


**CALIFORNIA TAHOE CONSERVANCY  
and  
UNITED STATES FOREST SERVICE, LAKE TAHOE BASIN MANAGEMENT UNIT  
SOIL EROSION CONTROL GRANTS PROGRAM  
PROGRAM ANNOUNCEMENT AND GUIDELINES**

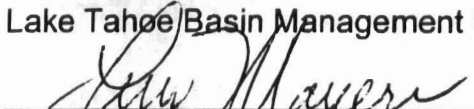
**JULY 2007**



California Tahoe Conservancy  
State of California, The Resources Agency

  
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## INTRODUCTION

### Conservancy program

The California Tahoe Conservancy was established in its present form by State law in 1984, with its jurisdiction extending throughout the California side of the Lake Tahoe Basin. The Conservancy was established to develop and implement programs through acquisitions and site improvements to improve water quality in Lake Tahoe, preserve the scenic beauty and recreational opportunities of the region, provide public access, preserve wildlife habitat areas, and manage and restore lands to protect the natural environment.

The soil erosion control program was established by the Conservancy in 1985 to address the problems associated with storm water runoff and its contribution to the decline in Lake clarity. On November 22, 1985, the Conservancy established an application program for annual soil erosion control grants to local governments to address these problems using methods such as infiltrating runoff, stabilizing drainageways, and vegetating bare soils. Since July 2001, eligible agencies have been able to apply for a mix of planning, acquisition, or site improvement grants that best address their Environmental Improvement Program (EIP) implementation needs.

\$93.5 million in grants has been approved for 101 projects under this program, including \$11.8 million in planning grants, \$66.6 million in site improvement grants, and \$15.1 million in grants for land acquisition.

The State's proposed 2007-2008 fiscal year budget includes an allocation for up to a total of \$10,000,000 in grant funds for the Conservancy's soil erosion control program grants. The availability of these funds is dependent upon the approval of the State's 2007-2008 fiscal year budget. If there are changes to this amount, we will inform eligible grantees as soon as possible.

### LTBMU Program

In November 2003, the Southern Nevada Public Lands Management Act (SNPLMA) was amended to direct a portion of its proceeds to Lake Tahoe for eight years for the Federal Environmental Improvement Program. This is the fourth year of the eight-year program.

Under the Lake Tahoe Restoration Act (LTRA), P.L. 106-506, the U.S. Forest Service (USFS), Lake Tahoe Basin Management Unit (LTBMU,) has authorization to fund the Lake Tahoe Erosion Control Grants Program. LTBMU anticipates receiving \$10 million

for the program funded through Round 8 of SNPLMA in August 2007. Of this amount, \$9,000,000 is expected to be available for grant award through the program during the calendar year 2008. The availability of these funds is dependent upon the approval of the Secretary of the Department of the Interior and final approval by the Secretary of Agriculture. If there are changes to this amount, we will inform eligible grantees as soon as possible.

### Combined Requests and Evaluation

Beginning this year, the main erosion control EIP funding agencies are embarking on a process of combining the application and evaluation process of their respective grants programs in an effort to minimize the number of submittals that local agencies must prepare, and to evaluate and provide funding in a more comprehensive fashion. Funding awards would then be processed independently by each agency. The LTBMU and the Conservancy are combining their processes this year, and local eligible agencies should recognize that these guidelines contain some changes to the previous processes. It is currently anticipated that the State of Nevada, Division of State Lands, will join in this combined process for the 2008-2009 fiscal year.

The executives of the three funding agencies have endorsed the concepts and principles of the documents and process developed by the Storm Water Quality Improvement Committee (SWQIC). The purpose of the SWQIC documents and process is to provide a consensus-based approach to project review, development, and implementation. It is hoped that this approach will lead to project designs that have the support of all agencies and meet the objectives of the Preferred Design Approach (PDA). More information about SWQIC and the PDA can be found in Appendix D.

**All** requests for funding under this announcement shall be submitted to the California Tahoe Conservancy, regardless of the funding source. This includes eligible Nevada agencies requesting funding through the LTBMU program. However, Nevada agencies seeking funding for projects from the State of Nevada, Division of State Lands, should contact that agency directly for information regarding their 2007-2008 grants program.

