

# **ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM**

## **2014/15 Grant Cycle**

# **GUIDELINES and APPLICATION**

**STATE OF CALIFORNIA  
April 2015**

**DEADLINE: APPLICATION MUST BE POSTMARKED BY  
Monday, July 13, 2015**



Exhibit 2. EEM Grant Program Application Requirements



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

TO: Prospective Environmental Enhancement and Mitigation Program Applicants  
FROM: John Laird, Secretary for Natural Resources   
DATE: April 14, 2015  
RE: Environmental Enhancement and Mitigation (EEM) Grant Program

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The California Natural Resources Agency is pleased to release the 2014-15 Environmental Enhancement and Mitigation (EEM) Program guidelines. The program encourages projects that produce multiple benefits which reduce greenhouse gas emissions, increase water use efficiency, reduce risks from climate change impacts and demonstrate collaboration with local, state and community entities.

As California is facing a fourth year of serious drought, EEM's policies, guidelines and agreements call for our funded projects to promote and practice water conservation. Planting native and drought-tolerant vegetation, enabling groundwater recharge and protection of watersheds are just a few examples of how EEM projects can promote water conservation goals.

More information about these topics can be found on the Energy and Climate Change webpage of the Natural Resources Agency website at [www.resources.ca.gov/energy\\_and\\_climate\\_change/](http://www.resources.ca.gov/energy_and_climate_change/) and on the Save Our Water website at [www.saveourwater.com](http://www.saveourwater.com).

In its most essential form, sustainability means using resources wisely and efficiently to meet current needs while ensuring these resources are available for future generations. Together, one project at a time, we can protect our resources and improve the overall health of California.

1416 Ninth Street, Suite 1311, Sacramento, CA 95814 Ph. 916.653.5656 Fax 916.653.8102 <http://resources.ca.gov>

Baldwin Hills Conservancy • California Coastal Commission • California Coastal Conservancy • California Conservation Corps • California Tahoe Conservancy  
Coachella Valley Mountains Conservancy • Colorado River Board of California • Delta Protection Commission • Delta Stewardship Council • Department of Boating & Waterways • Department of Conservation  
Department of Fish & Game • Department of Forestry & Fire Protection • Department of Parks & Recreation • Department of Resources Recycling and Recovery • Department of Water Resources  
Energy Resources, Conservation & Development Commission • Native American Heritage Commission • Sacramento-San Joaquin Delta Conservancy • San Diego River Conservancy  
San Francisco Bay Conservation & Development Commission • San Gabriel & Lower Los Angeles Rivers & Mountains Conservancy • San Joaquin River Conservancy  
Santa Monica Mountains Conservancy • Sierra Nevada Conservancy • State Lands Commission • Wildlife Conservation Board



## Exhibit 2. EEM Grant Program Application Requirements

Applications for the Environmental Enhancement and Mitigation (EEM) Program for the 2014-15 grant cycle must be postmarked by:

**Monday, July 13, 2015**

You may access the EEM Program Guidelines and Application at:  
[http://resources.ca.gov/bonds\\_and\\_grants/eemp/](http://resources.ca.gov/bonds_and_grants/eemp/).

The Guidelines include information to assist you in preparing an application for funding. Please be sure to read the Guidelines in their entirety for important information on project eligibility, evaluation criteria and submission requirements.

Two technical assistance workshops are planned to provide help in preparing grant applications.

### **Sacramento Workshop (Webcast)**

**Tuesday, May 12, 2015**

**9:30-11:30 am**

Cal/EPA

Sierra Hearing Room

1001 I Street

Sacramento, CA 95812

Parking:

<http://portal.cityofsacramento.org/Public-Works/Parking-Services/Lots-and-Garages>

### **Los Angeles Workshop**

**Tuesday, May 19, 2015**

**1:00-3:00 pm**

CA Dept. of Transportation

District 07 Building, Conference Room

1.040 A

100 South Main Street

Los Angeles, CA 90012

Parking:

<http://losangeles.bestparking.com/>

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The Sacramento Workshop will also be a webcast. To access the webcast on May 12, 2015, go to <http://www.calepa.ca.gov/Broadcast>. The Audio & Video links to the webcast will become active 15 minutes prior to the start of the meeting. *Please RSVP to reserve space* – or notify us you will attend the webcast by calling (916) 653-2812 or emailing [eemcoordinator@resources.ca.gov](mailto:eemcoordinator@resources.ca.gov).

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

- Site visits by Review Team to selected sites      October-December 2015
- Funding Recommendations & Awards                      March 2016

For questions on the EEM Program, contact the California Natural Resources Agency at (916) 653-2812 or email [eemcoordinator@resources.ca.gov](mailto:eemcoordinator@resources.ca.gov).

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# **SECTION 1 INTRODUCTION**

## 1. INTRODUCTION

### 1.1 Purpose and Authority

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

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

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

### 1.2 Eligible Applicants

Any state, local, federal or 501(c)(3) non-profit entity may apply for and receive grants. The agency or 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 agency may submit an application.

For Development projects, only **ONE** application may be submitted per eligible applicant.

### 1.3 Timeline

Applications for funding in the 2014-15 grant cycle must be **postmarked by Monday, July 13, 2015.**

Direct all inquiries, correspondence and grant Applications to:

**California Natural Resources Agency**  
**Attn: EEM Program Coordinator**  
**1416 Ninth Street, Suite 1311**  
**Sacramento, CA 95814**  
**(916) 653-2812**  
**[eemcoordinator@resources.ca.gov](mailto:eemcoordinator@resources.ca.gov)**

In order to submit an eligible application, CEQA (and NEPA if applicable) for the proposed EEM project must be complete and final environmental compliance documents submitted to the State with the grant application, no later than **July 13, 2015** (Section 1.5).

All EEM projects funded in this cycle must be *completed* prior to **June 30, 2020.**

## Exhibit 2. EEM Grant Program Application Requirements

All required documents must be included with the application packet (one original and five copies). See Section 7 – What to Submit.

Board Resolutions and Certification Letters (required for both public and non-profit agencies) may be submitted in draft form, as long as the signed versions are submitted within 30 days of application due date (Appendix C & D).

### 1.4 North/South Split

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

### 1.5 Environmental Review for the EEM Project (CEQA & NEPA if applicable)

Environmental Review compliance **must** be complete for the proposed EEM project in order to submit an eligible application. Stamped and filed copies of the final environmental review documents – whether exempt or not – must be submitted to Agency **with the grant application.** (Appendix J)

### 1.6 Funding

Grants for individual projects are generally limited to \$500,000 each. Applicants must provide a Project Cost Estimate (Appendix F or G) 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 are NOT required for EEM program grants. However, additional points will be given to applications which include other sources of funds for the proposed project.
- B. If the Applicant has obtained, or is planning to obtain, other sources of funds for the project, each source of funds must be shown in the Application Cost Estimate.
  1. Applicant must identify each source of funding separately on the Cost Estimate (Appendix F or G) including other State of California funds and in-kind funds.
  2. In the Narrative, specify the amount, its proposed use and the funding status (e.g., granted or secured, applied for but awaiting granting agency's decision, to be applied for in the future, etc.).

#### 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

## Exhibit 2. EEM Grant Program Application Requirements

one-time or limited opportunity, acquisition of resource lands of a considerable size, substantial leveraging, and/or projects with statewide significance.

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

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

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

### 1.8 Eligible Costs

Direct project related costs to be incurred during the project performance period, specified in the Grant Agreement, will be eligible for reimbursement. Indirect costs and costs incurred outside of the project performance period will not be reimbursed (see Appendix M for detailed information on Eligible Costs).

- A. A Cost Estimate (Appendix F or G) is part of the Application Package.
- B. The Cost Estimate should show all EEM project expenses line-item by line-item.
- C. Include all other funding sources in separate columns and name or identify each source, including in-kind, volunteer services or donated items.

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

**1.9 Selection Process**

The Application review and selection process is as follows:

- A. Applications are submitted to the Natural Resources Agency.
- B. Applications are reviewed for completeness and evaluated by a Review Committee.
- C. Site visits to selected projects are conducted.
- D. The Committee recommends projects for funding to the Secretary for Natural Resources.
- E. The Secretary makes funding recommendations to the California Transportation Commission.
- F. California Transportation Commission awards grants.
- G. Natural Resources Agency executes a Grant Agreement with the Grantee and administers the grant.

# **SECTION 2 PROJECT REQUIREMENTS**

## 2. PROJECT REQUIREMENTS

### 2.1 EEM Project Categories

Eligible EEM projects must fit one of the following Categories:

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

### 2.2 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).

- 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:

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

The type of benefit produced by the two projects:

<b>Directly (example)</b>	<b>Indirectly (example)</b>
The EEM project replaces pine trees removed during construction of the RTF.	The EEM project develops a scenic viewpoint to mitigate removal of pine trees during construction of the RTF.

- 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.**

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

## Exhibit 2. EEM Grant Program Application Requirements

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

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

F. The RTF must be a project

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

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

H. Environmental Review for the RTF (CEQA & NEPA if applicable)

Environmental Review compliance must be *completed* for the RTF at time of application. (This is true even if the RTF has not yet started construction.) A Letter from the Lead Agency for the RTF (Appendix E), documenting the environmental impacts must be included with your application 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 for purposes of this grant program.

