



DELTA LEVEES SPECIAL FLOOD CONTROL PROJECTS

**2016
PROJECTS
SOLICITATION PACKAGE
FOR
MULTI-BENEFIT PROJECTS**

February 19, 2016

Delta Levees Special Flood Control Projects SOLICITATION PACKAGE

The California Department of Water Resources (DWR) invites eligible applicants to submit proposals as described in the [Delta Levees Special Flood Control Projects' 2014 Guidelines for Providing Funding to Local Public Agencies \(Special Projects Guidelines\)](#), dated June 18, 2014. The goal for this Projects Solicitation Package (PSP) is to seek applications for projects that integrate levee improvement (up to the DWR Bulletin 192-82 template), habitat enhancement, emergency response, seismic resiliency, and export water supply reliability. This PSP will directly further the goals outlined in the California Water Action Plan and help reduce the impact of the drought by reducing the failure risk to levees in the Sacramento-San Joaquin Delta (Delta) and improving export water supply reliability. This PSP includes opportunities for applicants to receive improved reimbursement (up to 100%) on certain environmental compliance, permitting, and habitat enhancement costs.

This solicitation makes \$60 million available for selected projects. To be considered, all project proposals **MUST INCLUDE** specific features that increase export water supply reliability, provide long term ecosystem enhancements, and provide improvements to levee system integrity. Proposals that also include other benefits of statewide interest will be scored accordingly. Section XI of the Special Projects Guidelines outlines a two-phase submittal process that DWR will use to evaluate proposals. The first submission is abbreviated and consists of Concept Proposals only. Applicants with Concept Proposals determined by DWR to meet the PSP requirements will be invited to provide a second phase submission of a Full Application for funding consideration. Deadlines for this PSP are as follows:

CONCEPT PROPOSAL SUBMITTAL

Submit Concept Proposals to: DeltaLeveesProgram@water.ca.gov.

Concept Proposals must be electronically submitted or postmarked by no later than 4:00 p.m. on March 18, 2016.

FULL PROPOSAL SUBMITTAL

Submit **four (4) hard copies** of Full Applications and one electronic copy of all documents by 4:00 p.m. on May 27, 2016. All copies and attachments must be legible and suitable for copying.

Questions?

Andrea Lobato
Delta Levees Program
Department of Water Resources
(916) 651-9295
Andrea.Lobato@water.ca.gov

OR

Chuck Tyson
Delta Ecosystem Enhancement
Department of Water Resources
(916) 651-7019
Charles.Tyson@water.ca.gov

Projects Solicitation Package link:

http://www.water.ca.gov/floodsafe/fessro/deltalevees/special_projects/docs/special_PSP2016.pdf

Delta Levees Special Flood Control Projects 2016 Projects Solicitation Package (PSP)

For Multi-Benefit Projects

1. INTENT

This PSP will directly further the goals outlined in the California Water Action Plan¹ and help reduce the impact of the drought by reducing the failure risk to Delta levees and improving export water supply reliability.

The intent of this PSP is to provide funding for projects that protect and address three areas: levee improvement, habitat enhancement features, and export water supply reliability from the Delta for the State and federal water projects. Where applicable, projects should also include a discussion of their ability to help prevent salinity intrusion, to improve Delta-specific channel margin habitat, to protect interstate and state highways, and to protect deep water shipping channels.

2. BACKGROUND

Legislation

On November 7, 2006, California voters approved Proposition 1E and Proposition 84, which authorized use of funds to provide grants to local agencies in the Delta through the Delta Levees Special Flood Control Projects Program (Program).

On November 6, 2009, Senate Bill X7 8 was signed into law and allocated \$202 million for levee improvement projects. Subsequently, Senate Bill 855 clarified that this amount shall be \$170 million from Proposition 1E and \$32 million from Proposition 84 for flood control projects to reduce the risk of levee failure in the Delta.

Section 12311 of the California Water Code identifies the primary purpose of the Program as the protection of discrete and identifiable public benefits, including the protection of public highways and roads, utility lines and conduits, and other public facilities, and the protection of urbanized areas, water quality, recreation, navigation, and fish and wildlife habitats, and other public benefits. For funds made available under California Public Resources Code Section 5096.820, Subsection (b)(2) requires the prioritization of project selection and project design to achieve maximum public benefits from the use of those funds.

¹ The California Water Action Plan is a guidance document for the California Natural Resources, California Department of Food and Agriculture, and California Environmental Protection Agencies that was published by the State in 2014.

Under California Water Code Section 12314, the Program must fully mitigate the habitat impacts of each project it funds and ensure that the Program results in net long-term habitat improvements in the Delta.

Framework for Local Assistance Funding

DWR has developed A Framework for Department of Water Resources Investments in Delta Integrated Flood Management (Framework). This refers to the current version of the Framework (DRAFT V3 DHF and SMB), and any updated version, including the final document. It is available at:

http://www.water.ca.gov/floodsafe/fessro/docs_policies.

Table 1-1 from the Framework provides guidance for State funding to support Integrated Flood Management in the Delta based on categories of statewide benefit. It gives a high priority to projects that modify the Delta's levee system to support the statutorily defined goals for the Delta, including improving water supply reliability and ecosystem enhancement, while also protecting the Delta as an evolving place.

Guidelines

In May 2014, DWR published the 2014 Guidelines for Providing Funding to Local Public Agencies for the Delta Levees Special Flood Control Projects Program (Special Projects Guidelines). These Special Projects Guidelines offer details on the purpose, process, and requirements of the project selection and are incorporated as part of this PSP. All definitions of terms and requirements for projects under the Special Projects Guidelines apply to this PSP. The Special Projects Guidelines are available at:

http://www.water.ca.gov/floodsafe/fessro/deltalevees/special_projects/special_guidelines.cfm.

This PSP provides a summary of the application process requirements, an application timeline, and the eligibility, ranking, and cost share criteria for this offering. In addition, the applicant is still subject to all requirements as specified in the Special Projects Guidelines.

Consistency with the Delta Stewardship Council's Delta Plan

Successful applicants for funding under this PSP must complete any necessary Consistency Determination as required by the Delta Plan adopted by the Delta Stewardship Council.

3. ELIGIBILITY REQUIREMENTS

All applicants and proposals must be in compliance with the requirements set forth in Sections 12300 – 12318 of the California Water Code, as well as all the requirements associated with the Special Projects and Subventions Programs, and all requirements set forth in the Special Projects Guidelines. Applicants must also be in good standing on past funding agreements for both the Special Projects and Subventions Programs.

DWR may deny project proposals that do not adequately meet the requirements of California Water Code Sections 12300 – 12318 or that do not adequately meet the criteria for this PSP. DWR may also check the reasonableness and accuracy of submitted materials and may deny project proposals that contain discrepancies or significant problems.

