



D R A F T

**Flood Emergency Response
Projects Direct Grant
Solicitation Package for**

***Local Flood Emergency
Planning, Preparedness,
and Response***

January 2011

Table of Contents

<u>1</u>	<u>Background</u>	<u>1</u>
<u>2</u>	<u>Introduction</u>	<u>2</u>
2.1	Local Flood Emergency Planning, Preparedness, and Response Program	2
2.2	Definitions and Acronyms	3
<u>3</u>	<u>Funding for Flood Emergency Response Projects Grants</u>	<u>5</u>
3.1	Funding Sources	5
3.2	Application for Funding	5
3.3	Program Directed Activities	5
<u>4</u>	<u>Activities Funded Under this Grant Program</u>	<u>6</u>
4.1	Local Flood Emergency Planning, Preparedness, and Response Program	6
<u>5</u>	<u>Guidelines for Funding Flood Emergency Response Projects Grants</u>	<u>7</u>
5.1	Who is eligible to apply for Flood Emergency Response Project Grants	7
5.2	Grant Requirements	7
5.3	Conflict of Interest and Confidentiality	8
5.4	Labor Compliance and Prevailing Wages Provisions	8
5.5	Contract Indemnity Provisions	8
<u>6</u>	<u>Project Evaluation, Selection, and Public Review Process</u>	<u>9</u>
<u>7</u>	<u>Grant Administration</u>	<u>11</u>
<u>8</u>	<u>Audits and Record Keeping</u>	<u>13</u>
<u>9</u>	<u>How to Apply for the Flood Emergency Response Direct Grant Program</u>	<u>14</u>
<u>10</u>	<u>Sample Documents</u>	<u>15</u>

1 Background

In January 2005, Governor drew attention to the State’s flood problem calling for improved maintenance, system rehabilitation, **effective emergency response**, and sustainable funding. In a white paper entitled *Flood Warnings: Responding to California’s Flood Crisis*, the Department of Water Resources (DWR) outlined the flood problems that California faces and offered specific recommendations for administrative action and legislative changes. The funding through Propositions 1E and 84 in November 2006 demonstrated the public’s willingness to invest in integrated flood management solutions. These propositions and other emergency appropriations (Assembly Bill 142) place California flood management funding at an all time high.

Since that time, California has begun the long process of improving flood management systems. In 2006, DWR launched **FloodSAFE California**—a multi-faceted initiative to improve public safety through integrated flood management.

The FloodSAFE initiative includes four major categories of actions: Improve Flood Management Systems, Improve Operation and Maintenance, Inform and Assist Public, **and Improve Emergency Response**. FloodSAFE actions are organized and managed as projects.



FloodSAFE California

A multi-faceted program to improve public safety through integrated flood management

While DWR is leading the FloodSAFE initiative, its success depends on active participation from many key partnering agencies including local emergency responders, reservoir operators, and many other local, State, and federal agencies. Currently, most of the State’s funds available to help implement the FloodSAFE initiative are provided by Propositions 1E and 84. The legislature allocated proposition funds for specific purposes and regions, placing a high priority on improving flood protection and preparedness in the Central Valley and Delta as soon as possible.

The need to improve public safety and achieve other benefits through integrated flood management is urgent due to more people living and working in flood-prone areas. Better understanding of flood system deficiencies and system improvements to remedy the deficiencies will improve flood management in California. While these flood system improvements will reduce the frequency of flood, it is understood that a chance of flooding will always remain. As part of the FloodSAFE initiative, DWR has initiated a robust flood emergency response program to reduce the consequences of flooding when it occurs. The components of the flood emergency response include working with local emergency response agencies to improve planning, preparedness, readiness, and response to flood emergencies.

2 Introduction

DWR has initiated work with local agencies to improve flood emergency preparedness and response throughout California. An important component of the flood emergency preparedness and response are Local Flood Emergency Preparedness and Response Programs. These guidelines have been prepared to provide the framework for supporting local agency activities who are working with DWR and other agencies in improving flood emergency preparedness and response within their jurisdictions.

These guidelines have been prepared to provide:

- Clear guidelines and project solicitation materials to ensure accuracy and understanding for project proponents seeking grants.
- Publicly vetted guidelines to allow stakeholders an opportunity to provide input on program implementation.
- Opportunity for public briefings and workshops to review guidelines.
- Review and approval of submitted project applications by DWR management.