(For example, pavement resurfacing, repainting a bridge or a replanting project would not under most circumstances have 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.)

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

## Exhibit 2. EEM Grant Program Application Requirements

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

- J. Under circumstances where a transportation project received a Negative Declaration or Categorical Exemption and is not required to provide mitigation, the Applicant may be aware of cumulative impacts which had unforeseen adverse environmental impacts. In this case, EEM program funding might be feasible if certain conditions apply. It is the responsibility of the Applicant to:
1. Establish the cumulative impacts of the RTF; and
  2. Demonstrate how the EEM project would mitigate them.

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

- K. The applicant is required to demonstrate either
1. Construction of the RTF has (or will have) a significant, immediate adverse impact on the environment; or
  2. The RTF itself will have a long-term adverse impact on the environment.

### 2.3 Minimum EEM Project Requirements

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

- A. All EEM projects must establish and demonstrate a direct or indirect relationship to the modification or construction of a RTF.
- B. The RTF must have an adverse impact on the environment.
- C. The EEM project must be different from the RTF.
- D. The EEM project must mitigate the environmental damage caused by the RTF.
- E. The EEM project, if in or near the right-of-way, must be compatible with and not interfere with the operation or safety of the RTF.
- F. The EEM project must not limit currently planned or anticipated future improvements to the RTF.
- G. If the EEM project is on State-owned right of way, applicable State design and construction standards and practices shall apply.
- H. If the EEM project is off State-owned right of way, applicable design and construction standards and practices of the local government having jurisdiction over the project location shall apply.

## Exhibit 2. EEM Grant Program Application Requirements

- I. All necessary encroachment permits to access right of way must be obtained before construction may begin on a project.

**Letters of support must be submitted with the application. For encroachment permits, evidence that the entity with jurisdiction (including Caltrans) is aware of the project and willing to work with the applicant to issue the permit, must be submitted with the application. (See Section 7 - What to Submit - Letters from or Agreements with other Agencies.)**

- J. **Environmental Review Compliance (CEQA & NEPA if applicable) must** be complete for the proposed EEM project in order to submit an application. County Clerk stamped and filed copies of the final environmental review documents – whether exempt or not – must be submitted to Agency **with the grant application.** (Appendix J).
- K. **Plant Palette** - Water use efficiency is an essential consideration in the design and management of California landscapes. Best Management Practices and strategies that increase water conservation should be identified and implemented.<sup>3</sup> Successful projects will be those where plant selection is based on the appropriate and approved planting palettes for that specific California climate zone and where applicable, do not conflict with CAL FIRE’s tree planting standards and specifications. Temperature and moisture conditions, climate adaptation and long term water usage will be taken into consideration when evaluating proposed plantings. **Limited inclusion of any non-natives (exotics) in the plant palette may be allowed, but must be approved by Agency.**

Examples include planting native, drought-tolerant and low water use vegetation, enabling groundwater recharge, using recycled water for irrigation.

Examples of approved regional planting palettes include: the “Shoreline Plants: A Guide for the San Francisco Bay,” published by the San Francisco Bay Conservation and Development Commission, or the “Landscaping Guidelines and Plant Palettes for the Los Angeles River and Tujunga Wash,” part of the Los Angeles River Master Plan. (For more information see Appendix S, Resources for Sustainable Communities.)

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<sup>3</sup> On April 1, 2015, Governor Brown issued Executive Order B-29-15, statewide mandatory water reductions. Refer to [http://gov.ca.gov/docs/4.1.15\\_Executive\\_Order.pdf](http://gov.ca.gov/docs/4.1.15_Executive_Order.pdf)

## 2.4 Eligibility Issues and Competitiveness

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

- A. No specific RTF has been clearly identified.
- B. The RTF is a planning project that, in and of itself, causes no adverse environmental impacts. (It is future projects based on the plan that may cause the environmental impacts).
- C. The RTF received a Categorical Exemption or a Negative Declaration and does not appear to have caused any adverse environmental impacts either directly or cumulatively.
- D. The RTF was started before 1990.
- E. Environmental Review has not been completed for the RTF and therefore required mitigation has yet to be established.
- F. No specific EEM project is identified or the EEM project lacks detail and specificity. (For example: the particular parcels to be acquired are not identified.)
- G. Environmental Review for the proposed EEM project is not complete.
- H. For Resource Lands Applications – The RTF does not specifically impact “Resource Lands.”
- I. Application package lacks one or more critical elements such as signed Application Form, Authorizing Resolution, stamped and filed copies of environmental review documents for the EEM project, evidence of Land Tenure and Site Control, Signed Purchase Option Agreement or Willing Seller letter, proof of nonprofit status, etc. (Section 7 , What to Submit).

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

- A. The Applicant does not clearly demonstrate a connection between environmental damage caused by the RTF and the proposed EEM project.
- B. The Applicant does not demonstrate that the EEM project will mitigate the environmental damage caused by the RTF.
- C. The Applicant is aware that the RTF *has* caused significant, adverse environmental impacts even though it received a Categorical Exemption or a Negative Declaration, but fails to sufficiently explain the cumulative or late-occurring adverse impacts, or describe how the RTF caused them.
- D. Timeline for completion of EEM project conflicts with the funding timeline.

## Exhibit 2. EEM Grant Program Application Requirements

- E. Projects that do not promote water conservation and efficiencies (such as planting native, drought tolerant and low water use vegetation, enabling groundwater recharge, or by using recycled water for irrigation).
- F. Projects that are less sustainable and/or less cost effective.
- G. Applicant does not demonstrate significant public benefit from this expenditure of public funds
- H. Applicant does not demonstrate fiscal and/or organizational capacity.

# **SECTION 3**

# **PROJECT ADMINISTRATION**

### **3. PROJECT ADMINISTRATION**

#### **3.1 General Overview of Grant Process if Awarded Funding**

- A. State sends Grant Agreement and materials for project grant administration to Grantee.
- B. Grantee signs and returns all required copies to the State (one fully executed original will be returned to the Grantee).
- C. For acquisitions, Grantee submits appraisal, purchase documents, preliminary title report, etc., for Department of General Services (DGS) review. Applicable State appraisal review fees are an eligible cost (for estimating purposes, Applicants should use \$10,000 per escrow as an estimate in their grant proposal to cover these fees).
- D. For development projects, Grantee submits final site control documents adequate to the State before ANY reimbursement will be made.
- E. Grantee commences preliminary work (planning, design, permitting, etc.) on the project and submits requests for reimbursements, as applicable.
- F. Grantee submits final site plan, timeline and cost/budget estimate (as applicable) for State review prior to commencing with construction.
- G. Grantee posts a Funding Acknowledgement Sign at the project site (see Appendix P).
- H. Grantee commences construction work on the project and may submit payment requests for reimbursement of eligible project expenditures.
- I. At its discretion, State schedules periodic project site visits and requests periodic progress reports from the Grantee.
- J. Grantee completes project and submits project completion packet (to be provided under separate cover) to the State.
- K. State makes final project inspection and approves final payment.

#### **3.2 Changes to Approved Project**

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

#### **3.3 Site Visits**

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

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

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

(For detailed description of the Reimbursement Payment Process, see Appendix N)

- A. Only direct project-related costs specified in the Grant Agreement will be eligible for reimbursement. Indirect /overhead costs are not reimbursable.

## Exhibit 2. EEM Grant Program Application Requirements

- B. Costs incurred outside of the Grant Agreement's project performance period will not be reimbursed.
- C. All requests for reimbursement must be supported by appropriate documentation.
- D. Agency may recommend projects to the CTC with unallocated reductions in grant funding or with specific line item reductions. In such cases, the Applicant may elect to use non-grant sources of funding if it is deemed necessary to complete the project as planned.

### **3.5 Loss of Funding (Not a complete list)**

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

- A. Grantee fails to obtain a Grant Agreement.
- B. Grantee withdraws from the grant program.
- C. Grantee loses willing seller(s).
- D. Grantee fails to complete the funded project.
- E. Grantee fails to submit all documentation within the time period specified in the Grant Agreement.
- F. Property cannot be acquired at or below approved fair market value (pursuant to appraisal review by the Department of General Services).
- G. Grantee fails to demonstrate project sustainability to meet minimum required useful life.
- H. Grantee is unable to secure adequate land tenure/site control.
- I. Grantee changes project scope without approval of the State, or, the modified project doesn't meet intent of award.
- J. Grantee cannot provide ongoing assurance that the project will be completed prior to June 2020. Assurance includes but is not limited to: bid advertisement schedule, escrow schedule for acquisitions, or award letter from other funding sources, etc. If the project cannot be completed by June 2020, the grant may be retracted.

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

# **SECTION 4 PREPARING YOUR GRANT APPLICATION PACKAGE**

**4. PREPARING YOUR GRANT APPLICATION PACKAGE**

**4.1 Grant Application Package** contains four sections (see Section 7 - What to Submit and Appendix A – Checklist for What to Submit).