### **FUNDING DISTRIBUTION**

#### Conservancy Methodology

During the 2007 funding cycle, a combined amount of \$10,000,000 is anticipated to be available to address planning, acquisition and construction needs. The availability of these funds is dependent upon finalization of the 2007 Budget Act. If there are changes

to this amount, we will inform eligible grantees as soon as possible. The Conservancy continues to have a dual approach in distributing funds under the program: 1) an allocation by jurisdiction based on need; and 2) a discretionary basinwide allocation for high priority projects based on the merits of proposals received. Applicants are encouraged to submit applications encompassing both the jurisdictional and the discretionary allocations.

Jurisdictional Allocations

This allocation formula recognizes that the EIP contains high priority soil erosion control projects throughout the basin, and that the three primary jurisdictions, Placer and El Dorado Counties and the City of South Lake Tahoe, have a primary responsibility for implementing the EIP on the California side of the Lake. This allocation also provides for continuity and a degree of funding certainty for program planning and staffing.

A total of up to \$4,500,000 will be made available to the primary jurisdictions in the following amounts to fund planning, acquisition, and site improvement costs:

- El Dorado County .....	\$1,500,000
- Placer County .....	\$1,500,000
- City of South Lake Tahoe .....	<u>\$1,500,000</u>
TOTAL .....	\$4,500,000

In addition to the above described allocation, the Conservancy will be providing an additional one time jurisdictional allocation to the primary jurisdictions, El Dorado County, Placer County, and the City of South Lake Tahoe, for preparation of their pollutant load reduction (PLR) strategy as required by Section IX of their Municipal Permits from the Lahontan Regional Water Quality Control Board (LRWQCB). In order to obtain this funding, the jurisdiction should commit to substantially completing the development of this PLR strategy by the end of 2008. Jurisdictions are strongly encouraged to submit an application for development of this strategy, in accordance with the requirements of their LRWQCB permit, recognizing the desire by the Conservancy and LRWQCB for the earlier completion of this strategy as stated



above. Final amounts will be determined, in part, through evaluation of the submittals.

#### Discretionary Allocation

The remaining Conservancy program funds, after both jurisdictional allocations described above are awarded, will be available on a discretionary basis. In addition to the three primary jurisdictions, the North Tahoe Public Utility District (NTPUD), South Tahoe Public Utility District (STPUD), and Tahoe City Public Utility District (TCPUD) may also apply for discretionary funds. These funds will be directed to the highest priority projects, or portions of projects, which remain unfunded under the jurisdictional allocations of this program.

In the event the Conservancy does not receive qualifying applications for the full amount of the jurisdictional allocation, the Conservancy will transfer any remaining funds to its discretionary allocation for award to high priority projects elsewhere in the Basin.

#### LTBMU Methodology

Approximately \$9,000,000 is expected to be available for grant award in calendar year 2008 for planning, construction and monitoring needs. The expected source of these funds is from Round 8 of SNPLMA.

The availability of these funds is dependent upon the approval of the Secretary of the Department of the Interior and Final Approval by the Secretary of Agriculture. If there are changes to this amount, we will inform eligible grantees as soon as possible. In compliance with the LTRA, LTBMU looks to award grants so that they are appropriately distributed between the two States in the Tahoe Basin.

Grantees must demonstrate the availability of local and state matching funds that satisfy the LTBMU's erosion control grant program's one-to-one matching funds requirement. Matching funds may consist of any State and local funds utilized by the grantee to implement the urban storm water component of the EIP program, as long as these funds are spent during the same fiscal period as the federal award (unspent as of July 1, 2007 for Round 8) and are not being used as match for any other federal funding. Matching funds may be either on a project basis (matching funds to be expended on the same project) or a programmatic basis (matching funds to be expended on a different EIP erosion control project that may not be receiving LTBMU erosion control grant funds), or a combination of project and programmatic match. Documentation of the

sources of matching funds should be limited to providing the total project budget in each project proposal and a simple spreadsheet identifying the funding source, EIP project(s), and amount of matching funds for all projects proposed for grant funding. The matching funds spreadsheet, found in Appendix C, should be provided with the final submittal.