These guidelines are prepared for flood emergency preparedness and response projects as described below.

2.1 Local Flood Emergency Planning, Preparedness, and Response Program

The local agencies as *first responders* play a key role in management of the flood emergencies in their jurisdictions. To qualify for Federal Emergency Management Agency disaster funds, local agencies are required to prepare a Multi-Hazard Mitigation Plan called an Emergency Operations Plan (EOP), which includes planning for all potential emergencies in their jurisdictions. Generally, it is assumed that local agencies included flood emergencies in their EOP and would have a plan and enough resources in place to address flood emergencies. However, local agencies, in most cases, do not have enough resources to effectively prepare and respond to major floods. A DWR assessment of the local agencies flood response planning and their preparedness indicates that in most communities, local agencies' EOP may not have an effective flood response planning, nor many agencies have enough resources to respond to potential flood emergencies. DWR recognize that coordinated flood emergency response throughout the State requires active engagement of the local emergency responders.

The purpose of this grant guideline is to provide grant funding for local emergency responders to work with the DWR to improve local flood emergency preparedness and response. Under this grant program, the DWR will provide financial assistance through a direct grant agreement with participating agencies to ensure local agencies have a robust flood emergency plan in place with adequate flood preparedness and response capacity and resources. While emphasizing that emergency response plans include required components, the approach will recognize that each community has a unique vulnerability to risks associated with high water or flooding that must be recognized by tailoring plans so that it accommodates local needs. The local EOP should contain a section describing the potential flood threats and what specific resources the local agency have

committed to having in place to effectively respond to potential threats. During flood emergencies, when such resources are diminished (or close to diminished) and a flood emergency threat still remains, the local agency will request mutual aid, and eventually State assistance through California Emergency Management Agency (CAL EMA) and/or DWR. Because of the flood vulnerability of the Sacramento-San Joaquin River Delta, as well as funding authorization constraints, priority will be given to projects within the Delta's five Operational Areas (Counties) and projects enhancing flood response within this region. Grants may be provided to State agencies that directly support local first responders.

2.2 Definitions and Acronyms

Agreement or Funding Agreement: An agreement entered into by a successful Applicant and the State to provide funds for the Project.

Applicant: A California public agency, federal agency, or an organization consisting of more than one public agency that applies for funding.

Applicant's Cost-Share Recommendation and Report: A report that the Applicant is required to submit with its application that will make a recommendation regarding the appropriate State cost-share and provide substantiation of the basis for this recommendation, as more fully described in these *Guidelines*.

CEQA: The California Environmental Quality Act.

Contractor: A contractor performing the Project work for the Funding Recipient to be paid for with funds from an agreement executed pursuant to these *Guidelines*.

Corps or USACE: The United States Army Corps of Engineers.

DSS: A Decision Support System used in flood operation activities.

Department or DWR: The Department of Water Resources.

Eligible Project Costs or Eligible Costs: The reasonable and necessary actual costs associated with implementing a project selected pursuant to these *Guidelines*.

Funding Agreement or Agreement: An agreement entered into by a successful Applicant or Project Sponsor and the State to provide funds for the Project.

Funding Recipient: A State or a local public agency in the State of California, duly organized, existing and acting pursuant to the laws thereof, or a Project Sponsor, or a federal agency which is the signatory to a Funding Agreement, and its successors and assigns.

Limit on State Funds: The maximum amount of State funds that will be expended on the Project, as set forth in the Funding Agreement.

Applicant: A federal, State, or a local public agency in the State of California, duly organized, existing and acting pursuant to the laws thereof, including, but not limited to, any county, city, city and county, district, joint powers agency or council of governments.

Operation and Maintenance Agreement: An agreement between DWR and the funding recipient to operate and maintain applicable funded emergency response project components when they are completed.

Project: Means a Project for work to be funded under these *Guidelines*.

Project Completion Report: A report prepared by the funding recipient certifying that the project is completed in compliance with scope of work, budget and schedule.

Project Description: The document each Applicant must provide with their application that describes the proposed Project in detail.

Quarterly Progress Report: A report on the status of the Project offered on a quarterly basis.

