposed measure(s) will be finalized in consultation with SNC Staff prior to grant agreement approval. Please refer to the GAP for further description of how performance measures will be considered as part of the application.

All grantees will be required to provide periodic progress reports and a final report. The final report must include data related to the project performance measures. See www.sierranevada.ca.gov/other-assistance/managing-your-grant for additional information on the required content of these reports.

APPENDIX A

Glossary of Terms

Unless otherwise stated, the terms used in the SNC Proposition 84 Grant Guidelines and Grant Application Packet shall have the following meanings:

Abandoned Mine Lands – An excavation, either open, caved, or sealed, that is deserted or in which further mining is not currently intended and where no viable responsible party can be identified for the historic mining activities.

Acquisition – To obtain ownership of permanent interest in real property through conservation easements. Leaseholds and rentals do not constitute Acquisition.

Administrative Costs – Administrative costs include any expense which does not relate directly to project implementation. Similar to the traditional definition of ‘overhead,’ administrative costs include rent, utilities, travel, per diem, office equipment and supplies, services such as internet and phone, etc.

Applicant – The entity applying for a SNC grant pursuant to these Guidelines.

Application – The individual application form and its required attachments for grants pursuant to the SNC Program.

Authorized Representative – The officer authorized in the Resolution to sign all required grant documents including, but not limited to, the grant agreement, the application form, and payment requests. The authorized representative may designate an alternate by informing SNC in writing.

Biological /Other Survey – An evaluation or collection of data regarding the conditions in an area using surveys and other direct measurements.

Board – The governing body of the SNC as established by PRC Section 33321.

Bond or Bond Act – Proposition 84, Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coast Protection Bond Act of 2006 (Public Resources Code Section 75001 et seq.).

Capital Improvement Projects – Projects that utilize grant funds for acquisition of conservation easements or site improvement/restoration.

CEQA – The California Environmental Quality Act as set forth in the Public Resources Code Section 21000 et seq. CEQA is a law establishing policies and procedures that require agencies to identify, disclose to decision makers and the public, and attempt to lessen significant impacts to environmental and historical resources that may occur as a

result of a proposed project to be undertaken, funded, or approved by a local or state agency. For more information, refer to: <http://ceres.ca.gov/ceqa/>

CEQA/NEPA Compliance – Activities an entity performs to meet the requirements of CEQA or NEPA.

Collaborative Process – Willing cooperation between stakeholders with different interests to solve a problem or make decisions that cut across jurisdictional or other boundaries; often used when information is widely dispersed and no single individual, agency or group has sufficient resources to address the issue alone.

Condition Assessment – Characterization of the current state or condition of a particular resource.

Conservancy – The Sierra Nevada Conservancy as defined in Public Resources Code Section 33302 (b).

Conservation Easement – Any limitation in a deed, will or other instrument in the form of an easement, restriction, covenant or condition which is or has been executed by or on behalf of the owner of the land subject to such limitation 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).

Data – A body or collection of facts, statistics, or other items of information from which conclusions can be drawn.

Design/Permit – Preliminary project planning or identification of methodologies or processes to achieve project goals, and the process of obtaining any regulatory approvals or permits necessary from appropriate governmental agencies in order to conduct the work of the project.

Easement – An interest in land entitling the holder thereof to a limited use or enjoyment of the land in which the interest exists, or to restrict the use or enjoyment of the land by the owner of the fee title.

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

Enhancement – Modification of a site to increase/improve the condition of streams, forests, habitat, and other resources.

Environmental Site Assessment – Phase I, Phase II or other reports which identify potential or existing contamination liabilities on the underlying land or physical improvements of a real estate holding.

Executive Officer – Executive Officer of the SNC appointed by the Governing Board, pursuant to Public Resources Code Section 33328, to manage the SNC.

Fee Title – The primary interest in land ownership that entitles the owner to use the property subject to any lesser interests in the land and consistent with applicable laws and ordinances.

Fiscal Sponsor – An organization that is eligible to receive SNC Proposition 84 grants and is willing to assume fiscal responsibility for a grant project, although another entity would carry out the grant scope of work.

Forest – Areas of the Sierra Nevada Region that are characterized by tree cover including oak woodlands and conifer forests.

Grant – Funds made available to a grantee for eligible costs during an agreement performance period.

Grant Agreement – An agreement between the SNC and the grantee specifying the payment of funds by the SNC for the performance of the project scope within the agreement performance period by the grantee.

Grant Agreement Performance Period – The period of time during which the eligible costs may be incurred under the grant, and in which the work described in the grant scope must be completed.