## **ELIGIBILITY**

### **Eligible Grantees:**

#### **Conservancy:**

Eligible grantees for Conservancy funding include El Dorado County, Placer County, the City of South Lake Tahoe, North Tahoe Public Utility District, Tahoe City Public Utility District, and South Tahoe Public Utility District. Funding shall be distributed as described above.

#### **LTBMU:**

In accordance with the LTRA, payments shall be made to "the governing bodies of each of the political subdivisions (including any public utility, the service area of which includes any part of the Lake Tahoe Basin)." The Act further states that "to be eligible for payment...a political subdivision shall annually submit a priority list of proposed projects." As such, each of the six local governments (Placer County, El Dorado County, Washoe County, Douglas County, City of South Lake Tahoe, and Carson City Rural Area) and the three public utility districts (South Tahoe, Tahoe City, and North Tahoe) must submit a list of priority projects in order to be eligible for these funds.

In Douglas County, the County must work with their local General Improvement Districts (GIDs) to identify and prioritize projects for the annual list. If selected, the GIDs may receive the award directly, but pre-applications must be submitted and prioritized through Douglas County. Also, Douglas County may designate the Nevada Tahoe Conservation District to perform this requirement on behalf of Douglas County, as has been previously done.

### **Eligible Projects:**

There are two basic eligibility criteria for planning, acquisition and site improvement grants from the Conservancy and LTBMU.

1. Projects must be listed in the EIP, or be a portion of a project listed in EIP. The Conservancy and LTBMU may also consider other projects that are consistent with the objectives of the EIP if the application is accompanied by documentation that Tahoe Regional Planning Agency supports inclusion of the project in the EIP.
2. Each project must be supported with a request that clearly demonstrates how the project will meet program objectives. The Conservancy program objectives are explained in Appendix D.

### Conservancy

Grants can be for activities associated with planning, site improvement, and acquisition of interests in real property necessary for a project's implementation. While the Conservancy awards funds for monitoring, there is not a specific monitoring grant, so requests for monitoring funds should be included in a planning grant or site improvement grant, depending on the project's status.

### LTBMU

Grants can be for activities associated with planning, site improvement, and monitoring, and the projects should appear on the priority list. (Do not prioritize projects within each category, but rather prepare one priority list that includes all these types of projects.)

Grantees are still encouraged to send their proposals for monitoring within their projects, if grantees feel such monitoring will fill critical data gaps regarding Best Management Practices or project effectiveness, and grantees demonstrate the capacity to manage this type of monitoring project. The LTBMU will also concurrently be working with the Tahoe Science Consortium (TSC) and others regarding the implementation of a Regional Urban Stormwater Monitoring Program. Until this Regional program is established, we will maintain some flexibility in how the LTBMU, in collaboration with their partners, may choose to allocate SNPLMA Erosion Control Grant Funds to continue to fill critical data gaps related to Urban Stormwater BMP/Project effectiveness as part of project monitoring. Up to \$900,000 is available for project level effectiveness monitoring from Round 8 grant funds. If project proposals are not received and/or approved to this amount, the remaining funds will be awarded to planning and implementation projects.

The Round 8 grant submittal can be for grant funding for one or more projects (i.e., may contain proposals for two or more projects), as long as the projects are all related to

planning design, implementation, or the monitoring of EIP erosion control, soil conservation, and SEZ restoration projects. Project descriptions are not needed for projects funded exclusively by state or local funds that are displayed as match for the federal grant.

**Eligible Costs:**

At this time, up to 100% of eligible project costs for planning, site improvements, and acquisitions of interests in land directly or substantially related to soil erosion control activities can be funded.

**Planning Grants:** (Conservancy, LTBMU)

Eligible Costs for funding under the planning grant includes workplan preparation, completion of approved workplan products, public meeting costs, project design, administration, and interagency coordination, pre-construction monitoring (Conservancy only), preparation of preliminary plans, specifications and cost estimates, site improvement and acquisition grant application preparation, pre-acquisition activities related to the acquisition of interests in land, project evaluation and environmental documentation, and preparation and processing of permit applications.