- A. Application Form
- B. One Page Summary
- C. Project Narrative
- D. Exhibits and Supporting Documents

**4.2 Project Proposal Narrative** is the primary basis for the Committee’s evaluation. It provides details on the RTF and the EEM Project, and should demonstrate to the Committee how effectively the EEM Project meets the goals of the Environmental Enhancement and Mitigation Program.

All Applicants must answer questions for the General Criteria (Section 5). Each Applicant must also answer questions in one Project Category (Section 6). Projects will be evaluated on both General Criteria and Project Category Criteria by assigning values based on a point system. A maximum of 100 points may be assigned to any one project.

Applicant should respond to all questions in the order listed and clearly label each question and answer.

- A. Limit the Project Proposal Narrative to 10 numbered pages (not including the one-page summary or supporting documents).
- B. Use 8 ½” x 11” paper with 12-point easy-to-read font.

**4.3 Projects will be evaluated by the Committee** using the following criteria and scoring allocation:

**General Criteria (45 points)**

- A. Mitigation and Enhancement
- B. Statewide Project Goals
- C. Local Cash Contributions
- D. Project Readiness/Organizational Capacity

**Project Category Criteria (55 points)**

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

# **SECTION 5**

## **GENERAL CRITERIA QUESTIONS**

## 5. GENERAL CRITERIA QUESTIONS

EEM projects will be evaluated on the following criteria. Answer all the questions in this section in narrative form. Respond to all questions in the order listed and clearly label each question and answer. Provide quantitative explanations in support of each criterion whenever possible.

### 5.1 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 rated the highest.

- A. In order to establish the effectiveness of the EEM project, the Applicant must first establish what environmental damage was caused by the RTF.
1. Describe the RTF in detail.
  2. What are the adverse environmental impacts of the RTF?
  3. Provide a concise, but complete explanation of the **required mitigation** that was undertaken for the RTF.
  4. What is the proximity of the EEM project to the RTF?
- B. Does the RTF impact a larger biological area, complex, or system (such as a wildlife corridor, watershed or regional greenbelt trail system)? If yes, explain.
- C. Is the RTF in an area especially vulnerable to climate change? If yes,
1. Explain the nature of the threat (fire, flood, heat, sea level rise, etc.)
  2. How does the RTF accommodate the potential effects of this threat?

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

California Natural Resources Agency grant programs assist state and local entities in developing more sustainable communities, and increase their adaptability to climate change<sup>4</sup> while improving the quality of life in those communities. Priority will be given to EEM projects that demonstrate the following multiple benefits:

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

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

- Enhancing the tree canopy, urban forest, local parks and open space.
- Greening of existing public lands and structures, including school campuses.

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<sup>4</sup> Climate change impacts are expected in the areas of public health, biodiversity and habitat, ocean and coastal resources, water management, agriculture, forestry, transportation and energy. (California Climate Adaptation Strategy, 2009)

## Exhibit 2. EEM Grant Program Application Requirements

- Capturing, storing or infiltrating stormwater for ground water recharge using permeable surfaces, collection basins and barriers.
  - Restoration projects that expand the floodplain.
  - Installing bioswales, rain gardens etc. to mitigate stormwater runoff.
  - Roof gardens and landscaping for heat island mitigation and energy conservation.
  - Community gardens or orchards with outdoor education opportunities.
  - Conservation easements or fee title acquisitions to preserve land for agricultural uses, open space, wetlands, etc. in perpetuity.
- E. Answer the following questions to demonstrate how your EEM project uses innovative methods and implementation strategies to improve both the project's sustainability and the local community's adaptability to climate change.
1. Is the EEM project in an area especially vulnerable to climate change? If so,
    - a. Explain the nature of the threat (fire, flood, heat, sea level rise, etc.).
    - b. How does the EEM project design ensure that it will NOT be impacted by the potential effects of this threat?
  2. Does the EEM project mitigate for climate change by addressing any of the multiple benefits above? If yes, describe.
  3. Does the EEM project help to meet California's greenhouse gas (GHG) emission reduction targets consistent with the California Global Warming Solutions Act of 2006?<sup>5</sup> How?
  4. The State seeks to fund a diverse group of projects that serve the largest number of people in the widest area possible. Demonstrate relevance to larger planning processes (e.g., regional, city, county, State) by elaborating on the following:
    - a. Is the EEM project part of a comprehensive, regional initiative to protect and enhance the State's natural heritage?
    - b. Has the EEM project been identified as a statewide priority in plans, policies, or other pronouncements?
    - c. Is the EEM project consistent with and or identified in local, State, Federal plans? (e.g., General Plans, Transportation Plans, Climate Action Plans, etc.)
    - d. Has this project been coordinated with local land use authorities?
    - e. Does the EEM project enhance or expand the State Park System, or add to other protected public lands?
    - f. Does the EEM project reinforce, complement, or fill a deficiency or need in a larger area, complex, or system?<sup>6</sup> If yes, explain.
    - g. Does the EEM project meet other statewide resource priorities?

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<sup>5</sup> Targets are: reduce GHG emissions to 1990 levels by 2020; and reduce GHG emissions to 80% below 1990 levels by 2050.

<sup>6</sup> For example, an EEM project that preserves wildlife habitat lands adjacent to other protected wildlife habitat lands may provide greater protection than a smaller, separate habitat lands project; or adding to an existing greenbelt or trail system may provide greater mitigation benefits than a smaller, separate urban forestry project.

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

Projects that contribute the greatest proportion of other funding sources will be given priority. Remember to include this information in the Project Cost Estimate (Appendix F or G).

- A. Identify the sources and amount of funds already committed to the project and expected timing of the funds.
- B. Identify sources and amount of funds yet to be secured and expected timing.
- C. List dollar amounts for cash contributions on the Cost Estimate.
- D. Describe any in-kind services, volunteer labor, donated materials or technical expertise to be used. (Be sure to list their value separately from cash contributions on the Cost Estimate.)
- E. What is the source of funds for ongoing operations and maintenance?

### 5.4 Project Readiness/Organizational Capacity (0-15 points)

EEM program funds are expected to be expended by June 2020. Therefore, projects that can be started and completed most readily will be given priority.

- A. Has the RTF been completed? If not, has it been started?
- B. If not, have funds been specifically appropriated for it? (Required)
- C. Has the Environmental Review been completed for the RTF? (Required)
- D. Has the required mitigation for the RTF been completed?
  
- E. What is the status of the EEM project designs/specifications?
- F. Has the EEM project permitting started? Is it complete?
- G. Has the environmental review for the EEM project been completed? (Required)
- H. Are committed matching funds for the EEM project readily available?
- I. Can the EEM project be completed by June 2020?
  
- J. Does the Applicant have prior experience with this kind of project?
- K. Describe the Applicant's fiscal capacity to carry out the proposed EEM project on a reimbursement only basis?
- L. Has the Applicant received a prior EEM program grant? (include project name and year)
  
- M. For acquisitions only:
  - 1. Identify the *SPECIFIC* parcels to be acquired.
  - 2. Have the parcels been appraised? If not, what is the basis for valuation?
  - 3. Has a preliminary title report been issued?
  - 4. Is a purchase agreement in place with the seller?
  - 5. If the purchase agreement is still pending and not included in the application, has a "Willing Seller" Letter from each person on the title been secured?

# **SECTION 6**

# **PROJECT CRITERIA QUESTIONS**

## 6. PROJECT CRITERIA QUESTIONS

Select **one** of the following Categories for your proposed EEM project. Answer all the questions in narrative form. Respond to questions in the order listed and clearly label each question and answer. Provide quantitative explanations in support whenever possible.

### 6.1 Urban Forestry (UF)

Urban Forestry projects, for purposes of this program, are designed to offset vehicular emissions of carbon dioxide through the planting of trees and other suitable plants.<sup>7</sup>

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

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

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

#### A. Suitability (0-20 points)

1. Describe the proposed EEM project.
2. How will it mitigate the environmental impact of the RTF?
3. What is the geographic proximity of the EEM project to the RTF?
4. Describe the environmental condition of the EEM project site.
5. Explain specifically how vehicular emissions of carbon dioxide created by the RTF will be mitigated by the EEM Project.

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

6. Provides maximum environmental benefits over the long term. For instance, does your project:
  - a. Extend the existing urban forest with street trees, pocket parks, community gardens and orchards?
  - b. Increase open space in residential areas by greening vacant lots, abandoned sites, and public lands such as school acreage?
  - c. Improve existing urban ecosystems, such as stabilizing urban creeks and shorelines with riparian habitat?
  - d. Reduce water usage with native, drought tolerant and low water use plantings?

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<sup>7</sup> Not all trees are equal when it comes to carbon sequestration. For help identifying suitable trees refer to Cal Poly's SelecTree at <http://selectree.calpoly.edu/>, or see Appendix S, Resources for Sustainable Communities.