Grant Agreement Term – The period of time that includes the agreement performance period, plus time for all work to be billed and paid by the state. This period is the same as the beginning and ending dates of the agreement.

Grantee – An entity that has an agreement with the SNC for grant funds.

Grant Scope – Description of the items of work to be completed with grant funds as described in the application form and cost estimate.

Infrastructure Development/Improvement – The physical improvement of real property, including the construction of facilities or structures (such as bridges, trails, culverts, buildings, etc.).

In-kind Contributions – Non-monetary donations that are utilized on the project, including materials and services. These donations shall be eligible as “other sources of funds” when providing budgetary information for application purposes.

Land Tenure – Legal ownership or other rights in land, sufficient to allow a grantee to conduct activities that are necessary for completion of the project consistent with the terms and conditions of the grant agreement. Examples include: fee title ownership; an

easement for completion of the project consistent with the terms and conditions of the grant agreement; or agreements or a clearly defined process where the applicant has adequate site control for the purposes of the project.

Model/Map – Representations to visually show the organization, appearance, or features of an area or subject.

Monitoring/Research – To search, observe or record an operation or condition with tools that have no effect upon the operation or condition.

Natural Resource Protection – Those actions necessary to prevent harm or damage to rivers, lakes, and streams, their watersheds and associated land, water, and other natural resources, or those actions necessary to allow the continued use and enjoyment of property or natural resources and includes acquisition, restoration, preservation and education.

NEPA – The National Environmental Policy Act of 1969, as amended. NEPA is a federal law requiring consideration of the potential environmental effects of proposed project whenever a federal agency has discretionary jurisdiction over some aspect of that project. For more information, refer to: <http://ceq.hss.doe.gov/index.html>

Nonprofit Organization – A private, nonprofit organization that qualifies for exempt status under Section 501(c)(3) of Title 26 of the United States Code, and whose charitable purposes are consistent with the purposes of the SNC as set forth in Public Resources Code Section 33300 et seq.

Other Sources of Funds – Cash or in-kind contributions necessary or used to complete the acquisition or site improvement/restoration project beyond the grant funds provided by this program.

Outreach Materials – Audio, visual and written materials developed to help explain a particular topic or subject.

Performance Measure – A quantitative measure used by the SNC to track progress toward project goals and desired outcomes.

Plan – A document or process describing a set of actions to address specific needs or issues or create specific benefits.

Planning – The act or process of creating a plan.

Pre-Project Due Diligence – The analysis necessary to identify all aspects influencing a project and determine the risks associated with a project.

Preservation – Protection, rehabilitation, stabilization, restoration, development, and reconstruction, or any combination of those activities.

Project – The work to be accomplished with grant funds.

Project Coordinator – An employee of the SNC who acts as a liaison with the applicants or grantees and administers grant funds, ensuring compliance with guidelines and the grant agreement.

Proposition 84 – See Bond.

Public Agencies – Any city, county, district, or joint powers authority; State Agency; public university; or federal agency.

Region – The Sierra Nevada Region as defined in Public Resources Code Section 33302 (f).

Resilience – The ability of an ecosystem to regain structural and functional attributes that have suffered harm from stress or disturbance.

Region-wide – Providing benefits that affect the overall breadth of the SNC Region or multiple Subregions within the Region.

Resource Protection – Those actions necessary to prevent harm or damage to natural, cultural, historical or archaeological resources, or those actions necessary to allow the continued use and enjoyment of property or resources, such as acquisition of conservation easements, development, restoration, preservation or interpretation.

Restoration – Activities that initiate, accelerate or return the components and processes of a damaged site to a previous historical state, a contemporary standard or a desired future condition including, but not limited to, projects for the control of erosion, the control and elimination of exotic species, fencing out threats to existing or restored natural resources, road elimination, and other plant and wildlife habitat improvement.

Site Improvements – Project activities involving the physical improvement or restoration of land.

SNC – Sierra Nevada Conservancy.

Stewardship Plan – A plan to provide ongoing implementation and management associated with the acquisition of a conservation easement or site improvement/restoration project.

Study/Report – Research or the detailed examination and analysis of a subject.

Total Cost – The amount of the Other Sources of Funds combined with the SNC Grant request amount that is designated and necessary for the completion of a project.

Tribal Organization – An Indian Tribe, band, nation, or other organized group or community, or a tribal agency authorized by a tribe, which is recognized as eligible for special programs and services provided by the United States to Indians because of their status as Indians and is identified on pages 47868 to 47872, inclusive, of Number 155 of Volume 77 (August 10, 2012) of the Federal Register, as that list may be updated or amended from time to time.