Eligible Applicants

An applicant must be a Levee Maintaining Agency (LMA or Local Agency)² responsible for maintaining a Project or Non-Project levee in the Primary Zone of the Delta or a Non-Project levee in the Secondary Zone of the Delta, and be in good standing with all components of the Delta Levees Program, including the Delta Levees Special Flood Control Projects Program and the Delta Levees Maintenance Subventions Program. LMAs must also be in good standing with the California Department of Fish and Wildlife for habitat mitigation obligations under the Program.

Eligible Islands/Tracts

LMAs that represent islands/tracts with sub-tidal volumes sufficiently large to negatively affect water quality (if flooded) may be eligible under this PSP based on their Anthropogenic Accommodation Space³ (AAS). An LMA with an AAS greater than 10,000 acre-feet is eligible to submit a project under this PSP.

Eligible Projects

Eligible projects under this PSP should simultaneously improve the integrity of an LMA's levee(s), contribute to increased reliability of export water from the Delta for the State and federal water projects, and provide long term ecosystem enhancement. Proposals should be consistent with the applicants' Five-Year Plans or contain a justification for any notable differences.

4. AVAILABLE FUNDS

This PSP is limited to a maximum of \$60 million in total grant funding. The fund sources for this PSP are Propositions 1E and 84. DWR is under no obligation to allocate funding if submitted proposals are not responsive to the intent of the PSP, do not provide sufficient detail, or if total funding requests from responsive applications are less than the total grant funding available. DWR may also choose to withhold and/or redirect a portion of this amount based on emergency needs in the Delta, or other considerations within DWR's authority.

Applications submitted in response to this PSP will be limited to no more than \$12 million in State funding per successful project. Eligible projects are expected to

² Eligible applicants shall be referred to as either "LMA," "applicant," or "local agency" in this document.

³ AAS = Acreage x Average Depth (e.g. Flood Volume in acre feet (ac-ft)). This is directly related to the acreage of the District and the depth below mean high tide elevation.

commence construction within two construction seasons of the execution of the funding agreement.⁴

5. APPLICATION AND SELECTION PROCESS

Project selection will be based on a two-phase submittal process to limit the expense of preparing a Full Application for proposals that are not selected.

5A. Concept Proposals (first phase)

In the first phase, eligible applicants submit a Concept Proposal containing a brief description of the elements (levee integrity, habitat enhancement, and water supply reliability) of the proposed project. Concept Proposals should be submitted electronically by email using the online form at:

http://www.water.ca.gov/floodsafe/fessro/deltalevees/special_projects/docs/special_PSP_concept_form_program_final.pdf

Submit forms to DWR by email by the deadline on the first page of this PSP to: DeltaLeveesProgram@water.ca.gov. The time/date stamp on the email accompanying the electronic form will establish the official date and time of submittal.

Hard copies of the Concept Proposals are also accepted but still must be completed on the form provided in Appendix 7. If an applicant chooses to submit a hard copy, it must be postmarked or received in the Program office at 1416 9th Street, Sacramento, Room 1641, prior to the deadline.

Concept Proposals that do not meet the deadline will not be reviewed. Proposals received by the deadline will be reviewed by Program personnel for completeness and to make sure that they meet the intent of the PSP. Submittals that are incomplete or do not meet the intent of this PSP, or received after the deadline, will be rejected and applicants will be notified by letter of this determination. Successful applicants will be invited by letter to continue to the second phase.

5B. Full Applications (second phase)

Successful applicants who receive a written invitation to the second phase may submit a Full Application, which must include⁵

- A cover sheet that provides an overview of the project;
- A statement identifying the applicant's representatives;
- A completed Local Agency Information Sheet (Appendix 2);

⁴ Exceptions to these limitations are subject to sufficient justification and approval by DWR.

⁵ Applicants with questions about what to provide are encouraged to consult with DWR Program staff.

- A resolution signed by the LMA authorizing submission of the application and designating a representative to sign the application (Appendix 3);
- A statement of the LMA's intent to enter into a PFA contract with the State of California, to implement a flood protection program, and to provide local cost share for the project after signing a contract with the State.
- A detailed project description.⁶ The description should clearly explain the proposed work and its location(s), and include maps, drawings, and a statement explaining the State and local assets protected. The project description must include sufficient information to clearly identify and describe:
 - the levee improvement portion of the project including a description of improvements to levee integrity
 - the habitat enhancement portion of the project
 - how the project will improve export water supply reliability from the Delta for the State and federal Water Projects
- A statement from a professional civil engineer registered in California who has reviewed the project description, discussing the levee stability and water supply reliability benefits of the project;
- A copy of the curriculum vitae from a qualified biologist or restoration ecologist (cited here as Project Biologist) who has reviewed the project description, as well as a statement of their connection with the project.
- A statement from the Project Biologist discussing any proposed environmental impacts, the habitat enhancement benefits of the project, and how the project meets the requirements of Water Code Section 12314, which requires no net long-term loss of habitat and net habitat improvement;
- A detailed statement of expected project costs and detailed financial plan;
- A detailed description of the impact the project will have on habitat and the environment, a detailed discussion of the environmental permits required for the project, and a schedule for permit completion.
- A statement of grants, loans, or bonds from other sources that are associated with the applicant's financial plan for completing the proposed work; and
- A completed checklist of the materials required (presented in Section XII of the Special Projects Guidelines).

⁶ The level of detail provided in the project description is at the discretion of the applicant within the space allowed but it is in the applicant's interest to offer as much detail and documentation as possible as the eligibility and ranking criteria in the Guidelines require a great deal of specific information.

Submission of Full Applications

Eligible applicants invited to submit Full Applications shall submit four (4) hard copies and one electronic copy of all documents by the deadline on the first page of this PSP. All copies and attachments must be legible and suitable for copying.

Applications shall be submitted to:

Andrea L. Lobato, P.E., Manager
Delta Levees Program
Division of Flood Management
Department of Water Resources
1416 9th Street, Room 1641
Sacramento, CA 95814

Full Applications that do not meet the deadline will not be reviewed. Applications received by the deadline will be reviewed for eligibility and completeness. Applications that are not substantially complete will not be reviewed further. DWR may contact applicants submitting Full Applications that are substantially complete but missing some items. If an applicant is contacted by DWR with a request for more information, the applicant will have one week from the date of contact to provide all requested information.

Completed Full Applications will be scored and ranked using the Full Application Scoring Criteria in this PSP. Successful applications will then be selected, available funds will be committed, and DWR will notify the applicants of their standing. Only the most qualified Full Applications will be selected for funding. Once the selection process is complete, successful applicants will be invited to enter into a Project Funding Agreement (PFA) with DWR. Funding may be disbursed only after full execution of a PFA.