Quarterly Statement of Costs: A statement of Eligible Project Costs incurred each quarter, as further described in the Funding Agreement.

Scope of Work: After a project is selected and before a Project Funding Agreement is signed, the Applicant must develop a Scope of Work that provides detailed plans and information about how the Project will be implemented.

State: The State of California, acting by and through the Department of Water Resources.

Statement of Costs: A statement of incurred Eligible Project Costs.

3 Funding for Flood Emergency Response Projects Grants

3.1 Funding Sources

Funding for this Grant Program will be provided through Proposition 84, The Safe Drinking Water, Water Quality & Supply, Flood Control, River & Coastal Bond Act of 2006 (Sections 75032 and 75033 of Chapter 3 of Division 43 of the Public Resources Code); and from SB 2X1 which allocates \$135 million to DWR “for acquisition, design, and construction of essential emergency preparedness supplies and projects,” including \$5 million for improving communication tools and processes in The Delta. Up to \$10 million will be available for the direct Grant Program through 2015.

3.2 Application for Funding

Applicants for grant funding under the Program will file a complete grant application package with the Department. The Department will not revise the grant application package requirements during any period in which project proposals are being solicited. A sample grant application package is attached to this document (Section 10).

3.3 Program Directed Activities

The Department is proposing to use Program funds for Direct Expenditures or Directed Activities that fulfill the intent of the Flood Emergency Planning, Preparedness and Response Program. The Department will apply these guidelines to such. Direct expenditure projects must address an interest of the State, may be proposed and approved at any time, but must be evaluated by the criteria presented in this guidelines. The Department may transfer program funds to other State agencies to implement qualifying projects pursuant to an interagency agreement, or may contract with contractors, local government agencies, and federal agencies in funding and implementing the Flood Emergency Planning, preparedness and Response Program direct expenditure projects.

4 Activities Funded Under this Grant Program

This is a direct Grant Program designed only for the implementation of the Flood Emergency Planning, Preparedness, and Response Program. The typical activities funded under this grant program include those listed below.

4.1 Local Flood Emergency Planning, Preparedness, and Response Program

- Preparing or updating local flood emergency plan and incorporating the plan into the local multi-hazard emergency response plan.
- Collecting and exchanging of flood information (static as well as real-time information) and integrating information into a common operational picture.
- Coordinating flood emergency planning and preparedness including flood response training, drills and exercises with DWR and neighboring jurisdictions, including regional exercises.
- Developing staging areas for used during high water or flood event and providing flood emergency response facilities (such as a backup facility).
- Developing processes to effectively communicate and coordinate response to flood emergencies through Flood Operation Center, Cal EMA, local operational areas and levee maintaining agencies.
- Planning, Purchasing and installing equipment needed for common emergency communication tools, developing and implementing local and regional communication processes; and conducting flood emergency communication drills and exercises which include but not limited to the multi-agency coordination, exchange of electronic information and data, cell and satellite phone systems, radio systems, HAM radio systems.
- Developing maps, information systems, resource management and decision support tools and processes needed to effectively respond to high water and flood emergencies.
- Developing or enhancing local and regional flood fight supplies and facilities.
- Assisting local and regional flood emergency planning, preparedness and response program management, and interagency coordination.

5 Guidelines for Funding Flood Emergency Response Projects Grants

Below are general guidelines for applying for grant funding under the Flood Emergency Response Projects Direct Grant Program. All application must meet the following criteria to be considered eligible for funding.

5.1 Who is eligible to apply for Flood Emergency Response Project Grants

California public agencies with responsibility for flood emergency response and coordination, and is willing to participate and work with DWR to actively improve local and regional flood emergency preparedness, response and recovery within its jurisdiction by working with DWR to plan and implement local and regional flood emergency planning, preparedness, and response activities. Priority will be given to local agencies projects within the Sacramento- San Joaquin River Delta.

5.2 Grant Requirements

Grantees will be required to comply with certain grant requirements. The requirements include, but not limited to, those listed in sections 5.2 through 5.5.