## Exhibit 2. EEM Grant Program Application Requirements

7. Serves the greatest geographic area and/or number of people, such as making neighborhood parks and trails access points to larger natural areas.
8. Is consistent with regional habitat management or conservation objectives, for instance, uses permeable surfaces and bioswales to capture, store and infiltrate storm water for groundwater recharge and use.
9. Demonstrates a measureable economic impact. For instance,
  - a. The impact of trees in making the community more walkable.
  - b. Reduction of energy costs through summer shade and winter wind protection.
  - c. Improved physical and mental health of urban dwellers.
  - d. Reduced stormwater runoff, flooding, damage from coastal storms, erosion, and potential sources of water pollution.

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

Integrated biophysical management of urban forest ecosystems improves the quality of life for urban dwellers. It includes the art, science and technology of managing trees and other vegetation as an integral part of the infrastructure in urban ecosystems, providing environmental, social, economic and aesthetic benefits.

Projects where plantings, once established, will thrive without the need for supplemental irrigation will be given priority in this category (however, habitat and climate will be taken into consideration).<sup>8</sup>

1. Have you conducted a tree inventory to establish a baseline for management objectives by determining what you have and where you have it?
2. What are the environmental benefits of the species selected? For instance:
  - a. Are selected trees and other plants environmentally tolerant to drought, smog, soil compaction, frost, wind, etc.?
  - b. Will tree and other plant species selected be ecologically and physically appropriate for their function in the planting space available?
3. Will the initial size selected for the planting area have the best chance for survival and growth on the project site?
4. Explain how your project actively preserves and promotes species diversity in the urban forest? For instance:
  - a. Is your project a larger park and/or open space, and of significant size to improve species richness?
  - b. Are the species selected to reduce the effects of insects and diseases?
  - c. Have you observed natural regeneration of native species?
  - d. Can you identify the factors explaining the variation in biodiversity indicators?
5. Describe provisions for plant establishment and long-term maintenance.
6. What provisions have been made for plantings that fail (e.g. a budget for establishment, removal and/or replacement)?
7. Will the project use recycled or reclaimed water?
8. Is the project in an area easily affected by external events (e.g., weather, vandalism)? If so, what is planned in the project design to ensure sustainability?

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<sup>8</sup> For information on sustainability, refer to Appendix S, Resources for Sustainable Communities.

## Exhibit 2. EEM Grant Program Application Requirements

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

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

### C. Cost Effectiveness (0-10 points)

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

1. How many trees will be planted in how much space?
2. What species of trees and plants will be used? Attach Planting Palette with both scientific and common names.
3. What is the size and cost for each of the trees and plants proposed? **EEM program will not pay for trees larger than 15 gallons. If trees larger than 15 gallon will be planted using other funding sources, a letter of explanation/justification, signed by the applicants authorized representative in the Resolution, must be submitted with the application.**
4. What type of irrigation system will be installed?
5. What is the water source and cost?
6. What will be the establishment cost per tree (including irrigation) over the first five years following planting?
7. Is the project using volunteer labor and/or donated materials?

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

Projects that provide other benefits (i.e., benefits of other Categories -- Resource Lands) and/or demonstrate local and community support will be given priority under this criterion.

1. Will the project provide access to outdoor wildlife/nature oriented recreational opportunities?
2. Will the project increase opportunities for interpretive and/or environmental education?

## Exhibit 2. EEM Grant Program Application Requirements

3. Will the project be ADA<sup>9</sup> accessible? Describe accommodations.
4. Will the project impact the extended exurban<sup>10</sup> landscapes? (e.g., flyways.) If so, describe the connection to nearby rural forests through wildlife, fire, recreation and/or water management.
5. Will the project maximize citizen involvement in project planning and implementation?
6. Will the project provide community stewardship opportunities for long-term maintenance?

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

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

Cumulatively, Resource Lands projects address state-wide conservation issues, including climate change, availability of water for fish and wildlife, preservation of California's rich biodiversity and protection of rare species, control of invasive species, protection of large landscape-level land holdings from conversion and fragmentation, preservation of wildlife movement and migration corridors, and expanded public access to outdoor wildlife/nature-oriented recreation.<sup>11</sup>

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

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

Development and Acquisition projects that demonstrate the following will be given priority in this category.

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

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<sup>9</sup> Americans with Disabilities Act

<sup>10</sup> The region that lies beyond a city and its suburbs. ([http://opr.ca.gov/docs/General\\_Plan\\_Guidelines\\_2003.pdf](http://opr.ca.gov/docs/General_Plan_Guidelines_2003.pdf))

1. <sup>11</sup> \*California Wildlife Conservation Board, Draft Strategic Plan 2014. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=75737>

## Exhibit 2. EEM Grant Program Application Requirements

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

- Development projects may include restoration of waterways to natural or historic function, floodplain enhancements for climate adaptation and flood control, removal of invasive and restoration of natural species, improved access to public lands including the addition of trailheads and nature-oriented trails with corresponding amenities and interpretive elements.
- Acquisitions in fee title or through conservation easements may 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.

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

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

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

1. Describe the environmental condition of the Resource Lands impacted by the RTF.
2. Where are these lands located?
3. Are they within, or near, the RTF right-of-way?
4. How are they directly impacted by the RTF?
5. What value is lost by this impact?
6. What mitigation was required by the Environmental Review?

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

1. Describe the proposed EEM mitigation project.
2. How will it mitigate the environmental impact of the RTF? How will it mitigate impacts on Resource Lands specifically?
3. Describe the environmental condition of the Resource Lands to be acquired or enhanced.

## Exhibit 2. EEM Grant Program Application Requirements

4. What is the geographic proximity of the EEM Resource Lands to the RTF impacted Resource Lands?
5. Differentiate the EEM project acquisition, restoration or enhancement from the required mitigation.
6. Is this a one-time or limited opportunity acquisition?
7. Is the property of considerable size?
8. Has the Applicant secured substantial leveraging?
9. Are the lands of statewide significance?

Acquisitions or enhancements to Resource Lands which impact the following will be rated the highest:

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

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

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

1. Describe your plans for operating and maintaining the project, and indicate your source of funds for ongoing management.
2. Is the project in an area easily affected by external events (e.g., weather, vandalism)? If yes, what is planned in the project design to ensure sustainability?
3. If your project involves plantings, once established, will they thrive without the need for supplemental irrigation? Please describe (Consideration will be given for the type of habitat).
4. Describe your plans for ongoing stewardship of acquired lands.
5. Long term water usage will be taken into consideration when evaluating your plant palette.
  - a. Explain how water use efficiency (including stormwater management both onsite and from adjacent areas) is considered in the design and management of your landscape. How will water conservation be increased?
  - b. What Best Management Practices will be implemented and what is your source of technical expertise?
  - c. Is plant selection based on the appropriate and approved planting palette for your specific California climate zone?
  - d. Does the project include temporary or permanent irrigation? What type? (If permanent irrigation is proposed, please explain why it is critical.)
  - e. How has climate adaptation informed your decisions?

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

## Exhibit 2. EEM Grant Program Application Requirements

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

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

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

#### For acquisitions:

2. What is the fair market value of the property?
3. Has an appraisal been completed?
4. If not, what is the basis for this assessment?
5. Has the seller discounted the sale price? If yes, by how much?

#### For restorations or enhancements:

6. Describe methodologies planned for removal of exotic/invasive species, and re-vegetation.
7. What is the projected plant establishment time and cost?
8. Describe the planting palette. **EEM program will not pay for trees larger than 15 gallons. If trees larger than 15 gallon will be planted using other funding sources, a letter of explanation/justification, signed by the applicants authorized representative in the Resolution, must be submitted with the application.**
9. Are the species and size of plants appropriate to the habitat?
10. Are native, drought tolerant and low water use plants being used?
11. What is the water source and cost?
12. Identify the percentage of expenditures for labor and the percentage for materials.
13. Is the project using volunteer labor and/or donated materials?

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

Projects that provide other benefits (i.e., benefits of other Categories -- Urban Forestry) and/or demonstrate community support will be given priority under this criterion. Will the project:

1. Provide access to outdoor wildlife/nature oriented recreational opportunities?
2. Increase opportunities for interpretive and/or environmental education?
3. Offset vehicular emissions of carbon dioxide through the planting of trees or other suitable plants?
4. Impact the nearby urban forests? If yes, describe the connection through wildlife, fire, nature oriented recreation and/or water management.
5. Be ADA accessible? Describe accommodations.
6. Maximize citizen involvement in project planning and implementation?
7. Provide community stewardship opportunities for long-term maintenance?

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

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

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

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

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

Examples include mitigation that is not technologically feasible, not possible within the time frame of the RTF, too expensive to implement, outside the jurisdiction of the lead agency, or are the responsibility of another public agency, etc.