**Site Improvement Grants:** (Conservancy, LTBMU)

Eligible costs under a site improvement grant include project administration and interagency coordination; preparation and processing of permit applications; monitoring (Conservancy only); grant application preparation for site improvement grant augmentation; preparation of contract documents including final plans, specifications and cost estimates; construction of erosion control and restoration measures and revegetation of disturbed areas; project inspection; and project evaluation and documentation.

**Acquisition Grants:** (Conservancy)

Eligible acquisition costs are limited to the current fair market value of the interest(s) being acquired less the amount of any other State funds being applied to the purchase price. Acquisitions funds may only be used for acquisition of property from willing sellers. Eligible acquisition costs also include related escrow, title, and other closing costs, and project administration costs. Under the terms of the standard acquisition grant agreement, acquisition documents are

submitted to Conservancy staff for review and approval. Acquisitions valued at less than \$10,000 can follow a streamlined approach. Additional information on this approach can be found in Appendix E.

Costs associated with pre-acquisition work should be included in a planning grant to minimize the potential for delay due to acquisitions. Pre-acquisition work includes landowner contacts, legal descriptions, maps, title reports, appraisals, and signed transaction documents that are contingent upon receiving acquisition funds.

Monitoring Grants: (LTBMU)

LTBMU's monitoring grant is only for costs associated with project level BMP effectiveness monitoring. Costs associated with required compliance monitoring is not eligible under this grant.

Utility Relocation Costs: (Conservancy, LTBMU)

Publicly-owned local utility districts are eligible for payments from federal grant funds for up to two-thirds of the costs associated with the most cost effective strategy for utility relocation in connection with EIP erosion control, soil conservation, and stream environment zone (SEZ) restoration projects. Counties and Cities must coordinate with their local publicly-owned utility district(s) to identify and coordinate these strategies. Requests for these utility relocation costs can be submitted for funding by the County, City, or the publicly-owned utility district.

Conservancy funding for the relocation of publicly-owned utilities is affected by Assembly Bill 270 (AB270). Costs associated with the relocation of publicly-owned utilities are usually not eligible for Conservancy funding since they are eligible for other funding, as stated above.

Costs associated with the relocation of privately-owned utilities may or may not be eligible for Conservancy funding depending on the status of superior rights.

Travel and Meal (Per Diem) Costs: (Conservancy)

If travel and meals are to be reimbursable, then the reimbursements for these expenses shall be in accordance with the policies and rates of the California Department of Personnel Administration for Conservancy employees.

The Conservancy is developing guidelines to address eligible and ineligible administrative costs and will provide those to grantees once they are available.

Indirect Costs: (LTBMU)

Indirect cost rates must meet the requirements of the federal approving agency.

Ineligible Costs: (Conservancy, LTBMU)

Applicants must commit to fund any project elements that are not substantially related to the purposes of erosion control or water quality protection or elements that do not fit within the State's definition of local assistance funding.

Project maintenance costs are not eligible for funding. The grantee is responsible for operation and maintenance of funded improvements and the funding of the associated costs for a minimum 20-year period.

Required compliance monitoring costs are not eligible for funding through the LTBMU grants. However, these are eligible costs for the Conservancy.

Matching Funds Requirement: (LTBMU)

Grantees must demonstrate the availability of local and state matching funds that satisfy the LTBMU's erosion control grant program's one-to-one matching funds requirement. Further information on this requirement is provided in the funding distribution section above.

National Environmental Policy Act (NEPA): (LTBMU)

For projects that are beginning project planning, LTBMU will expect the grantee to provide a complete Biological Assessment/Biological Evaluation (BA/BE) covering both wildlife and botanical resources as one of the last deliverables of the planning process. The grantee should budget accordingly on projects anticipated to utilize USFS urban lots or USFS grant funds to construct.

Contractors conducting BA/BE analysis for the NEPA process will need to coordinate with LTBMU biologist staff to ensure the appropriate level of analysis and reporting format is utilized. Contractors will be provided with appropriate



reporting format as well as appropriate information from USFS wildlife inventories.

