

California Department of Water Resources  
Flood Protection Corridor Program  
Proposition 84 Funding Cycle

Competitive Application Workshop Questions and Responses  
October 4, 2007  
1:00pm – 3:00pm

Junipero-Serra Building, Carmel Room  
320 West 4<sup>th</sup> Street Los Angeles CA 90013

Q: Is there a formal list held by the California Department of Fish and Game that determines if a project is on the FPCP high priority list?

A: No. Typically the Department of Fish and Game participates in our selection process and helps to score the projects. Any thing above a certain score is a priority from their perspective. In the past we have requested them to formalize that after the application review.

Q: In addition to the application, what other forms will be required?

A: There are documents that will be required such as an engineer's hydrologic and hydraulic study and a California Environmental Quality Act initial study checklist (or official CEQA document). A hydrologic and hydrologic study can be expensive. If there is not a hydrologic and hydraulic study already available for application, a licensed engineer's or hydrologist's opinion of hydrologic and hydrologic benefits will be acceptable for the grant application. If an opinion is provided during the application in lieu of a full H&H study and then the project is approved for funding, the project would have to include a full hydrologic and hydraulic study in the project scope of work to be completed early in the schedule of activities. The initial study checklist should be prepared by the CEQA lead agency, and if there is currently no lead agency for CEQA because the applicant is a non-governmental organization, then the checklist can be filled out by that organization. This will provide the necessary information related to the project impacts for application review purposes. If the project were approved, a complete CEQA document would be required. The CEQA lead would typically be the local governmental agency, such as the County. In the past DWR has served as the lead agency but prefers to let another agency fulfill this role.

Q: Does the application have a page limit?

A: No. The application needs to be informational but concise.

Q: The application package lists several benefits needed for the project including flood benefits, agricultural benefits, and wildlife habitat benefits. Are all 3 of these required?

A: The project must have flood benefits plus at least one of the other two types of benefits. In addition to flood benefits, a project can provide agricultural benefits, habitat benefits, or a combination of both.

Q: Do we need to have a benefit-cost assessment?

A: Yes.

Q: If the project is large, can we apply for only a portion of the project?

A: Yes, as long as the FPCP portion can be completed independently of the complete project. The FPCP portion of a project will not be funded if sufficient matching funds are not committed to complete at least a standalone phase of the project. This assures that the FPCP portion of project will be completed. If matching funds are not committed, they cannot be counted for purposes of scoring the project during the evaluation of the application for FPCP funds. FPCP funding can be used as a federally required match unless both State and local match is required in which case the FPCP funding would serve as the State match.

Q: If a project component is property acquisition, could this be the only component on an application?

A: Yes, but you would need to show that there is an agricultural or habitat benefit. This might be difficult to do without a restoration component unless the property is under development pressure and a conservation easement would ensure that valuable habitat is preserved. For agricultural land, an agricultural conservation easement would be good to include. The property would need to be in the floodplain and the agricultural and/or habitat components of the application would need to score high enough to be competitive.

Q: If an application is for a portion of a larger project, would there need to be information provided on the funding of the whole project?

A: Only if the matching funds will be used for scoring purposes or if the additional funding is needed to bring the project to completion as a standalone project. If the portion that could be funded by FPCP money will be matched by funds used in the overall project, then information about the match funding should be provided. If the funding for the other portions of the larger project will not be used as match for the FPCP portion and is not needed to make the project or a phase of the project complete, then this information does not need to be included in the application.

Q: If a project includes strengthening an existing levee, but not setting it back, could it be acceptable?

A: Generally not unless it is a small portion of a larger non-structural project. The types of structural components that are typically allowed include weirs to allow water diverted from the river at a particular flood stage and conveyance channels to get water from the river to a detention basin. Access for recreation or education purposes and parking lots have been funded in the past, but only if the budget for structures is a relatively small portion (generally under 20 percent) of the project.

Q: Would strengthening of levees be acceptable if the levee were protecting designated riparian and wetland habitat preserves associated with a wastewater treatment plant?