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

1. Describe the proposed EEM project.
2. Which resources are impacted by the RTF? (Select those that apply from “a through g” below.)
3. Describe how the EEM project mitigates the environmental impacts noted above below? (Questions provided for each resource are examples only.)
  - a. **Biological Resources** - How will the project control weeds or invasive plants? Restore native habitat? Increase species diversity?
  - b. **Resource Lands** - How will the project connect to, or augment an existing wild area? Mitigate disturbances to plant communities or sensitive habitats? Will the project protect, or preserve resource lands?
  - c. **Geology/Soils/ Mineral Resources** - How will the project minimize erosion and sediment transport? Help to stabilize soil? Reduce the risk of slope movement?
  - d. **Water Quality/Supply/Stormwater Management** - How will the project reduce non-point pollution? Recharge groundwater supplies? Neutralize the effect of herbicides?
  - e. **Air Quality/ Greenhouse Gas Emissions** - How will the project offset vehicular emissions of carbon dioxide through the planting of trees and other suitable plants?
  - f. **Recreation/Scenic Vistas/Cultural Resources** – How will the project extend trails or access for outdoor wildlife/nature oriented recreational purposes?<sup>12</sup>

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<sup>12</sup> Passive recreation includes trails for hiking and mountain biking, and access for fishing, kayaking, etc.

## Exhibit 2. EEM Grant Program Application Requirements

Create or restore opportunities for scenic or wildlife viewing? Improve access to historic or heritage sites?

- g. **Agriculture & Forestry Lands** – How will the project protect or preserve open space, farmland, or forest resources?

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

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

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

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

1. Describe your plans for operating and maintaining the project, and indicate your source of funds for ongoing management.
2. Is the project in an area easily affected by external events (e.g., weather, vandalism)? If yes, what is planned in the project design to ensure sustainability?
3. If your project involves plantings, once established, will they thrive without the need for supplemental irrigation? Please describe (Consideration will be given for the type of habitat).
4. Describe your plans for ongoing stewardship of acquired lands.
5. Long term water usage will be taken into consideration when evaluating your plant palette.
  - a. Explain how water use efficiency (including stormwater management both onsite and from adjacent areas) is considered in the design and management of your landscape. How will water conservation be increased?
  - b. What Best Management Practices will be implemented and what is your source of technical expertise?
  - c. Is plant selection based on the appropriate and approved planting palette for your specific California climate zone?
  - d. Does the project include temporary or permanent irrigation? What type? (If permanent irrigation is proposed, please explain why it is critical.)
  - e. How has climate adaptation informed your decisions?

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

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

1. What national, State or local construction standards will be used for outdoor wildlife/nature oriented recreational facilities and amenities such as trails, trailheads, restrooms, etc.?
2. What environmentally-friendly materials will be used?
3. If the Project includes a trail, what construction materials will be used?

## Exhibit 2. EEM Grant Program Application Requirements

4. What type of irrigation system will be installed, if applicable? What is the water source and cost?
5. Describe the planting palette. Are the species and size of plants appropriate to the habitat? Are native, drought tolerant, and low water use plants being used? **EEM program will not pay for trees larger than 15 gallons. If trees larger than 15 gallon will be planted using other funding sources, a letter of explanation/justification, signed by the applicants authorized representative in the Resolution, must be submitted with the application.**
6. If applicable, what is the projected plant establishment time and cost?
7. Identify the percentage of expenditures for labor vs. the percentage for materials.
8. For acquisitions:
  - a. What is the fair market value of the property?
  - b. Has an appraisal been completed?
  - c. If not, what is the basis for this assessment?
  - d. Has the seller discounted the sale price?

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

Projects that provide other benefits (e.g., benefits of other Categories such as Urban Forestry or Resource Lands) and/or demonstrate local and community support will be given priority under this criterion. Will the project:

1. Provide access to outdoor wildlife/nature oriented recreational opportunities?
2. Preserve or restore natural habitat for wildlife?
3. Offset vehicular emissions of carbon dioxide through the planting of trees or other suitable plants?
4. Be ADA accessible? Describe accommodations.
5. Increase opportunities for interpretive and/or environmental education?
6. Maximize citizen involvement in planning and implementation?
7. Provide community stewardship opportunities for long-term maintenance?

**SECTION 7**  
**WHAT TO SUBMIT:**  
**REQUIREMENTS FOR A**  
**COMPLETE APPLICATION**

## 7. WHAT TO SUBMIT: REQUIREMENTS FOR A COMPLETE APPLICATION

The Grant Application is composed of four (4) sections:

- A. Application Form (Appendix B)
- B. One Page Summary of the EEM project and relation to RTF
- C. Project Proposal Narrative (Answers to questions in Sections 5 and 6)
- D. Exhibits & Supporting Documents (Appendix A)

**Submit a total of six copies of all materials (original plus five copies) No binding please.**

The following items, as applicable, make up the EEM Program Application Package. Please assemble your Application Package in the order listed below and number each page sequentially.

### 7.1 Application Form – Complete and Signed (Appendix B)

### 7.2 Project Summary

A one page description of the EEM project scope, location, purpose, relationship to the RTF and amount of request.

### 7.3 Project Proposal Narrative

- A. **General Criteria** – Answer questions in **Section 5** in narrative form and provide quantitative explanations for each whenever possible.
- B. **Project Category Criteria** – For the Category of project being proposed, answer questions in **Section 6** in narrative form and provide quantitative explanations for each whenever possible.

### 7.4 Exhibits & Supporting Documents

#### A. Agency Eligibility

1. **Resolution** authorizing or delegating to Applicant the authority to apply for the grant is required for all Applicants (Appendix C); or
2. **Certification Letter** from entities without a governing board (Appendix D); and
3. **IRS determination letter** of Section 501(c)(3) non-profit status, if applicable.

#### B. Related Transportation Facility

1. **Letter from the Lead Agency** Responsible for the RTF (Appendix E)

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.

## Exhibit 2. EEM Grant Program Application Requirements

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

- C. Cost Estimate** for EEM Project: Line-item detail including all elements to be funded by the EEM program grant.
1. Appendix F - Development Projects; or
  2. Appendix G - Acquisitions.
  3. Show other sources of funds in separate columns and specify each source.
  4. Allocate EEM program grant funds to specific line items **NOT** shared with other funding sources.
  5. Show volunteers, in-kind services and donated items in separate columns.
- D. Property Data Sheet** detailing current ownership of each parcel to be developed. (Appendix H)
- E. Ownership Documents** for each parcel to be developed, including rights of way, must be attached to the above (Examples include, but are not limited to, Grant Deed, Title Reports, Tax Records or Data Sheets From County Records, etc.).
- F. Assessor's Parcel Map:** Provide a photocopy from Assessor's Office, with each project parcel highlighted.
- G. Timeline for EEM Project:** Provide estimated timeline for all project tasks from design state to construction to ribbon cutting and project closeout. Use *actual* dates based on funding cycle.
- H. Permit Approval Status** for required permits, with status of applications filed with appropriate agencies. (Appendix I)
- I. Environmental Review Compliance Documents for the EEM Project** (Appendix J) e.g., Notice of Exemption, Notice of Determination, Negative Declaration or Mitigated Negative Declaration or Summary from Environmental Impact Report.
- Compliance must be complete and county clerk stamped and filed copies of final documents submitted with the grant application.**
- J. Location map** showing EEM project and RTF.
- K. Photos** of EEM project site (up to five).
- L. Site Plans:** EEM project design or concept drawings. Plans should contain specific property details including exterior boundaries, public access points and location of the improvements described in the grant application. The plan should be specific enough to allow someone unfamiliar with the project to visualize it in detail.
- M. Plant Palette:** For all projects involving plantings, a description of the number of plantings, species, size, density, and locations, including scientific and common names.

- N. Letter from Certified Arborist, Registered Professional Forester or Landscape Architect:** For Urban Forestry projects, a letter must be submitted from a certified arborist, registered professional forester or landscape architect, certifying the following for projects involving tree planting:
- a. Carbon dioxide uptake and carbon sequestration capability;<sup>13</sup>
  - b. Appropriateness of species for location (identify the approved planting palette for this specific California climate zone);<sup>14</sup>
  - c. Optimal initial tree size for survival;
  - d. Water use efficiency is an essential consideration in the design and management of this landscape;
  - e. How water conservation will be increased;
  - f. Best practices in planting and maintenance; and
  - g. Compliance with local ordinances.
- O. Justification Letter for Trees Larger than 15 Gallon:** If trees larger than 15 gallon will be planted using other funding sources, a letter of explanation/justification, signed by the applicant's authorized representative in the Resolution, must be submitted with the application.
- P. Letters from or Agreements with other Agencies** with jurisdiction over property to be developed, giving permission to implement project, such as:
1. Property owners (if other than Applicant).  
  
If an agreement has not yet been executed giving permission to *develop* the property, a signed letter from the landowner indicating their intent to enter into such agreement, is acceptable for application purposes.
  2. Flood Control Districts, Utilities, Caltrans, Railroads, etc.  
  
For encroachment permits, evidence that the entity with jurisdiction is aware of the project and willing to work with the applicant to issue the permit, must be submitted with the application.
  3. Entities responsible for Operations & Maintenance.  
  