- The grantees are required to sign the Operation and Maintenance agreements that define the grantees' obligations and responsibilities to operate, maintain, repair, and replace their element of the projects after completion of the project.
- Before authorizing project work, applicants must complete the required environmental documents and permits, if applicable.
- The grantees are required to sign, as a part of the grant contract, indemnity provisions, labor compliance language, and prevailing wages provisions. Details of these provisions are discussed in this document.
- The grantees are required to prepare quarterly progress reports to ensure funds are utilized according to the approved project scope, schedule and budget.
- All expenses within a funded grant agreement must be supported with documentation, with reimbursements approved only for eligible expenses pursuant to program guidelines, and contained within the approved project budget.
- After the project is completed, an audit may be conducted to confirm that expenditures were made according to the established plan and achieved the desired outcome.
- Upon project completion, the local agency project manager must verify that the project complies with all applicable current laws and regulations and submit documents verifying project completion, summarizing total project costs, and additional funding sources used, as applicable.

- Prior to approval of the final invoice by DWR, the local agency must submit a project completion report which includes a copy of all project deliverables report.

5.3 Conflict of Interest and Confidentiality

All grantees will be subject to State and federal conflict of interest laws. Failure to comply with these laws, including business and financial disclosure provisions, will result in the application being rejected and any subsequent contracts being declared void. Other legal action may also be taken. Applicable statutes include, but are not limited to, Government Code, Section 1090, and Public Contract Code, Sections 10410 and 10411.

Applicants should note that by submitting an application, they will waive their rights to the confidentiality of that application, though DWR staff will endeavor to keep all applications confidential until Project selection. After the Projects are selected, all applications (those selected and those not) will be public documents.

5.4 Labor Compliance and Prevailing Wages Provisions

DWR is utilizing a Labor Compliance Program (LCP) pursuant to Labor Code Section 1771.5. The grantee must comply with the requirements of Labor Code Sections 1770 et seq of the California Labor Code. The Director of the State Department of Industrial Relations has made the general prevailing wage determination covering the locality where work is to be performed. The general prevailing wage rates can be obtained from the Department of Industrial Relations or any source authorized by the State Department of Industrial Relations.

5.5 Contract Indemnity Provisions

Grantees will agree to indemnify State and its officers, agents, and employees against and to hold the same free and harmless from any and all claims, demands, damages, losses, costs, expenses, or liability due or incident to, either in whole or in part, and whether directly or indirectly, arising out of the project, including, without limitation, arising out of post-construction operation and maintenance.

6 Project Evaluation, Selection, and Public Review Process

This Section describes the process for project review, evaluation, and selection.

The Department will review all timely submittals for completeness after proposals are submitted. Proposals that are not substantially complete will not be further reviewed. The Department may contact proponents of proposals that are substantially complete but are missing some items.

1. Program staff will review the application package for completeness and for project eligibility.
2. Program staff will review each application and evaluate the subject project within 90 days of receipt of application package or requested additional information, whichever is later. The Department may request that the applicant provide clarification of existing information to better evaluate the merits of the project.
3. Program staff will complete the evaluation of the project including recommendation for funding. Projects not funded may be resubmitted at a later date as funding become available. If the requested funds for all qualified projects are more than available funds, staff, may determine which projects could be implemented with reduced funding or could have later phases deferred based on program priorities, information provided in the application or additional discussion with the applicant.
4. After evaluations of the projects, staff will submit the recommendations to the Management Review Team for review. The Management Review Team consists of managers from the Department's Division of Flood Management and from FloodSAFE Program Management Office. The Management Review Team may recommend one of the following:
 - a) Allocating any or all of the available funds to grants for projects on the list
 - b) Holding over the remaining available funds for allocation in the subsequent funding years
 - c) Allocating partial funding to one or more of the projects on the list currently being funded

The Management Review Team recommendations of the projects for funding allocations are then sent to the FloodSAFE Executive Director for approval.

5. Upon approval of a project(s), the list of approved projects will be posted on the Program's website for public review and comment. The Department will provide a public comment period of four weeks in order to receive comments concerning the proposed

project.

6. The Department will prepare a summary of comments received during the public comment period, and will make the summary of comments available on its website.
7. After consideration of the results of the public comments, if the project is still considered by the Department as priority project for funding, Department staff will begin the process of developing a funding agreement with the project applicant (grantee). The grantee and the Department must enter into a funding agreement before any funds will be disbursed.

7 Grant Administration

This Section describes the process entered into by the grantee and the Department once a project has been selected for funding. This includes the development and signing of a grant funding agreement.