5C. Full Application Scoring Criteria

Full Applications will be selected for funding based on their score in the following criteria (subject to available funds):

- External Financing – 50 points Maximum
- General Considerations – 50 points Maximum
- Export Water Supply Reliability – 100 points Maximum
- Ecosystem Enhancement – 100 points Maximum
- Levee System Integrity – 100 points Maximum

LMAs must submit sufficient information for DWR to evaluate their Full Applications under each criterion (Tables 1 through 5). Any criterion that is not met will receive a score of zero. DWR may check the reasonableness and accuracy of submitted materials.

5D. Cost Share

The State will determine its final cost share once the evaluation is complete. The State minimum cost share for this PSP will be 75 percent of the total project cost. Projects evaluated under this PSP will be cost shared according to the rules set forth in the Special Projects Guidelines Pages 21 through 24.

Table 1. Scoring Criteria, External Financing (Maximum 50 Points)

Criterion/ Score	Notes
<p>Partnerships/ Matching Funding</p> <ul style="list-style-type: none"> • 0 to 50 pts 	<p>Scoring is based on the participation of and commitment made by outside parties (i.e., does not include the LMA or DWR) to assist in cost sharing the work. These parties may be other State or federal agencies.</p> <p>To receive maximum points the applicant must submit with the Full Application a signed commitment letter and/or copy of an executed agreement with the cost share partner documenting a <u>funding commitment</u> of at least 10% or more of the estimated total project cost.</p> <p style="text-align: center;">-or-</p> <p>To receive 25 points the applicant must submit a <u>letter of intent</u> by the outside cost share partner to commit funding of at least 10% or more of the estimated total project cost.</p> <p style="text-align: center;">-or-</p> <p>To receive 10 points the applicant must submit a <u>formal statement of intent to seek external funding</u> from a named third party for at least 10% or more of the estimated total project cost and evidence of their willingness to negotiate that is acceptable to DWR.</p> <p style="text-align: center;">-or-</p> <p>DWR may at its sole discretion award 0-10 points for various levels of third party funding commitment that fall below the 10% threshold identified above⁷.</p>

⁷ For example, submission of a signed agreement with a third party for 5% of the total project cost could earn up to 10 points in this category in recognition of the solid commitment of external funds to the project.

Table 2. Scoring Criteria, General Elements (Maximum 50 Points)

Criterion/ Score	Notes
Emergency Infrastructure <ul style="list-style-type: none"> • 0 to 10 points 	Project increases protection of infrastructure that is essential during an emergency. Scoring is based on how well a project provides protection of local public utilities, roads, services, fuel centers, and food centers, etc. that are considered critical or lifeline infrastructure during an emergency.
Public Benefits <ul style="list-style-type: none"> • 0 to 10 points 	Project provides protection to assets of statewide benefit, including State highways, railroads, gas transmission lines, etc.
Project Description <ul style="list-style-type: none"> • 0 to 5 points 	Project description is complete, detailed, and thorough and includes elements such as design, accurate stationing, legible maps, project duration, necessary permits identified, levee logs, and other project related information.
Construction Start <ul style="list-style-type: none"> • 0 to 5 points 	<p>Project is anticipated to begin construction within two years of grant award. Projects that require regulatory permits qualify if District commits, in writing, to consulting with the regulatory agencies immediately after development of the Scope of Work.</p> <p>Note: DWR anticipates that obtaining the required permits can occur simultaneously with the planning process and the first phase of landside levee construction. Waterside construction can be completed after obtaining approved permits, likely within a two year period of grant award.</p>
Permitting <ul style="list-style-type: none"> • 0 to 5 points 	Project includes a thoroughly described plan to pursue and obtain all required project permits with corresponding budget and timeline for obtaining them.
Habitat Impacts & Benefits <ul style="list-style-type: none"> • 0 to 5 points 	Project includes an accurate and detailed assessment of potential habitat impacts. Applicant needs to provide sufficient detail and accuracy regarding the overall habitat portion of the work, as well as the enhancement portions.
Cost Estimate <ul style="list-style-type: none"> • 0 to 5 points 	Project includes a cost estimate that is complete, detailed, and thorough. The specificity and reasonableness of the estimate will also be taken into consideration.
Climate Change Accommodation <ul style="list-style-type: none"> • 0 to 5 points 	Scoring is based on how well the applicant defines, anticipates, and accommodates the effects of rising sea levels in the planning and design of the project.

Table 3. Scoring Criteria, Export Water Supply Reliability (100 Points Possible)

Criterion/ Score	Notes
Water Supply Corridors <ul style="list-style-type: none"> • 0 to 50 points 	Scoring is based on the extent to which the project protects the Old and Middle River corridors or has a nexus to drinking water supply infrastructure.
Water Quality Effects/Benefits <ul style="list-style-type: none"> • 0 to 40 points 	Scoring is based on how well a project helps prevent salinity intrusion from the San Francisco Bay Estuary.
Barriers and drought relief infrastructure <ul style="list-style-type: none"> • 0 to 10 points 	Scoring is based on the extent to which the project accommodates barriers or other DWR sponsored emergency drought relief infrastructure in the Delta (if applicable).

Table 4. Scoring Criteria, Ecosystem Enhancement (100 Points Possible)⁸

See Appendix 6 for different examples of levee habitat enhancement features.

Criterion/ Score	Notes
<p>Waterside Levee Features</p> <ul style="list-style-type: none"> • <i>0 to 50 points</i> ○ <i>0 to 50 points for FFLH and other associated habitat.</i> <li style="text-align: center;">-or- ○ <i>0 to 30 points for waterside habitat without FFLH.</i> 	<p>Fish Friendly Levee Habitat (FFLH) (Delta-specific Channel Margin Habitat), representing in-water habitat and associated Shaded Riverine Aquatic Habitat, Riparian Forest, and/or Scrub Shrub, with native grasses and forbs, as appropriate. Scoring is based on the extent to which FFLH habitat and, where appropriate, small rock rip rap infill is incorporated into the design of the overall project. (See Appendix 4 for more details on FFLH)</p> <p>FFLH projects will be targeted along the main stems of the Sacramento and San Joaquin Rivers, and the North and South forks of the Mokelumne River. FFLH projects will not be encouraged along the Old and Middle Rivers, except near the confluence of the San Joaquin River.</p> <p>Shaded Riverine Aquatic (SRA) Habitat, Riparian Forest, and/or Scrub Shrub, and native grasses and forbs, as appropriate, without in-water habitat. Scoring is based on the extent to which non-tidal waterside habitat is incorporated into the design of the overall project. (See Appendix 5 for SRA and other Delta Levees Program habitat types.)</p>
<p>Landside Features</p> <ul style="list-style-type: none"> • <i>0 to 40 points</i> ○ <i>0 to 40 points for Riparian Forest and Scrub-shrub</i> <li style="text-align: center;">-or- ○ <i>0 to 40 points for Native Grasses and Forb plantings</i> <li style="text-align: center;">-or- ○ <i>0 to 40 points for a combination of Riparian Forest, Scrub-shrub, Native Grasses and Forbs</i> 	<p>To obtain greater than 0 points the applicant must commit to a three year establishment and monitoring period at 100% State cost share.</p> <p>Riparian forest and scrub shrub. Scoring is based on the extent to which landside levee and toe berm vegetation features are incorporated into the overall project design, including strategies for weed management and maintenance of planted vegetation.</p> <p>Native Grass and Forb Plantings. Scoring is based on the extent to which native grasses and forbs are incorporated into the project and the inclusion of a detailed planting plan and near-term management plan for these areas. Native grass and forb plantings may be established as trial plots with different treatments, such as seeding mixes, mowing regime, soil preparation, etc.</p> <p>Combination of Plantings. Scoring is based on the extent to which riparian forest, scrub-shrub, native grasses, and forbs are incorporated into the project and the inclusion of a detailed planting plan and near-term management plan for these areas.</p>