## **FUNDING REQUEST PROCESS**

### **Preliminary Spreadsheet Submittal**

To assist in determining the anticipated funding requests, grantees are required to submit a spreadsheet, as shown in Appendix B, indicating their anticipated requests for Conservancy and LTBMU funding. If a project is being included on the spreadsheet is a new project or a new component (i.e., monitoring, etc., of an existing project), then the grantee shall also submit a **brief** description of the project or new component. This description shall include project name, EIP number, brief summary of problems to be addressed, and the reason the funding is needed. This spreadsheet shall be submitted in electronic format (Microsoft Excel) to the Conservancy by **Friday, August 10, 2007**.

### **Final Request Submittal**

The final request for funding shall be submitted to the Conservancy by **Friday, September 21, 2007**.

Two hard copies of the request and an electronic copy (pdf format) of the submittal shall be provided.

The final submittal shall include the following items:

Prioritized list of projects required by LTBMU

Matching funds spreadsheet, Appendix C, required by LTBMU

Project Specific Information for all grants as follows:

- a. **Applicant**: Include address and phone number as well as the names of key personnel such as project manager/engineer, environmental document coordinator, and contracted consultants.
- b. **Project title and EIP Number**: The title should be brief. The title should reference the EIP project area or a project name referenced in the EIP for the particular sub-project.
- c. **Type of grant requested**: Planning, Site Improvement, Acquisition (Conservancy funded), or Monitoring (LTBMU funded)

- d. Amount requested and preferred source: List the amount requested, the preferred source of this funding (i.e., Conservancy or LTBMU) and an explanation for this preference.
- e. Other funding: A description of any funding and/or in-kind assistance to be provided by the applicant or other parties and a list of potential funding sources. This shall include the source of the funding and when it was or is anticipated to be obtained.
- f. Map: A map showing the project area boundary. Site Improvement and Acquisition requests shall also include 8-1/2" x 11" black and white map(s) showing the proposed improvements and acquisitions. All maps must be suitable for reproduction and shall be provided in an editable electronic .gif or .jpeg format in addition to the pdf format required.
- g. Narrative discussion. A brief general discussion that includes the following items:
  - 1. Regulatory thresholds to be addressed
  - 2. Project goals and objectives
  - 3. Existing conditions and problem description
  - 4. Project description, including activities to be accomplished and methods to be used. For site improvement requests, preliminary plans showing problem areas, watershed boundaries and drainageways, and project area boundaries should also be provided.
  - 5. Products or outcomes of the project
  - 6. How the project will meet Conservancy and LTBMU program objectives
  - 7. How progress and successful achievement of the objectives will be measured
  - 8. Other background information that may be helpful in evaluating the proposal or explaining what makes the project particularly desirable and beneficial
- h. Schedule: A detailed project schedule shall be provided.
  - a. Planning grant requests shall include anticipated dates for:
    - i. the submittal of the planning workplan
    - ii. workplan product activities
    - iii. pre-acquisition activities, such as hiring appraiser, document preparation and review
    - iv. submittal of Conservancy site improvement grant application
    - v. construction start date
    - vi. other project development milestones
  - b. Site improvement requests shall include:

- i. steps completed under a planning grant
    - ii. pre-design consultation
    - iii. preliminary plans
    - iv. final plans
    - v. start and completion of construction
    - vi. start and completion of monitoring
  - c. Acquisition requests shall include:
    - i. steps completed under a planning grant
    - ii. submittal of appraisal or valuation reports and preliminary title reports to Conservancy
    - iii. Conservancy approval of appraisal reports and preliminary title reports
    - iv. negotiation and agreement of sales
    - v. Conservancy approval of instruments of conveyance, escrow instructions, and purchase agreements
    - vi. close of escrow
  - d. Monitoring requests shall include:
    - i. start of monitoring
    - ii. completion of monitoring
- i. Total costs: The amount of detail on this item is related to the request being submitted. Planning grants should contain anticipated costs to obtain a recommended alternative, preliminary designs, pre-acquisition documents, and California Environmental Quality Act/NEPA documentation at a minimum. Site improvement requests should contain a detailed project budget including design and administration, construction costs in the form of an engineer's estimate, plant irrigation and establishment, monitoring, and contingency. Acquisition requests should include a breakdown between acquisition costs along with a brief explanation of how all acquisition costs were estimated.
- i. Coordination with public utility district(s): If utility relocations are or may be involved, state whether the project implementor or the public utility district will be applying for funding. Discuss how coordination will occur between the publicly-owned utility district and the project implementer, and what efforts will be or were made to minimize overall erosion control project costs, including costs for both erosion control facilities and utility relocations.
- j. Resolution: A resolution from the governing body, or designee of the applicant, demonstrating its commitment to the project. Resolutions for site improvement and acquisition requests must also include the governing body's commitment to implement the project in a manner consistent with