If *operations and maintenance* will be performed by another entity, a signed letter of concurrence from that entity indicating their intent to enter into such agreement, is acceptable for application purposes.
  4. Other funding sources needed to implement the project.
- Site Control and Land Tenure requirements adequate to the State must be submitted before ANY grant funds will be disbursed (Appendix L).**

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<sup>13</sup> For suitable trees see the U.S. Forest Service's Tree Carbon Calculator at the Center for Urban Forest Research <http://www.fs.usda.gov/ccrc/tools/cufr-tree-carbon-calculator-ctcc> or Tree Planting Standards and Specifications [http://www.fire.ca.gov/resource\\_mgt/downloads/CALFIRE\\_Nursery\\_Standards\\_and\\_Specs11\\_12.pdf](http://www.fire.ca.gov/resource_mgt/downloads/CALFIRE_Nursery_Standards_and_Specs11_12.pdf)

<sup>14</sup> See Appendix S (Resources for Sustainable Communities) for links to approved regional planting palettes

## Exhibit 2. EEM Grant Program Application Requirements

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

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

**R. Acquisitions Only** – Submit the following in addition to the above:

1. **Purchase Option Agreement** – if a purchase option agreement has not been executed, a **Willing Seller Letter** from *each person on the title*, stating the seller is willing to enter into negotiations for sale of the property at a purchase price *not to exceed* Fair Market Value must be submitted with the application. (Appendix K).

If available, also submit the following:

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

# **APPENDICES**

**APPENDIX A – CHECKLIST FOR WHAT TO SUBMIT**

The following items, as applicable, make up the EEM Program Application Package. Please assemble your Application Package in the order listed below and number each page sequentially. Binder clips only – no folders, binders or notebooks. **Submit a total of six copies of all materials (original plus five copies).**

Application Form – Completed and Signed	<input type="checkbox"/>	Appendix B
One Page Project Summary	<input type="checkbox"/>	
Project Proposal Narrative: General Criteria & Project Criteria Questions	<input type="checkbox"/>	
Authorizing Resolution/Certification Letter from CEO	<input type="checkbox"/>	C & D
IRS Determination Letter of Section 501(C)(3) non-profit status, if applicable	<input type="checkbox"/>	
Letter from the Lead Agency for the RTF	<input type="checkbox"/>	E
Cost Estimate (Development or Acquisition Projects)	<input type="checkbox"/>	F & G
Property Data Sheet	<input type="checkbox"/>	H
Ownership Documents (Deeds, Tax Records, etc.)	<input type="checkbox"/>	
Assessor’s Parcel Map(s) for parcels to be developed	<input type="checkbox"/>	
Project Timeline	<input type="checkbox"/>	
Permit Approval Status	<input type="checkbox"/>	I
Environmental Review Documents for <b>EEM</b> Project	<input type="checkbox"/>	J
Location Map for EEM project and RTF	<input type="checkbox"/>	
Photos of EEM Project Site	<input type="checkbox"/>	
EEM Project Site Plans	<input type="checkbox"/>	
Plant Palette (projects involving plantings)	<input type="checkbox"/>	
Letter from Certified Arborist, Registered Professional Forester or Landscape Architect (Urban Forestry Projects)	<input type="checkbox"/>	
Justification Letter for Trees Larger than 15 Gallon funded by other funding sources	<input type="checkbox"/>	
Letters/Agreements from Agencies with Jurisdiction	<input type="checkbox"/>	
Letters of Endorsement	<input type="checkbox"/>	
Acquisitions Only – in addition to the above:		
Purchase Option Agreement or Willing Seller Letter (if a purchase option agreement has not been executed you must submit Willing Seller Letter)	<input type="checkbox"/>	K
Appraisal (if available)	<input type="checkbox"/>	
Stewardship Plan (if available)	<input type="checkbox"/>	
Preliminary Title Report (if available)	<input type="checkbox"/>	

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



**EEM Program 2014-15 Application Form – Page 2 of 2**  
**Enter Related Transportation Facility (RTF) Information under Section B**

**B. 1 RELATED TRANSPORTATION FACILITY (RTF)**

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Transportation District	City	County	Route Number / Name
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Location

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Description of RTF

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

**B.2 ENVIRONMENTAL COMPLIANCE FOR RTF PROJECT** (check type and status)

Type: Exempt \_\_\_ Negative Declaration \_\_\_ Categorical Exemption \_\_\_ EIR \_\_\_  
Status: Complete \_\_\_ In Progress \_\_\_

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

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

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**B.3 Name of Lead Agency for RTF:** \_\_\_\_\_

**B.4 Attach the Letter from the Lead Agency Responsible for the construction of the RTF.**  
(APPENDIX E)

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**C. CERTIFICATION**

*I certify that the information contained in this project Application form, including required attachments, is complete and accurate.*

Signed \_\_\_\_\_ Date \_\_\_\_\_  
(Applicant's Authorized Representative, as shown on the Resolution or Letter of Certification)

**DEADLINE: APPLICATION MUST BE RECEIVED BY MONDAY, JULY 13, 2015**

Exhibit 2. EEM Grant Program Application Requirements

**APPENDIX C - RESOLUTION TEMPLATE**

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

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

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

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

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

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

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

1. Approves the filing of an application for the (name of the project); and
2. Certifies that Applicant understands the requirements in the Program Guidelines;
3. Certifies that Applicant or title holder will have sufficient funds to operate and maintain the project consistent with the land tenure requirements; or will secure the resources to do so; and
4. Certifies that Applicant will record a document against the real property that defines the State's interest in the property whether the Grantee owns the property or not; and
5. Certifies that Applicant will comply with the provisions of Section 1771.5 of the State Labor Code regarding payment of prevailing wages on Projects awarded EEM Program Funds; and
6. If applicable, certifies that the project will comply with any laws and regulations including, but not limited to, legal requirements for building codes, health and safety codes, disabled access laws, environmental laws and, that prior to commencement of construction, all applicable licenses and permits will have been obtained; and
7. Certifies that Applicant will work towards the Governor's State Planning Priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety as included in Government Code Section 65041.1; and
8. Appoints the (designate position, not person occupying position) \_\_\_\_\_, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, payment requests etc., which may be necessary for the completion of the aforementioned project.

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

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

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

## **APPENDIX D - 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.

## Exhibit 2. EEM Grant Program Application Requirements

### **APPENDIX E - LETTER FROM THE LEAD AGENCY RESPONSIBLE FOR CONSTRUCTION OF RELATED TRANSPORTATION FACILITY (RTF)**

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

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

Send this letter on Lead Agency stationery to the Applicant for inclusion in their application package **prior to the application due date of July 13, 2015.**

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 (CEQA & NEPA if applicable) was required?
5. When was the Environmental Review completed?
6. Was mitigation required? If so, please describe the type of habitat impacted and list the required mitigation
7. Have the environmental mitigation measures been started, or completed?
8. If the RTF is planned, what is the projected construction start date? Completion date?
9. What is the funding source for the RTF?

Provide the following information about the proposed EEM Project:

10. Name of the EEM Project
11. Is the EEM Project the required mitigation for the RTF? If yes, please describe how the project mitigates the impacts?
12. 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.
13. Is the proposed EEM project incompatible with the RTF? If so, does it interfere with the operation or safety of the RTF? (please explain.)
14. Does the proposed EEM project limit or interfere with planned or anticipated future improvements to the RTF? (If it interferes, please explain.)
15. Describe any concerns about the proposed EEM project (e.g., design, safety, tree density, other.)
16. 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.)
17. Do you have any knowledge why the Applicant wouldn't be able to complete this project?

**Please include:**

Signature of Transportation Agency Representative, Title,  
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.**

Exhibit 2. EEM Grant Program Application Requirements

**APPENDIX F - COST ESTIMATE FOR DEVELOPMENT PROJECTS**

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

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

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

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

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

<b>Acquisition Schedule*</b>	<b>Completed By</b>
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.

Exhibit 2. EEM Grant Program Application Requirements

**APPENDIX H - PROPERTY DATA SHEET**

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

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

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

Exhibit 2. EEM Grant Program Application Requirements

**APPENDIX I - PERMIT APPROVAL STATUS**

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

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

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

**APPENDIX J - ENVIRONMENTAL REVIEW COMPLIANCE (CEQA & NEPA If Applicable)  
FOR EEM PROJECT**

*This form plus completed, county clerk stamped and filed copy of the Environmental Review documents for the EEM project are required at time of Application.<sup>15</sup>*

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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. As Lead Agency for Environmental Review compliance for the EEM project proposed in the application, please submit the following form and attachments.

---

**Lead Agency for EEM Project Environmental Review:**

1. Complete the form below
  2. Attach a copy of the applicable environmental compliance documents.
  3. Send the form and attachments with cover letter on Lead Agency stationery to the Applicant **prior to the application due date of July 13, 2015\*** so they may include it with their application package.
- 

Lead Agency Name: \_\_\_\_\_  
Street Address (& PO Box) \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_  
Lead Agency Representative, Title \_\_\_\_\_  
Contact information (phone, email) \_\_\_\_\_

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**INDICATE THE ENVIRONMENTAL COMPLIANCE DOCUMENTATION ATTACHED:**

**Notice of Exemption (NOE)**

List the statutory or categorical exemption applicable to the project: \_\_\_\_\_  
Attach NOE filed and stamped by the County Clerk(s) in which the project takes place.