⁸ One scoring option will be chosen by the project reviewers for Waterside Levee Features and Landside Features based on the types of habitat enhancement that are included in the proposal.

Table 4. Scoring Criteria, Ecosystem Enhancement (continued)

Criterion/ Score	Notes
Approach and Feasibility <ul style="list-style-type: none"><li data-bbox="240 415 464 449">• <i>0 to 10 points</i>	Scoring is based on the technical merits of the habitat enhancement features proposed, described, and delineated by the applicant's biological and restoration ecology design, including detailed plans for near-term habitat management (a term of at least three years after planting).

Table 5. Scoring Criteria, Levee System Integrity (100 Points Possible)

Criterion/ Score	Notes
Static Stability <ul style="list-style-type: none"> • <i>0 to 20 points</i> 	Scoring is based on how well the project improves static stability of the proposed levee. This can include proposed factors of safety, the overall resiliency of the levee, and provisions to increase the rapidity with which the levee system may be restored after damage or failure.
Seismic Stability <ul style="list-style-type: none"> • <i>0 to 20 points</i> 	Scoring is based on how well the project improves seismic stability of the proposed levee and can include placement of landside berms to enhance post seismic recovery, proposed factors of safety, the overall resiliency of the levee, and provisions to increase the rapidity with which the levee system may be restored after a seismic event.
Levee Standard <ul style="list-style-type: none"> • <i>0 to 20 points</i> 	Scoring is based on the adequacy of the project's justification for the levee standard chosen and its consistency with the District's Five-Year Plan. This PSP provides for levee improvement to a Program supported standard (up to the DWR Bulletin 192-82 template), described in the Special Projects Guidelines.
System Flood Risk <ul style="list-style-type: none"> • <i>0 to 10 points</i> 	The project should not increase flood risk to other Delta islands/tracts. Scoring is based on the project's ability to avoid and/or mitigate negative impacts to flood water conveyance and avoid or mitigate adverse effects (from flooding) to adjacent islands/tracts.
Flood Protection for Legacy Communities <ul style="list-style-type: none"> • <i>0 to 10 points</i> 	Scoring is based on how well protection of Legacy Communities is achieved (where applicable).

Table 5. Scoring Criteria, Levee System Integrity (continued)

Criterion/ Score	Notes
<p>Emergency Pre-deployed Stockpiles and/or Linear Stockpiles</p> <ul style="list-style-type: none"> • <i>0 to 20 points</i> 	<p>Project provides stockpiles of materials. Scoring is based on how well the proposal explains the need for, and planned use of, surplus material for levee repair during or after an emergency. The types of stockpiles accepted include:</p> <ul style="list-style-type: none"> • Linear stockpiles are defined for this PSP as suitable levee construction material placed along the toe or landside berm of a levee but outside the design cross section. This material is not intended for use during a flood fight but rather is intended for use after an event to strengthen or repair problem areas. Stockpiled borrow material can shorten the recovery period and reduce repair costs. • Pre-deployed stockpiles of rock or sand may be placed along the toe or landside berm of a levee but outside the design cross section. This material is intended for immediate use during a flood fight. <p>Stockpiles are intended for rapid response to flood events and not for periodic maintenance. LMAs who receive State funds under this PSP for pre-deployed materials are expected to maintain the full quantity of funded materials while enrolled in the Delta Levees Program. Pre-deployed stockpiles will be checked during Delta Levees Maintenance Subventions Program annual inspections.</p> <p>Although not encouraged, pre-deployed materials may occasionally be used for urgent maintenance provided they are replenished each year using District funds or funds obtained through the Subventions Program. The value of materials used by the District for non-emergency purposes and not replenished may be deducted from Subventions payments. Failure to replenish these materials may affect the LMAs standing with the Delta Levees Program and effect future eligibility for State funds.</p>

6. AWARD TIMELINE

PSP deadlines are listed in the boxes on Page 1 of this document. Evaluation of full proposals is anticipated to occur in June 2016, with notification to applicants of funding decisions in October 2016.

7. IMPROVED REIMBURSEMENT RATES

Applicants may be eligible for 100% reimbursement on certain project expenses associated with environmental compliance, permitting, and habitat enhancement work. In addition to receiving 100% reimbursement on certain enhancement costs, applicants who wish to receive maximum consideration and scoring for habitat enhancement elements are encouraged to commit to a vegetation establishment and habitat monitoring period after project construction is complete. Details are included in Appendix 1.

8. CONFLICT OF INTEREST AND CONFIDENTIALITY

All participants 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 rejection of the application and voiding of any subsequent contract. 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 a Concept Proposal or Full Application, they waive their rights to the confidentiality of that Concept Proposal or Full Application, though DWR staff will endeavor to keep all Concept Proposals and Full Applications confidential until project selection. After the projects are selected, all Concept Proposals and Full Applications (those selected and those not) will be public documents.

Appendix 1

Reimbursement of Habitat Enhancement Costs

Project Funding Agreements (PFAs) for approved projects under this PSP will be structured such that the applicant may be authorized to obtain full reimbursement for qualified and documented habitat enhancement-related costs⁹. These costs must be separately described in the Scope of Work (SOW) and itemized in the invoices submitted under an approved invoice. The eligible habitat enhancement costs are described below:

1. Permitting and Environmental Compliance Costs

To be eligible for 100% reimbursement¹⁰ for project permitting and environmental compliance costs, the applicant must separately itemize labor and permit charges for the following:

- Permits and staff costs associated with both levee improvement and habitat enhancement components of the project. Documentation will include:
 - Type of permit(s)
 - Regulatory agency requiring the permit(s)
 - Costs incurred while obtaining the specific permit(s)
 - Costs associated with consulting with California Department of Fish and Wildlife (CDFW) and DWR Delta Environmental Enhancement (DEE) staff
- Environmental compliance actions, such as California Environmental Quality Act (CEQA) analysis and document development
- Pre-construction and active-construction sensitive species surveys

2. Environmental Enhancement Material Costs

To be eligible for 100% reimbursement for eligible materials costs associated with the habitat enhancement component of the project, the materials costs must

- be obtained from a third party commercial source;
- be individually itemized on invoices to the applicant; and
- have been used on the project (not stockpiled or stored) and only on areas of the project that qualify as habitat enhancement.