program objectives, to fund the costs associated with management and maintenance of the project, and to actively manage and maintain the project over a 20-year term.

Additional information required depending on grant type:

- a. Planning Grant Request – no additional information is necessary.
- b. Planning Grant Augmentation Request-Revised workplan summarizing the decisions made through the SWQIC process that require additional funding, what products will be delivered if the additional funding is approved, and a revised itemized budget and schedule for product delivery.
- c. Site Improvement Grant Requests –
  - i. Acquisitions. List necessary acquisitions of land or rights-of-way and the status of these acquisitions. Indicate which land is already under the control of the applicant or other public agencies. Projects that have transaction documents signed by the owner will be viewed more favorably. On any land where improvements are proposed but acquisition funds are not being applied for, applicants must include evidence of the applicant's ownership or control of this land or a description of how such ownership or control will be obtained.
  - ii. Conservancy License Agreements. For proposed use of Conservancy parcels for site improvement implementation, include a list that associates assessor parcel number to a description of the proposed improvement on each Conservancy parcel. A map identifying the approximate location of each Conservancy parcel must be submitted with requests for license agreements.
  - iii. USFS Special Use Permits. For proposed use of USFS parcels for site improvement implementation, please provide the same information required above for Conservancy License Agreements.
  - iv. Use of California Conservation Corps (CCC). As in past years, grantees receiving Conservancy funding are required to describe how the California Conservation Corps and other cost-saving measures will be used to augment Conservancy funds. It should also be noted that the provision concerning the CCC is included to help stretch the amount of grant funds available for site improvements. Any savings resulting from their involvement could be, for example, applied to expanding the areas in which site improvements are contemplated.
  - v. CEQA documentation. Projects receiving Conservancy funding must meet the requirements of the CEQA. The submittal should include the necessary documentation reflecting such compliance. In order to

comply with CEQA, the agency must determine and notify the Conservancy, in the preliminary submittal, of what type of environmental documentation is required. If the applicant has determined that the project is categorically exempt from CEQA, a stamped, filed copy of the Notice of Exemption must be included with the final submittal. If a Negative Declaration or Environmental Impact Report (EIR) is necessary, an Initial Study must be submitted with the preliminary submittal or sooner. If the CEQA document was not finalized as a planning grant product, please send copies of the administrative draft of the Negative Declaration or EIR to the Conservancy for review and comments prior to circulation to the public. Please allow four weeks for Conservancy and its consultant's review and comment.

- vi. Certified Notices of Determination for Negative Declarations and EIRs, stamped by the State Clearinghouse and the County Clerk within five days of the document's adoption, must be submitted by **October 26, 2007**.
- d. Acquisition Grant Requests -
  - i. Detailed Information - For each proposed land acquisition, complete the form contained in Appendix E.
  - ii. Map - A plot map identifying the location of the parcel and proposed improvements shall be submitted.
  - iii. CEQA documentation - CEQA must be complied with for acquisition grants. Please see the CEQA section above under site improvement grants. If both an acquisition request and a site improvement request for a project are being submitted, the CEQA documentation can be submitted only once.
- e. Monitoring Grant Requests - A detailed explanation of how such monitoring will fill critical data gaps regarding BMP or project effectiveness, and how the grantee has the capacity to manage this type of monitoring project.

## **EVALUATION PROCESS**

### **Preliminary Submittal Review**

The preliminary spreadsheets shall be reviewed to compare the requested funding needs with the available funding levels. Conservancy and LTBMU staff may provide comments back to an applicant on their preliminary funding requests. Conservancy and

LTBMU staff will review the new project narratives to determine their funding eligibility and provide comments to applicants.