**Notice of Determination (NOD)**

- Negative Declaration – with NOD filed and stamped by County Clerk(s) in which the project takes place, plus Evidence Fish & Game fee paid (or the project is exempt from fee).
- Mitigated Negative Declaration – with NOD filed and stamped by County Clerk(s) in which the project takes place, plus Evidence Fish & Game fee paid (or the project is exempt from fee).
- Environmental Impact Report (EIR) – including all documents listed below:
  - o IS with checklist
  - o State Clearinghouse Response, as applicable
  - o NOD filed and stamped by County Clerk(s) in which the project takes place
  - o Evidence Fish & Game fee paid or the project is exempt from fee
  - o NOD filed and stamped by County Clerk(s) in which the project takes place

**Resources:**

CEQA guidelines: <http://ceres.ca.gov/ceqa/>  
State Clearinghouse and Planning Unit: <http://www.opr.ca.gov/>

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<sup>15</sup> \* Environmental Review must be complete and final compliance documents submitted to the State with the grant application.

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

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

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

Date:

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

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

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

To Whom It May Concern:

This letter is provided to confirm that (*name of owner, trust, etc.*), owner of the above referenced property, is a willing participant in the proposed real property transaction. Should grant funds be awarded to the grant Applicant (*name of grant Applicant*), then (*name of owner, trust, etc.*), as Seller, is willing to enter into negotiations for the sale of the real property for a purchase price not to exceed fair market value.

Acknowledged:

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

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

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

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

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

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

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

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

### **Acquisition Projects**

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

### **Development Projects**

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

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

### **All Projects**

1. The Grantee shall not use or allow the use of any portion of the real property for mitigation (i.e., to compensate for adverse changes to the environment elsewhere) without the written permission of the State.
2. The Grantee shall not use or allow the use of any portion of the real property as security for any debt.
3. With the approval of the State, the Grantee or the Grantee's successor in interest in the property may enter into an agreement with another party to maintain and operate the property in accordance with this program. At a minimum, the agreement must 1) clearly spell out the roles of each party in detail, 2) be signed by all parties signifying their acceptance, 3) not terminate prior to the length of site control/land tenure required by the Grant Agreement (only agreements that allow early termination for cause or by mutual consent will be acceptable) and 4) include language that the Grantee would resume responsibility for ongoing operations and maintenance in the event of cancellation.
4. Grantee may be excused from its obligations for operation and maintenance of the project site only upon the written approval of the State for good cause. "Good cause" includes, but is not limited to, natural disasters that destroy the project improvements and render the Project obsolete or impracticable to rebuild.
5. For projects funded under the EEM Program, the Grantee will accept, sign, and record against the subject property, whether the Grantee owns the property or not, a Memorandum of Unrecorded Grant Agreement (MOUGA) / Deed Restrictions, to define the State's interest in the property (see APPENDIX Q).

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

## APPENDIX M - ELIGIBLE COSTS

Direct project related costs to be incurred during the project performance period, specified in the Grant Agreement, will be eligible for reimbursement. Indirect costs and costs incurred outside of the project performance period will not be reimbursed.

- A. A Cost Estimate (Appendix F or G) is part of the Application Package.
- B. The Cost Estimate should show all EEM project expenses *line item* by line item.
- C. Include other sources of funds in separate columns and specify each source, including in-kind, volunteer services or donated items.
- D. See Appendix N for detailed information on Reimbursement Payment Process.
- E. If a project is approved for funding, the project Cost Estimate will be used by Agency as the basis for reimbursement.

### F. All Projects

- 1. **Only direct costs are eligible.** General administrative costs and overhead (e.g., costs calculated as a percentage of other direct costs, such as telephone, fax, and space rental, etc.) and endowments for ongoing project maintenance are not eligible and will not be reimbursed..
- 2. Only costs incurred during the project performance period specified in the grant agreement will be eligible for reimbursement. Costs incurred outside of the project performance period are not eligible for reimbursement.
- 3. Contingency – Up to 10% of the grant may be budgeted for contingency costs. All such costs must be eligible per these guidelines. Contingency funds may not be used to increase the amount of funds that can be used for project management/non-construction pre-implementation.
- 4. Signs and Interpretive Aids – Costs include construction of exhibits, kiosks, display boards or signs located at and communicating information about the EEM Project and the required funding acknowledgement signs (see Appendix P).

### G. Development Projects

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

- a. Up to 25 percent (25%) of the grant funds for a development project may be spent on project management/non-construction (pre-implementation) costs including but not limited to planning and design, architecture and engineering, construction plans, permitting, direct project administration and management.

## Exhibit 2. EEM Grant Program Application Requirements

- b. Personnel or Employee Services – Costs for services of the Grantee's employees directly engaged in project execution must be computed according to the Grantee's prevailing wage or salary scales, and may include benefits such as vacation, sick leave, Social Security contributions, etc., that are customarily charged to the recipient's various projects, **excluding** overhead allocations.
  - i. Costs charged to the project must be computed on actual time spent on the project and evidenced by time and attendance records describing the work and payroll records. Overtime costs may be allowed under the recipient's established policy provided the regular work time was devoted to the same project.
  - ii. Projects must comply with Labor Code Section 1771.5, therefore, include prevailing wages in your cost estimates, as applicable. Refer to the Department of Industrial Relations' Division of Labor Statistics and Research website at <http://www.dir.ca.gov/DLSR/PWD/index.htm> for general prevailing wage determinations.
  - iii. Salaries and wages claimed for employees working on State grant funded projects must not exceed the Grantee's established rates for similar positions.

### 2. Contracted Services

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

### 3. Construction

- a. **Labor** - All necessary labor and construction activities to complete the project are eligible, including site preparation (demolition, clearing and grubbing, excavation, grading), monitoring (including soil and water testing during construction), onsite/field implementation and construction supervision, etc.
- b. **Trees, supplies, and materials** – (including irrigation equipment) may be purchased for a specific project or may be drawn from a central stock, provided that they are claimed at a cost no higher than that paid by the Applicant (**Within its public road right-of-way, Caltrans will only allow the planting of trees**).
- c. **Equipment** - Equipment owned by the Grantee may be charged to the project for each use. Equipment use charges must be made in accordance with the Grantee's normal accounting practices.<sup>16</sup>
  - i. If the Grantee's equipment is used, a report or source document must describe the work performed, indicate the hours used, relate the use to the project, and be signed by the operator and supervisor.
  - ii. Equipment may be leased, rented, or purchased, whichever is most economical. If equipment is purchased, its residual market value must be credited to the project costs upon completion of the project.

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<sup>16</sup> The equipment rental rates published by the State Department of Transportation may be used as a guide. (refer to <http://www.dot.ca.gov/hq/construc/equipmnt.html>)

- d. **Supplies and Materials** – Supplies and materials may be purchased for a specific project or may be drawn from a central stock, providing they are claimed at a cost no higher than paid by the Grantee.

When supplies and/or materials are purchased with the intention of constructing a piece of equipment, a structure or a part of a structure, the costs that are charged as supplies and materials may be capitalized according to the Grantee's normal practice or policy. If capitalized, only that cost reasonably attributable to the project may be claimed under the project.

4. **Other Expenditures** - In addition to the major categories of expenditures, funding may be provided for miscellaneous costs necessary for execution of the Project at the discretion of the 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 the Grantee's agency that can be documented as direct costs to the project (see requirements above under Personnel or employee services).
  - c. Transportation costs for moving equipment and/or personnel.

#### **H. Acquisition Projects**

1. Acquisition – Costs of acquiring real property are eligible and include the purchase price of the property at or below approved Fair Market Value, appraisals, surveys for boundary adjustments, preliminary title reports, escrow fees and title insurance fees.
2. Applicants should justify the cost effectiveness of a proposed acquisition, including the cost/benefit acquiring easements versus fee title when appropriate.
3. Direct staff and consultant costs are limited to \$10,000 per grant.
4. Costs of obtaining State approvals of purchase price and transaction reviews from the State Department of General Services are also allowable.
5. 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).
6. Consultant Services - The costs of consultant services necessary for the project are eligible and may be reimbursed up to \$10,000. Invoices must be presented with payment requests that identify the specific project activities, and include evidence of payment. Consultants must be paid by the customary or established method and rate of the Applicant. No consultant fee may be paid to the Applicant's own employees without prior approval or unless specifically agreed to by the State.

## **APPENDIX N - REIMBURSEMENT PAYMENT PROCESS**

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

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

### **F. Development Projects**

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

### **G. Acquisition Projects**

- 6. Payments are contingent on the Department of General Services (DGS) approving the appraised Fair Market Value of the property.
- 7. State-approved purchase price (not to exceed Fair Market Value), together with eligible acquisition costs may be advanced into an escrow account within 60 days of close of escrow.
- 8. At the sole discretion of the State, all disbursements are subject to a ten percent (10%) retention.
- 9. The remainder of the Grant, if any, shall be available on a reimbursable basis for other eligible costs.