1. Before the Department enters into a funding agreement (agreement) the grantee will submit a detailed work plan (based on the information provided for project evaluation) including a detailed scope of work, budget, and project schedule satisfactory to the Department. To assist the grantee in developing the work plan, the Department may meet with applicant as needed. The agreement may be initiated once the Department approves the work plan.
2. The agreement will be signed by the grantee. If a Department approved agreement is not signed by the grantee within six months of the date the grant is awarded, the grant may be withdrawn.
3. Although grant funds will be disbursed as provided in the agreement to reimburse costs incurred by the grantee, certain costs will not be reimbursed or paid until the following conditions are met:
 - a) For project activities that could affect the environment, the grantee complies with all applicable requirements of CEQA and other environmental laws
 - b) For project activities requiring permits, the permits are obtained
4. The Department may withhold up to 10 percent of each disbursement, as specified in the agreement, to ensure completion of the project. Such withholding will generally not apply to planning and design of the projects.
5. The grantee will be required to keep informed of and take all measures necessary to ensure compliance with applicable California Labor Code requirements, including, but not limited to, Section 1720 et seq. of the California Labor Code regarding public works, limitations on use of volunteer labor (California Labor Code Section 1720.4), labor compliance programs (California Labor Code Section 1771.5) and payment of prevailing wages for work done under an agreement.
6. For projects that receive funding pursuant to the provisions of Proposition 84, the agreement will require the sponsor to submit verification of a Labor Compliance Program acceptable to the Department that meets the requirements of California Labor Code Section 1771.5. Written evidence of the Labor Compliance Program will need to be submitted to the Department before the project is funded.
7. The agreement will state that payment will be made monthly or quarterly in arrears upon receipt of invoices.

8. The grantee will provide a progress report to the Department, as a prerequisite to payment of each invoice. Progress reports will include the following:
 - a) Records of expenditures
 - b) Description of project activities since the previous report
 - c) Status of the project relative to the progress schedule
 - d) Key issues that must be resolved
 - e) Results of project monitoring

The first progress report shall be made at the end of the first complete calendar quarter after the date of execution. Progress reports will be submitted quarterly thereafter. The Department will monitor progress and may suspend all payments indefinitely if in the opinion of the Department's Chief of the Division of Flood Management it appears the grantee is in breach of the agreement to such an extent that ultimate achievement of project objectives may be significantly compromised. If payments are suspended, the grantee will be given six months to cure the breach or the funding agreement will automatically terminate. Decisions to suspend payments may be appealed to the Director of the Department.

9. Amendments to agreements require the approval of all parties. Amendments may address:
 - a) Change in schedule (e.g., time extension)
 - b) Change in scope of work
 - c) Change in total budget or transfer of funds between tasks that exceeds 20 percent of the Department approved budget for either task (less than 20 percent does not require a formal amendment but does require the Department's program manager's approval)
 - d) Change to any of the agreement provisions
 - e) Change in parties to the agreement.
10. The grantee will submit a written project completion report which will include:
 - a) All items required in Section 8 items 9 above
 - b) Photographs of the before-project and after project conditions if applicable
11. All grantees are subject to state and federal conflict of interest laws. Failure to comply with these laws, including business and financial disclosure provisions, will result in the application being rejected and any subsequent contract being declared void. Other legal action may also be taken. Applicable statutes include, but are not limited to, Government Code Section 1090, and Public Contract Code Sections 10410 and 10411, for State conflict of interest requirements.
12. The grantee will hold and save the State free and harmless from any and all claims for damages arising out of or in connection with the planning, design, construction, operation, maintenance, repair, replacement, or rehabilitation of the project facilities and properties.

8 Audits and Record Keeping

1. All grantee records and documents pertaining to the grant will be maintained by the grantee until three years after the final payment of grant funds is made.
2. All grantee records and documents pertinent to the grant will be available for inspection and audit by the Department or other State representative during normal business hours while the project is active and for three years after final payment of grant funds.