⁹ Mitigation expenses, including materials used for mitigation, are only eligible at the standard project reimbursement rate.

¹⁰ To be considered as eligible for the 100% reimbursement rate, costs must first be an eligible project expense as stated in the Special Projects Guidelines and then meet the additional eligibility requirements as outlined in this document.

Planting plans should itemize anticipated material needs and their expenses, both of which must be verified by CDFW and DWR environmental staff prior to project initiation.

The following materials are eligible for the 100% habitat enhancement reimbursement rate:

- Live seed or plant material
- Root balls and cuttings and support materials (e.g., willow cuttings, poles, & stakes)
- Certain geotextiles commonly used to improve plant survival
- Soil supplements such as topsoil or compost (purchased from a vendor)
- Herbicides for weed control
- Plant cages, wire, fencing, fabric, or sheathing for browse and/or rodent protection
- Mulch¹¹
- Irrigation supplies, water, pumping costs if necessary and strictly for watering enhancement area
- Other planting materials or materials required for plant survival
- Hydro-seed or seed-tilling operations

To be eligible for reimbursement for the hydro-seeding or seed-tilling, the contractor must itemize material costs on their invoice. Additional materials charges may also be fully reimbursable if itemized in the Scope of Work.

3. Services (labor) and rental Costs

The applicant may be reimbursed 100% for eligible habitat enhancement services, rental costs, and proper documentation associated with invoicing subject to DEE environmental staff concurrence during the SOW development phase according to the following:

- Services (labor) required for soil preparation, planting, and adaptive management such as weeding, plant replacement, and reseeding due to unavoidable mortality.

Rental costs of eligible seed-tilling or hydro-seeding equipment including, but not limited to, a mower and attachment for a tractor, ATV with broadcast seeder, harrow, and boom sprayer that are necessary to implement or maintain the enhancement site.

Reimbursement rates for owned, rented, and lease equipment will be calculated as described in the most recent Delta Levees Maintenance Subventions Program Guidelines.

¹¹ Rice straw is preferred as mulch since it is less likely to spread terrestrial weeds. Wood chips could work, but must be screened for possible weeds and allelopathic effects.

- Equipment must be specified in the Scope of Work in order to be eligible for reimbursement.

Charges not mentioned above may also be fully reimbursable if itemized in the Scope of Work. Any items not well documented may be declined or reimbursed at the standard project reimbursement rate.

4. Performance Criteria and Associated Costs

For full reimbursement, the habitat enhancement portion of the project must show an acceptable level of planting success after three years of monitoring, following the establishment of the plantings. Success of the habitat enhancement component of the project will be measured with performance criteria for each habitat type. Performance criteria include percent cover, species richness (number of plant species in a given area), and density for trees and shrubs. Density will be based on seeding and planting rate, species mix, and a detailed planting plan, which will be included in the SOW.

At the request of the district, DWR environmental staff or a CDFW-approved biologist will visit the site annually to determine success and report back to the district. The district may also contract with a CDFW-approved biologist to provide annual monitoring surveys and reports. These actions may be eligible for 100% reimbursement during the term of the PFA.

Adaptive management actions such as re-seeding, re-planting, weeding, or other maintenance costs may be fully reimbursable during the term of the PFA, except for replacement of plant mortality due to negligent actions¹².

Performance period

The performance period including monitoring for success should be a minimum of three years. Eligible tasks associated with performance criteria during the performance period may be fully reimbursable.

¹² Negligent actions may include inappropriate watering, poor quality plant stock, poor soil preparation, mistreatment of plants, etc.

Appendix 2

Local Agency Information

Title of Project :

Short Description :

:

Applicant Agency

Legal Name:

Mailing Address:

City, State, Zip Code:

Telephone: ()

Fax: ()

E-Mail:

Authorized Representative

Name:

Title:

Telephone: ()

Fax: ()

E-Mail:

Alternate Contact

Name:

Title:

Telephone: ()

Fax: ()

E-Mail:

Cities/Communities in
the Protected Area:

County :

Members of Congress

Name, District No.:

Name, District No.:

State Senators

Name, District No.:

Name, District No.:

Members of the State Assembly

Name, District No.:

Name, District No.:

Appendix 3

Resolution No. _____

Resolved by the _____ of the
(Name of Agency's Governing Body)

(Name of Agency)

That pursuant to and subject to all of the terms and provisions of California Public Resources Code Section 5096.21 and/or California Water Code Section 75030 application by this _____
(Type of Agency)

be made to the California Department of Water Resources to obtain funding for

(Project Title)

The _____ of the
(Authorized Representative)

(Type of Agency) **is hereby authorized and directed**

to prepare the necessary data, make investigations, sign certifications required as part of the application, and sign and file such application with the California Department of Water Resources.

***Passed and adopted* at the regular meeting of the**

(Name of Agency's Governing Body) **of the**

(Name of Agency)

on _____.
(Date)

Authorized Signature _____

Printed Name _____

Title _____

Clerk/Secretary _____

Appendix 4

Fish Friendly Levee Habitat as a type of Channel Margin Habitat

The Delta Levees Program is required to support net long-term habitat improvement (California Water Code Section 12311) within the Delta. The Program is also mandated to promote the co-equal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the Delta ecosystem (California Water Code Section 85054). In addition, development of Delta Specific Channel Margin Habitat (CMH) is one of the priorities as set forth in the Framework (Table 1-1).

The development of CMH with maximum biological values requires a significantly wider water-to-land transition zone than is typically available in many Delta channels that are bordered by heavily rip-rapped levees. Given this reality, the Program has developed a Delta-specific CMH definition for waterside habitat that is created as an additional non-structural component of an existing levee structure. Delta-specific CMH that is designed to benefit native fish species within the confines of an existing levee system is henceforth being referred to as “Fish Friendly Levee Habitat (FFLH).” This FFLH is primarily intended to provide Delta-specific rearing and outmigration habitat for juvenile salmonids, while decreasing habitat for predators of native fishes.