A: This project would need to be explained in more detail to clarify. It does not seem to improve habitat or reduce flood risk to urban areas or agricultural land. It seems that

there would not be any harm in flooding those habitats and if protection of the sewer system is the only benefit it most likely does not fit the goals of the Program.

Q: What constitutes a hydrologic and hydraulic study? For example, we have a consultant that is studying before project and after project scenarios. Is that sufficient?

A: It needs to be done by a registered engineer or hydrologist. It would need to include the necessary bathymetry and flow studies to determine what the stage elevation would be before and after the project for flood levels that would occur in the 100 and 200 year flood.

Q: Does the FPCP fund project design as well as construction?

A: Some project design can be funded as long as construction is also funded. We generally do not fund feasibility studies or design unless we have assurance that the construction will take place.

Q: Is a match required?

A: Applicants can score higher by providing a match. If the rest of the application is outstanding without a match, the project could still get funded. Having disadvantaged communities within your project can provide credit for match even though they do not provide a match. There is a formula in the application for the disadvantaged community benefit to scoring (Section VI, c, 1). The parentheses in the formula must be entered correctly. An excel file with the formula can be sent to applicants by e-mail upon request. The formula can be tested by inserting 100 percent for disadvantaged community percentage to produce the maximum possible score for this category of 25 points; similarly, inserting 100 percent as the percentage of severely disadvantaged population should yield the maximum score of 45 points. If you enter a small percentage into each, you should get a small number. If you get numbers higher than 45, the formula was not entered correctly.

Q: Does the FPCP fund project design as well as construction?

A: Project design can be funded as long it is a relatively small percentage of the overall project cost and if construction is also funded.

Q: Is there required percentage of matching funds?

A: The more matching funds you have, the higher the score you can get.

Q: If it is a phased project, should we mention the future phases?

A: Yes. It might not be funded now, but it is helpful in evaluating your proposal to know what your long term plan is.

Q: Is there an estimate of what funding comes from what bonds?

A: There is approximately 290 million dollars available for the entire state. We would like to spread this around geographically. The cap per project is 5 million dollars for Proposition 84 (for the Flood Protection Corridor Program). The cap has not been set, but it may be 10 million dollars per project for Proposition 1E (Floodway Corridor

Program). There will be regulations developed that pertain to the Floodway Corridor Program over the next eight months.

Q: Is there funding from other programs for structural components?

A: Proposition 84 has funding for structural components. For instance, the Local Levee Evaluation Program and the Local Levee Repair Program will have their solicitation soon, possibly in about 6 weeks.

Q: If land has already been acquired through the project and we would like to do flood improvements, would it still be an acceptable project?

A: Yes. If the Program does not need to pay for acquisition then more funding is available for restoring floodplains and detention basins. There would need to be a conservation easement held by a third party to protect the flood improvements to be done. For example, if there is 2 million dollars spent on habitat restoration we would want a conservation easement to be held by the California Department of Fish and Game or the local land conservancy who will enforce the conservation easement. Otherwise, in future years someone might cut down the trees. This would cause a waste of taxpayers money that was used for restoration. The easement would allow the land to be preserved in perpetuity.

Q: What sort of proof is required to demonstrate that there are willing sellers?

A: A letter from the seller indicating that they are willing to negotiate with the grantee and sell their property at the fair market value.

Q: Would it be acceptable if our project is primarily structural, but the portion of the project that FPCP funds are requested for is non-structural?

A: Yes, as long as FPCP is not paying for the structural portion.

Q: A detention basin is not a structural component?

A: If the basin earthen bottomed, shallow, supports habitat, provides fish rearing habitat, has periodic flooding, and it functions like a floodplain then it is considered to be non-structural. If it is concrete lined then it does not support habitat and is considered to be structural. Some structural components might be necessary to make the non-structural portions of the project work. For example, a weir or conveyance channel are examples. It would be preferred that the conveyance channel be earthen-bottomed as well, particularly if there is fish passage involved. If the structural components negate the non-structural biological benefits then that situation might not be acceptable.

Q: Please clarify what portion of the Proposition 13 funding has been appropriated.

A: All of the funding has been appropriated. Three fourths of the funding has been expended.