## **APPENDIX O - STATE AUDIT AND ACCOUNTING REQUIREMENTS**

- A. Projects are subject to audit by the State of California annually and for three (3) years following the final payment of grant funds. If the project is selected for audit, advance notice will be given. The audit shall include all books, papers, accounts, documents, or other records of the Grantee, as they relate to the project for which the funds were granted.
- B. Grantee must have the project records, including the source documents and evidence of payment, readily available, and provide an employee with knowledge of the project to assist the auditor. The Grantee must provide a copy of any document, paper, record, or the like, requested by the auditor.
- C. Grantee must maintain an accounting system that:
  - 1. Accurately reflects fiscal transactions, with the necessary controls and safeguards,
  - 2. Provides a good audit trail, including original source documents such as purchase orders, receipts, progress payments, invoices, time cards, evidence of payment, etc.
  - 3. Provides accounting data so the total cost of each individual project can be readily determined.
- D. Records Retention
  - 1. A project is considered complete upon receipt of final grant payment from the State.
  - 2. Records must be retained for a period of three (3) years after final payment is made by the State.
  - 3. All project records must be retained by the Grantee at least one (1) year following an audit.
  - 4. Grantees are required to keep source documents for all expenditures related to each grant for at least three (3) years following project completion and one year following an audit.

## APPENDIX P - SIGN GUIDELINES

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

### Types of Signs

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

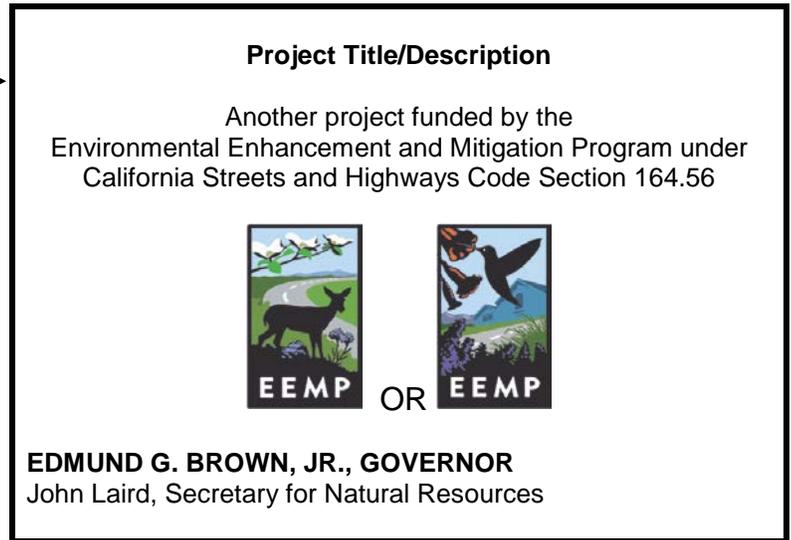
### Language for Signs

All signs will contain the following minimum language:

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

### Logo(s)

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



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

### Sign Construction

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

### Sign Duration

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

### Sign Cost

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

### Appropriateness of Signs

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

### Signs on State Highways

Signs placed within the state highway right-of-way may require a Caltrans encroachment permit. Contact your local Caltrans District Office early in the planning process for more information. You can find your local Caltrans District Office by visiting <http://www.dot.ca.gov/localoffice.htm>.

### State Approval

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

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

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

Space above this line for Recorder's use

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

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

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

RECITALS

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

NOTICE

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

GRANTEE:

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

**APPENDIX R - AUTHORIZING LEGISLATION**

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

**California Streets and Highways Code Section 164.56**

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

## Exhibit 2. EEM Grant Program Application Requirements

### APPENDIX S - RESOURCES FOR SUSTAINABLE COMMUNITIES

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

**Association of California Water Agencies: Map of local water agency restrictions** <http://www.acwa.com/content/drought-map>

**Bay-Friendly Landscaping & Gardening Coalition** (plants suited to our Mediterranean climate) <http://www.bayfriendlycoalition.org/plantlist.shtml>

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

**California Climate Adaptation Planning Guide** [http://resources.ca.gov/climate/safeguarding/adaptation\\_policy\\_guide/](http://resources.ca.gov/climate/safeguarding/adaptation_policy_guide/)

**California Environmental Quality Act (CEQA)** Statute, guidelines, case law, FAQs, online archive of environmental assessment reports, and other resources related to the state impact assessment law. <http://ceres.ca.gov/ceqa/>

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

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

**California Natural Resources Agency Energy and Climate Change website** [http://resources.ca.gov/energy\\_and\\_climate\\_change/](http://resources.ca.gov/energy_and_climate_change/)

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

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

**California Urban Forests Council "urban tree key"** [www.ufe.org](http://www.ufe.org)

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

**California Water Plan Draft 2013 Update** <http://www.waterplan.water.ca.gov/cwpu2013/prd/index.cfm>

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

**Community FactFinder** at California State Parks analyzes demographics and park acres within one-half mile of a defined point.  
<http://www.parkinfo.org/factfinder2011/grantee>

**EPA's Environmental Education Publications**  
<http://www2.epa.gov/education/environmental-education-ee-publications#guidelines>

**Executive Order B-29-15** Issued by Governor Brown On April 1, 2015, [http://gov.ca.gov/docs/4.1.15\\_Executive\\_Order.pdf](http://gov.ca.gov/docs/4.1.15_Executive_Order.pdf)

**Landscaping Guidelines and Plant Palettes for the Los Angeles River and Tujunga Wash** ( Los Angeles River Master Plan)  
[http://ladpw.org/wmd/watershed/LA/LAR\\_planting\\_guidelines\\_webversion.pdf](http://ladpw.org/wmd/watershed/LA/LAR_planting_guidelines_webversion.pdf)

**LID Native Plant List for San Francisco**, published by the California Native Plant Society (CNPS) and accessible at  
<http://www.sfwater.org/Modules/ShowDocument.aspx?documentID=2775>

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

**Save Our Water website** at <http://www.saveourh2o.org/> .

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

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

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

**Tree Carbon Calculator** U.S. D.A. Forest Service's Center for Urban Forest Research <http://www.fs.fed.us/ccrc/topics/urban-forests/>

**Urban Forest Management Toolkit at California Urban Forest Council** <http://ufmptoolkit.com/index.htm>

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

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

## APPENDIX T - DEFINITION OF TERMS

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

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

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

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

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

**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:** The California Environmental Quality Act, Public Resources Code Section 21000 et seq.; Title 14, California Code of Regulations, Section 15000 et seq. The California Environmental Quality Act is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible.<sup>17</sup>

**Climate Adaptation:** The Adjustment or preparation of natural or human systems to a new or changing environment which moderates harm or exploits beneficial opportunities.<sup>18</sup>

**Climate Change:** Any long term change in average climate conditions in a place or region, whether due to natural causes or the result of human activity.<sup>19</sup>

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

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

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

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

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

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

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<sup>17</sup> Public Resources Code Section 21000 et seq.; Title 14, California Code of Regulations, Section 15000 <http://ceres.ca.gov/ceqa/more/faq.html>

<sup>18</sup> Safeguarding California <http://resources.ca.gov/climate/safeguarding/>

<sup>19</sup> 2009 California Climate Adaptation Strategy [http://resources.ca.gov/docs/climate/Statewide\\_Adaptation\\_Strategy.pdf](http://resources.ca.gov/docs/climate/Statewide_Adaptation_Strategy.pdf)

## Exhibit 2. EEM Grant Program Application Requirements

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

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

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

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

**Grant:** An award of financial assistance to carry out a project for a public purpose. A grant is distinguished from a contract, which is used to acquire property or services for the agency’s direct benefit or use.<sup>20</sup>

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

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

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

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

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

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

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

**Joint Powers Authority:** An entity formed pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of the Government code, if at least one of the parties to the joint powers agreement qualifies as an eligible applicant as described on page 1 of these guidelines. For purposes of this grant, a majority of the members must be local authorities or local and California authorities.

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

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

**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.)

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<sup>20</sup> Grants.Gov <http://www.grants.gov/web/grants/support/general-support/glossary.html>

## Exhibit 2. EEM Grant Program Application Requirements

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

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

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

**Overhead Costs:** 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 identified specifically with the grant, Grant Agreement, Project or activity, but are necessary for the general operation of the organization. Examples of overhead costs include salaries and benefits of employees not directly assigned to a project; functions such as personnel, business services, information technology, janitorial, and salaries of supervisors and managers; and rent, utilities, supplies, etc. These costs are NOT eligible for reimbursement with grant funds, but may be used to show Applicant's portion of costs.

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

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

**Project Performance Period:** Refers to the beginning and ending dates of the Grant Agreement. Eligible costs incurred during this period may be funded from the grant.

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

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

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

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

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

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

**Special District:** Any agency of the state for the local performance of governmental or proprietary functions within limited boundaries. "Special district" includes a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area formed for the purpose of designating an area within which a property tax rate will be levied to pay for a service or improvement benefitting that area. Special districts are not state government, cities, counties, school districts, Mello-Roos districts, benefit assessment districts, or redevelopment agencies.

## Exhibit 2. EEM Grant Program Application Requirements

**State:** The California Natural Resources Agency, or its representative.

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

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

**Urban Forestry:** The integrated biophysical management of urban forest ecosystems that improve the quality of life for all urban dwellers. This includes the art, science and technology of managing trees and forest resources as an integral part of urban ecosystems for environmental, social, economic, and aesthetic benefits.

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