Fish Friendly Levee Habitat features a complex of aquatic, wetland, and riparian habitats at the edge of watercourses often associated with rip-rapped levees. FFLH provides sandy or muddy substrate at a range of elevations that include tidally submerged or shallow benches to seasonally-inundated riparian habitat (aka Shaded Riverine Aquatic). FFLH provides diversity in structure, topography, vegetation, and hydrology, with shallower depths and slower velocities than in the adjacent channel, which combine to dissipate the energy of moving water. The creation of FFLH also provides built-in accommodation for anticipated sea level rise and increased intensity of freshwater flows due to climate change.

The intention of creating Fish Friendly Levee Habitat is to include a mosaic of ecologically valuable water-to-upland habitats along fish migration corridors within the Delta that provide the food and shelter necessary for the successful rearing of native fish species.

The principal ecological functions of Fish Friendly Levee Habitat include the following:

- Provide food production and foraging opportunities for native fish species and especially for salmonids during their outmigration.
- Provide refuge from predation for salmonids during their outmigration through overhead cover and in-water finely branched woody material.
- Reduce predacious fish habitat through the filling of voids within submerged rip-rap with smaller rock material.
- Provide habitat diversity through the creation of seasonally and tidally influenced channel benches.

Appendix 5

Definition of Other Habitat Types

Shaded Riverine Aquatic (SRA) Habitat – is characterized by woody shoreline vegetation which overhangs the water's edge. Within the Delta, the woody vegetation component of SRA is most often provided by willows, alders, box elders, and cottonwoods. Shade provides cover for fish and wildlife and moderates high temperatures.

Riparian Forest (RF) Habitat – is characterized by woody vegetation (trees greater than 20 feet in height) that may or may not overhang the water's edge. The most common trees in the Delta included cottonwood, sycamore, alder, Oregon ash, willows, box elder, black walnut and various oaks. RF habitat provides food, cover, nesting, and roosting places for many birds, including hawks, owls, herons, egrets, wood ducks, woodpeckers, flickers, and numerous passerine species and can provide an important movement corridor for wildlife.

Scrub-shrub (SS) Habitat – is a stand of woody vegetation less than 20 feet in height. The various tree species that make up SS are generally the same as for RF, although in most instances alders and or willows are the dominant plants. SS also include such species as California blackberry, California wild rose, and coyote brush. Habitat value for fish and wildlife tends to increase with density and diversity of vegetative structure.

Freshwater Marsh (FM) Habitat – is a relatively shallow aquatic area, usually less than about 4.5 feet deep, where emergent plants are growing. In the Delta, freshwater marsh occurs in non-tidal or tidal regimes. The most common plants are tules, bulrushes, and cattails. Plant biomass and productivity is frequently high in freshwater marshes. Many resident and freshwater fish (e.g., various minnows including Sacramento Splittail and juvenile salmonids) use tidally-influenced FM for cover from predators and feeding areas.

Appendix 6

Habitat Enhancement Typical Cross-Sections

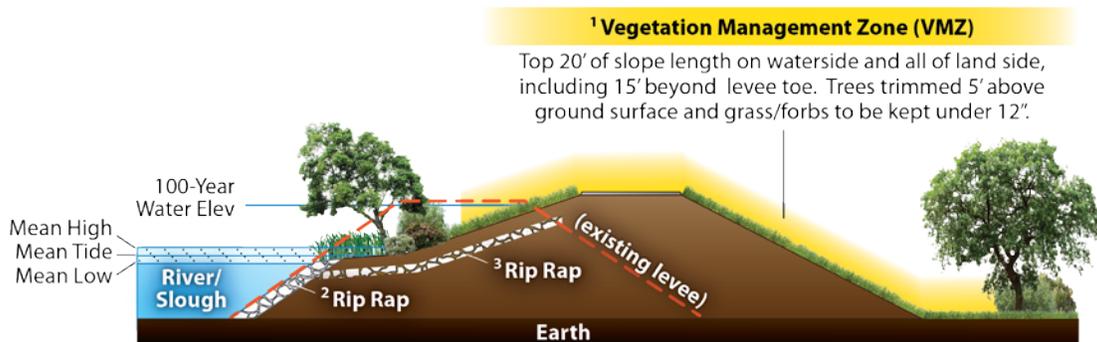
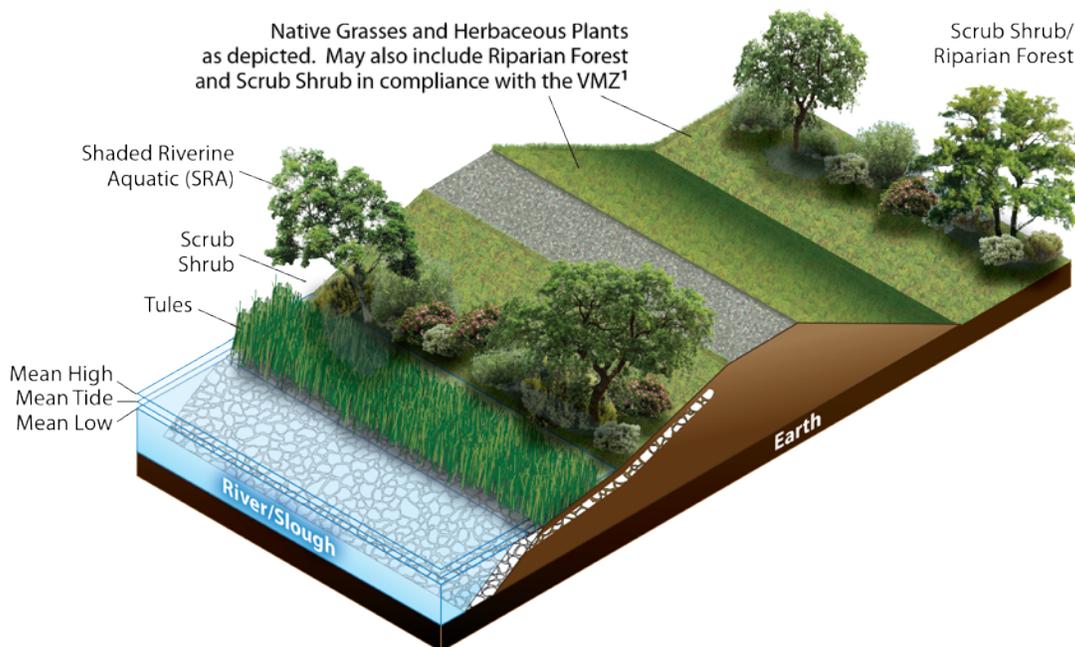
The following levee vegetation cross-section schematics are intended to serve as non-exclusive examples of what can be incorporated as habitat enhancement features within levee improvement projects. The applicability of any example to specific levee work is dependent upon the unique circumstances of a given project. Within a given project it may be appropriate to utilize different levee enhancements for different segments of the overall levee improvement project. Where appropriate, the utilization of 10" minus rock to fill rip rap voids below tidal zone will be considered an aquatic habitat enhancement, based on the removal of voids that may harbor predatory, non-native fish.