9 How to Apply for the Flood Emergency Response Direct Grant Program

The application package will be considered complete and will be evaluate for funding once the applicants complete the following documents and submit three copies including an original signed hard copy to the DWR program manager:

- Application Cover Letter to DWR program manager
- A-1 Application Cover Sheet
- A-2 Applicant's Representatives
- A-3 Project Costs and Budget
- A-4 Local Agency Resolution
- A-5 Applicant's Authority and Capacity
- Attachment B-1- Project Scope of Work and Tasks (including Exhibit A and Exhibit B)
- Attachment B-2 - Environmental Information Form
- A checklist of the materials required for a complete application

DWR Program Manager:

Mr. William Croyle, Branch Chief
Department of Water Resources
Hydrology and Flood Operations Office
Flood Operations Branch
3310 El Camino Ave, Suite 200
Sacramento, CA 95821

Contact Number: (916) 574-2605

10 Sample Documents

ATTACHED ARE SAMPLES OF THE DOCUMENTS LISTED ABOVE

Sample Application Cover Letter

Date

Mr. William Croyle, Branch Chief
Department of Water Resources
Hydrology and Flood Operations Office
Flood Operations Branch
P. O. Box 942836
Sacramento, CA 94236-0001

Subject: Grant Application for Local Agency Flood Emergency Preparedness and Response
an Element of FloodSAFE Flood Emergency Response Program

Dear Mr. Croyle:

XXX (Agency Name) herewith submits three copies of an application for a direct grant in the amount of \$----- to plan, design, and implement Local Agency Flood Emergency Preparedness and Response Project for xxx (location). This application additionally requests \$----- for reimbursement of the costs of preparing this application.

This application is pursuant to an authorizing resolution of the *Governing Body* of the xxx (Agency) dated _____. The application includes the following forms and support materials:

1. A-1 Application Cover Sheet
2. A-2 Applicant's Representatives
3. A-3 Project Costs and Budget
4. A-4 Local Authorizing Resolution
5. A-5 Applicant's Authority and Capability
6. Attachment B-1 Project Scope of Work and Tasks (including Exhibit A and Exhibit B)
7. Attachment B-2 Environmental Information Form
8. Checklist of documents needed for a complete application

The work plan, budget, and schedule for this application are being prepared by the xxxx agency in consultation with staff of Division of Flood Management, Hydrology and Flood Operation Office, Flood Operations Branch. We appreciate the help provided by DWR and your staff. Please call me at xxxx or email me at xxxx if you have any questions during your review.

Sincerely,

Xxxxxx; Title

Department|
Agency

Enclosure(s)

1. xxxx

2. xxxx

3. xxxx

4. xxxx

A-1

Application Cover Sheet

Part A-Organizational, financial, and legal information

State of California, The Natural Resources Agency, Department of Water Resources

Application for a Direct Grant under Proposition 84, Chapter 3, Sections 75032 and 75033; and for SB XX 1.

The AGENCY NAME
(Exact legal name of entity applying for the grant)

(Mailing address of local entity)

of the County of Xxx, State of California, does hereby apply to the California Department of Water Resources for a grant in the amount of \$XXXX plus \$xx application costs for the planning and implementation of the following program under the:

(Specify project title)

By _____ Date _____, 2011
(Signature of authorized representative; see Section A-4)

(Print or type name of authorized representative)

Title

Telephone

Fax

E-mail

Mark as ATTACHMENT A-1

A-3

Project Costs and Budget

1) PREPARE A PROPOSED ITEMIZED BUDGET

The project cost estimate should be broken down to reflect the detailed tasks identified in the Project task breakdown developed in Attachment B-1.

	Total	Grant Request
Task 1:		
Task 2:		
Task 3:		
Task 4:		
Task xx		
Contingency		
Total		

2) PROVIDE FINANCING INFORMATION ABOUT THE PROPOSED PROJECT (SEE BELOW).

Mark the itemized budget and financing information as Attachment A-3.

Total cost:

Amount to be funded under the DWR Flood Emergency Response Program:

Amount to be funded by the applicant and other partners:

Sources of funds from partner agencies for this Project:		
Source	Amount	Describe Status of Funds
Total: \$		

Mark as ATTACHMENT A-3

A-4

Local Agency Resolution

RESOLUTION NO. XX

**A RESOLUTION OF THE GOVERNING BODY
OF THE XXXX AGENCY
AUTHORIZING
GRANT APPLICATION FOR
XXXX PROJECT**

WHEREAS, the XXX agency proposed to implement xxx Project; and

WHEREAS, the xxx agency intends to apply for grant funding from the California Department of Water Resources for the project costs;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the xxx agency as follows:

1. That pursuant and subject to all of the terms and provisions of the California Proposition 84 "Water Quality, Safety and Supply, Flood Control, Natural Resource Protection, Park Improvements" Bond Law, and SB XX 1, application by this Agency be made to the California Department of Water Resources to obtain a grant for the xxx Project.
2. The XXX agency Manager is hereby authorized and directed to prepare the necessary data, make investigations, sign, and file such application with the California Department of Water Resources, and take such other actions as necessary or appropriate to obtain the grant funding.

PASSED AND ADOPTED by the Governing Body of the xxxx agency on the ___ day of _____ 2011 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Chair, Governing Body

Attest:

Secretary

Mark as ATTACHMENT A-4

A-5

Applicant’s Authority and Capability

Have the applicant’s attorney answer the following five questions pertaining specifically to this grant application. For each question, cite statutory authority or other references.

1. Does the applicant have the legal authority to enter into a grant contract with the State of California? Briefly describe the procedural steps required by law for the applicant to contract with the State.

Cite the statutory authority under which the applicant may obtain funds for the purpose, amount, and duration requested.

2. What is the statutory authority under which the local public entity was formed and is authorized to operate?

3. Is the applicant required to hold an election before entering into a funding contract with the State?
_____ Yes _____ No

4. Will a funding agreement between the applicant and the State of California be subject to review and/or approval by other government agencies?

_____ Yes _____ No

Continued on next page

Mark as ATTACHMENT A-5

A-5 (continued)

Applicant's Authority and Capability

5. Can the applicant demonstrate that it will be able to ensure the operation and maintenance of the completed project? _____ Yes _____ No

Provide documentation demonstrating this ability.

(Signature of attorney representing the applicant)

(Applicant's name)

Mark as ATTACHMENT A-5

Attachment B-1

Project Scope of Work and Tasks

This attachment will describe in detail the project concept and scope of work. It will discuss project deliverables, opportunities, and constraints. It will also present total costs and project completion date. This attachment, as a minimum, will include a detailed discussion of the following:

1. Introduction
2. Background
3. Description of the Proposed Project
4. Description of the Project Tasks
5. Project Deliverables
6. Project Opportunities and Constraints
7. Project Completion Date (Exhibit A presents a detailed project schedule by tasks)
8. Project Total Costs (Exhibit B presents a detailed project costs by tasks)

Attachment B-2

Environmental Information Form

Grantees are responsible for complying with all applicable laws and regulations for their projects, including the California Environmental Quality Act (Please see Exhibit C). Work that is subject to the California Environmental Quality Act (CEQA) shall not proceed under this Agreement until documents that satisfy the CEQA process are received by the Department of Water Resources. Work that is subject to a CEQA document shall not proceed until and unless approved by the Department. Such approval is fully discretionary and shall constitute a condition precedent to any work for which it is required. Once CEQA documentation has been completed, DWR will consider the environmental documents and decide whether to continue to fund the project or to require changes, alterations or other mitigation (see Exhibit C for details)

Grant Recipient: _____

Project Manager: _____

Phone Number: _____ Work Agreement # _____

Address: _____

2. Is this project exempt from CEQA compliance? Yes No (if no – skip to #3)

If “yes,” provide reasons for exemption. Cite the CEQA Article, Section and Title of the CEQA exemption, if appropriate.

CEQA statutory exemptions:

http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art18.html

CEQA categorical exemptions:

http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art19.html

Check appropriate box below:

Lead Agency has already filed a Notice of Exemption (NOE) with the State Clearinghouse and/or County Clerk.

(Attach copy of NOE, receipt of payment of DFG fees, and, if applicable, a copy of Board Resolution)

[Lead Agency will file a NOE with the State Clearinghouse and/or County Clerk. Provide estimated date: _____

Lead Agency will NOT file a NOE with the State Clearinghouse and/or County Clerk.

If Lead Agency chooses not to file a NOE, sufficient documentation and information must be submitted to the Project Director, along with this form, to allow DWR to make its own CEQA findings.