Appendix 6 (Continued)

Habitat Enhancement Typical Cross-Sections

Example 1: Fish Friendly Levee Habitat and Associated Landside Habitat

This example demonstrates a full array of habitat enhancement features, including a tidally submerged bench that lends itself to tule plantings; the use of 10" minus rock to fill rip rap voids, thereby discouraging predatory non-native fish; a waterside non-tidal bench planted to scrub shrub and shaded riverine aquatic habitat; and landside features that include native grasses and forbs, and scrub shrub/riparian forest plantings.



Notes:

- ¹ - 2012 Central Valley Flood Protection Plan - Conservation Framework
- ² - 10" minus rock added to fill rip rap voids, discouraging non-native predatory fish
- ³ - Topped with soil slurry to fill voids

Disclaimer:

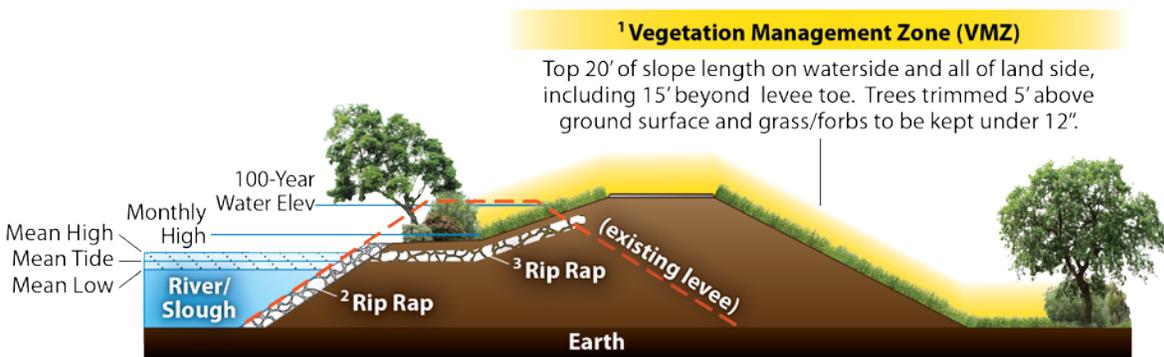
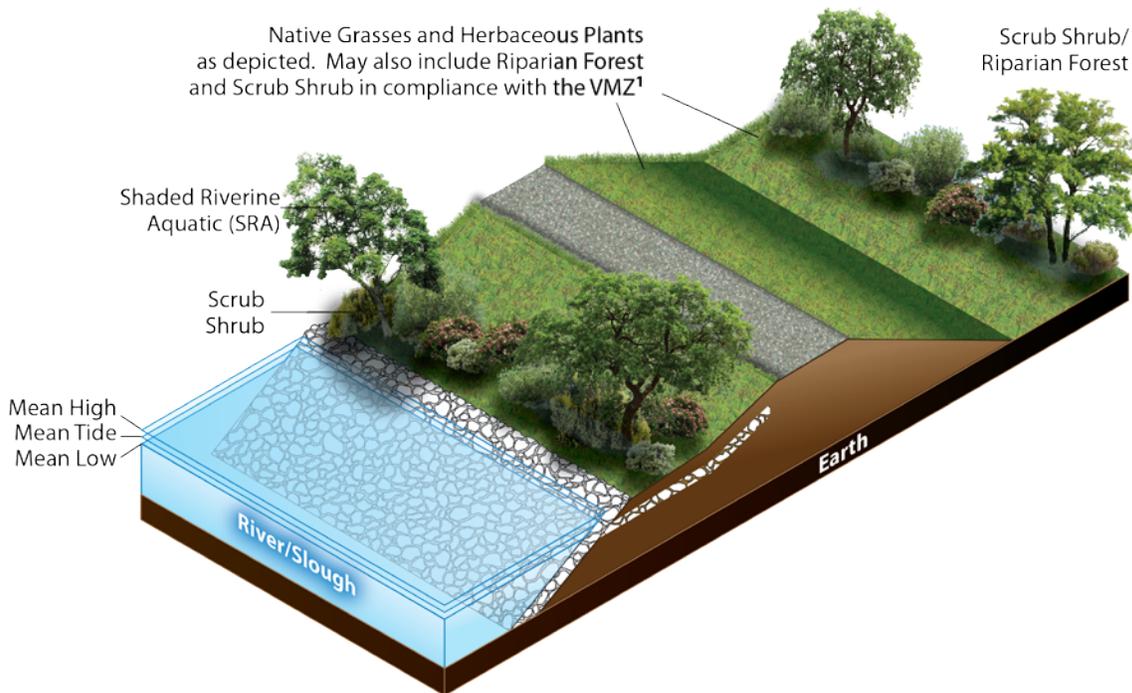
Drawings are idealized for how habitat should be incorporated into multi-benefit levee projects in order to benefit native delta species and are not meant to be used for levee design. Each levee improvement site will be considered on a case-by-case basis and may not include all features shown. Drawings are not to scale.

Appendix 6 (Continued)

Habitat Enhancement Typical Cross-Sections

Example 2: Shaded Riverine Aquatic Habitat and Associated Landside Habitat

This example does not include a tidally submerged bench, but includes all other habitat enhancement features identified in Example 1.



Notes:

- ¹ - 2012 Central Valley Flood Protection Plan - Conservation Framework
- ² - 10" minus rock added to fill rip rap voids, discouraging non-native predatory fish
- ³ - Topped with soil slurry to fill voids

Disclaimer:

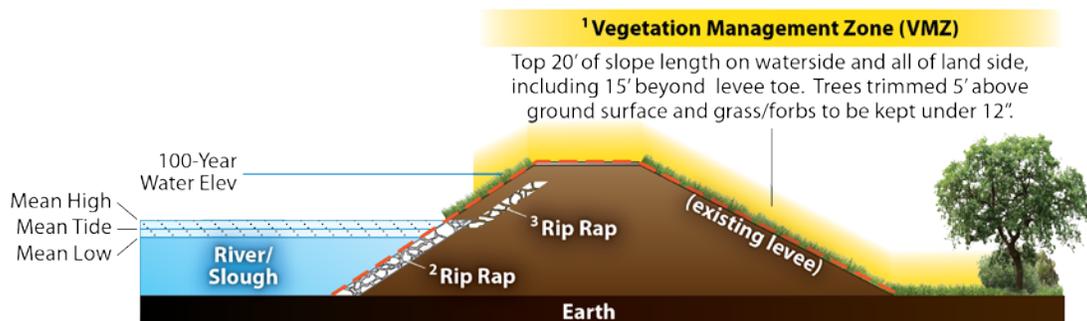
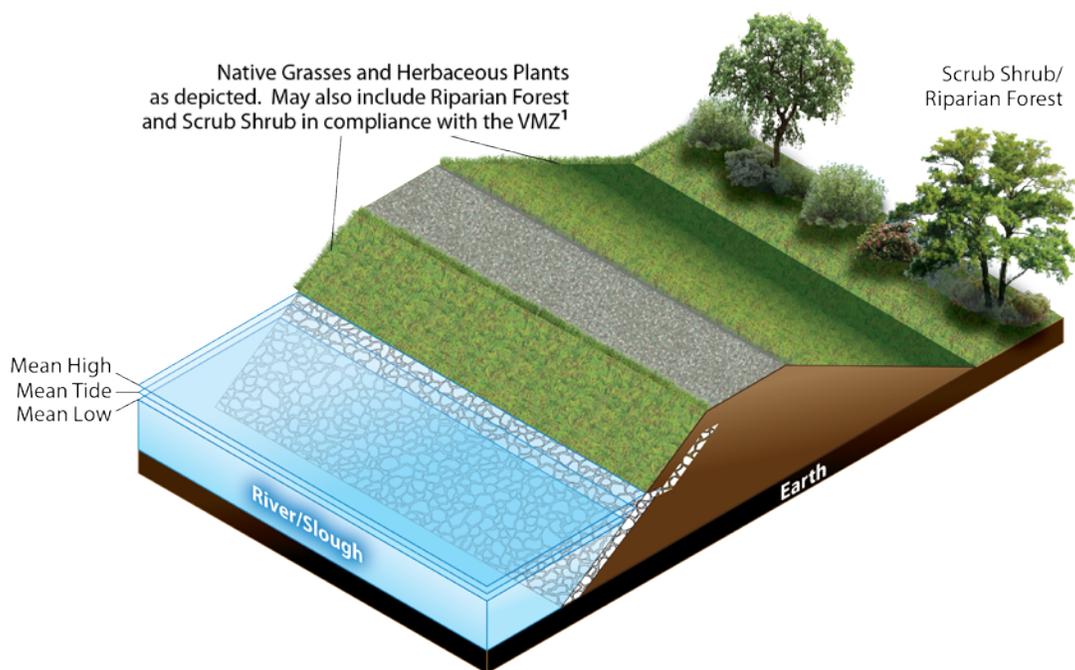
Drawings are idealized for how habitat should be incorporated into multi-benefit levee projects in order to benefit native delta species and are not meant to be used for levee design. Each levee improvement site will be considered on a case-by-case basis and may not include all features shown. Drawings are not to scale.

Appendix 6 (Continued)

Habitat Enhancement Typical Cross-Sections

Example 3: Landside Habitat Enhancements – Native Grasses, Scrub Shrub, and Riparian Forest

This example does not include a levee setback or bench, and no waterside habitat enhancements. The use of 10" minus rock added to fill rip rap voids, thereby discouraging predatory non-native fish, is utilized, where applicable. Landside habitat enhancements include a mix of native grass and forb plantings, as well as scrub shrub/riparian forest.



Notes:

- ¹ - 2012 Central Valley Flood Protection Plan - Conservation Framework
- ² - 10" minus rock added to fill rip rap voids, discouraging non-native predatory fish
- ³ - Topped with soil slurry to fill voids

Disclaimer:

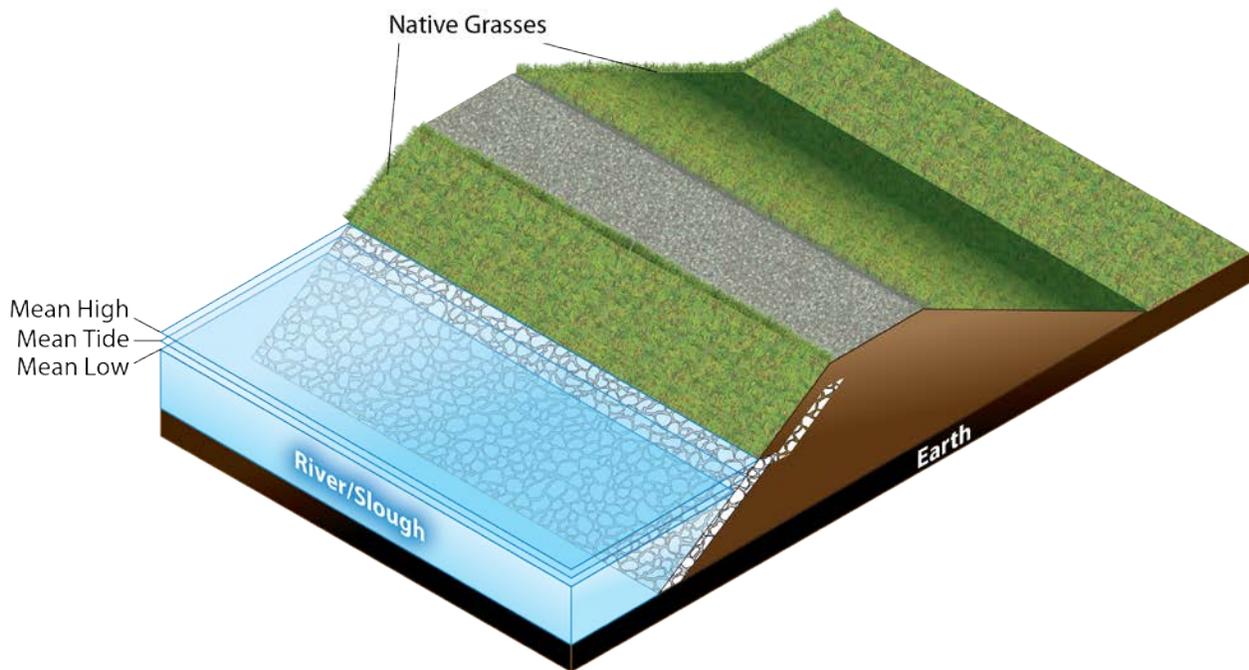
Drawings are idealized for how habitat should be incorporated into multi-benefit levee projects in order to benefit native delta species and are not meant to be used for levee design. Each levee improvement site will be considered on a case-by-case basis and may not include all features shown. Drawings are not to scale.

Appendix 6 (Continued)

Habitat Enhancement Typical Cross-Sections

Example 4: Landside Habitat Enhancements – Native Grasses

This example is similar to Example 3, but with the sole landside habitat enhancement feature being the planting and establishment of native grasses.



Notes:

- ¹- 10" minus rock added to fill rip rap voids, discouraging non-native predatory fish
- ²- Topped with soil slurry to fill voids

Disclaimer:

Drawings are idealized for how habitat should be incorporated into multi-benefit levee projects in order to benefit native delta species and are not meant to be used for levee design. Each levee improvement site will be considered on a case-by-case basis and may not include all features shown. Drawings are not to scale.