3. If the project will require CEQA compliance, identify the Lead Agency.

CEQA Lead Agency: _____

4. Please check types of CEQA documents to be prepared:

- Initial Study
- Negative Declaration / Mitigated Negative Declaration
- Environmental Impact Report

5. Please describe the status of the CEQA documents, expected date of completion, and estimated cost, if requesting DWR funds relating to CEQA compliance:

Status: _____

Date of Completion: _____

Estimated Costs: _____

6. If the CEQA document has been completed, please provide the name of the document and the State Clearinghouse number if available. Submit two copies to the Program Manager.

7. Please list all environmental permits you must obtain to complete the project:

(Attach additional pages as necessary)

Type of Permit Required

Permitting Agency

8. This form was completed by:

Print or Type Name

Phone Number

Signature

Date

- DWR received environmental documents.
- DWR made findings.

Checklist of Materials Required for Application Completion

- Application cover letter
- A-1 Application Cover Sheet
- A-2 Applicant's Representatives
- A-3 Project Costs and Budget
- A-4 Local Agency Resolution
- A-5 Applicant's Authority and Capacity
- Attachment B-1 Project Scope of Work and Tasks
- Exhibit A (Detailed Project Schedule by Tasks)
- Exhibit B (Detailed Project Costs by Tasks)
- Attachment B-2 Environmental Information Form
- Exhibit C (CEQA Process for Financial Assistance Programs)

Exhibit C

Department of Water Resources Financial Assistance Policy and Procedure CEQA Process for Financial Assistance Programs

This Policy and Procedure (P&P) establishes the process that Department of Water Resources (DWR) Financial Assistance Programs must follow with regard to the California Environmental Quality Act (CEQA) processes, regardless of whether the programs are funded by bond funds or funds from other sources. The CEQA (Public Resources Code §§21000 *et seq.*) was adopted in 1970. Its basic purposes are to:

- Inform governmental decision makers and the public about the potential significant environmental effects of proposed activities;
- Identify ways that environmental damage can be avoided or significantly reduced; require changes in projects through the use of alternatives or mitigation measures when feasible; and
- Disclose to the public the reasons why a project was approved if significant environmental effects are involved.

CEQA applies to projects undertaken, funded, or requiring an issuance of a permit by a public agency. The analysis of a project required by CEQA usually takes the form of an Environmental Impact Report (EIR) or a Negative Declaration (ND).

CEQA applies to projects undertaken by a public agency, funded by a public agency, or requiring issuance of a permit by a public agency. A "project" means the whole of an action that has a potential for resulting in physical change to the environment, and is an activity that may be subject to several discretionary approvals by governmental agencies. A "project" may include construction activities, clearing or grading of land, improvements to existing structures, and activities or equipment involving the issuance of a permit.

A "lead agency" is the public agency that has the principal responsibility for carrying out or approving a project that is subject to CEQA. Frequently, a local government agency with jurisdiction over general land uses is the preferred public agency serving as lead agency. The lead agency is responsible for determining the appropriate environmental document, as well as its preparation. DWR is almost always a lead agency when it is undertaking a project. It may also be a lead agency if it is issuing a permit or funding a project and there is not another public agency with more responsibility with regard to the project. DWR will seldom be the lead agency for projects funded by its financial assistance programs; instead, it acts as a responsible agency.

A "responsible agency" is a public agency with discretionary approval authority over all or portion of a CEQA project that is not a lead agency. As a responsible agency, DWR is available to the lead agency and project proponent for early consultation on a project to apprise them of applicable rules and regulations, and provide guidance on issues within its area of responsibility and expertise. As a responsible agency, DWR must make independent findings and decisions pursuant to CEQA.

A. General Protocols

All Financial Assistance Programs will follow the protocols below unless the program has received approval to follow other procedures from the Deputy Director overseeing the Program:

1. Some Financial Assistance Programs will require CEQA compliance before approval of the funding agreement or before disbursing funds. Others allow compliance after approval of the funding agreement and sometimes fund CEQA compliance.
2. All programs will use Attachment 1 *Environmental Information Form* to provide a record of CEQA compliance.
3. If CEQA compliance has not been completed prior to executing an agreement, the funding agreement must include *Agreement Language* which provides an opportunity for DWR to review the project after CEQA compliance is completed and to decide whether to continue to fund the project.
4. Findings must be completed on all projects that are subject to an NOD or EIR. Each project must be reviewed and findings made on a case by case basis.