#### Review by Technical Advisory Committee

Final submittals will be reviewed and recommended for award through the Technical Advisory Committee (TAC) process that has been utilized in previous years by LTBMU. Representatives from LTBMU, TRPA, California Tahoe Conservancy, Nevada Division of State Lands, Lahontan Regional Water Quality Control Board, and Nevada Department of Environmental Protection will be invited to review the project proposals for grant funding and participate on the selection TAC. In addition to representatives from the above agencies, experts in the erosion control field and from the science community may also be invited to participate in the TAC's review.

A field review may be conducted in order to further evaluate the project. This field review may occur at a time other than the TAC meeting. Applicants will be advised if a field meeting is scheduled and will be invited to attend this portion of the TAC review to explain the project and answer questions.

#### Evaluation Criteria

Final submittals will be evaluated for completeness and their consistency with the general eligibility criteria and objectives of the programs. In cases where the staff finds that a submittal is either incomplete or does not meet eligibility criteria, staff may work with the applicant to complete or modify the submittal where it appears likely this will qualify it for further consideration.

#### Conservancy Criteria

These criteria will be emphasized by Conservancy staff in evaluating suitability for funding, and to determine project ranking for funding, if necessary. The proposed evaluation criteria will permit the Conservancy to weigh the relative strengths and weaknesses of each proposal and to give preference to the best overall projects. The evaluation criteria will be applied in a more general way to planning grant proposals since much of the detailed information required in the site improvement applications is not required in the planning grant applications. Projects that have completed acquisition and are to be constructed in 2008 will be the highest priority for funding.

- a. Significant and documentable benefit to Lake Tahoe water quality - The project addresses a significant erosion and/or water quality problem and results in documentable watershed and water quality improvements. Generally, listing of the project in the EIP, consistency of the proposal with the program objectives



(see Appendix D), inclusion of a sound (but not necessarily intensive) monitoring program, and proposed use of proven methods or approaches based on sound principles will adequately fulfill the documentation requirement.

Preference will be given to projects with the greatest potential benefit to Lake Tahoe's water quality (projects listed in the EIP which address a severe water quality problem with proven technology). A high project ranking under this criterion will be given to the following types of projects: projects that are consistent with the program objectives, projects in watersheds with a high potential to deliver sediment and nutrients to Lake Tahoe, and projects involving the restoration of disturbed SEZs and/or water quality treatment in meadow-like areas or SEZs.

- b. Adequacy of design - The project uses proven, cost-effective techniques to address soil erosion control and/or water quality problems. The project design emphasizes, to the extent feasible, source control and hydrologic design, and targets the trapping of fine sediment and phosphorus. The project proposes a strategic approach, which clearly identifies the water quality problems and proposes effective BMP's to address these problems. Projects that have a component relating to a natural drainage channel should include in the design process an analysis of the stream's characteristics for use in the design. Designs that give appropriate consideration to other resource objectives, such as EIP SEZ restoration objectives, wildlife habitat enhancement, defensible space, private property BMP interface, and recreation and public access, will be rated more favorably.

Innovative approaches are encouraged in cases where proven, cost-effective techniques are not feasible or available (see subsection "f" below).

- c. Comprehensiveness - The project considers and addresses all aspects of soil erosion control and water quality problems in the project area. Preference will be given to comprehensive, integrated project proposals that are well coordinated with other related EIP projects and which consider the context of the whole watershed. Projects that include elements related to SEZ restoration, wildlife habitat enhancement, defensible space, private property BMP interface, and recreation and public access will be ranked higher.
- d. Cost-effectiveness - The project meets program objectives in a cost-effective manner. Preference will be given to projects that use the CCC. Local or other funding may be applied to a project to increase its cost-effectiveness.

- e. Implementability -The applicant demonstrates its ability and commitment to implement the project in a timely manner. For example, for site improvement grant applications, 1) the planning grant process has been completed, environmental documentation appeal periods have expired, and the project will be ready to go to construction soon; 2) the applicant (and/or other public agencies) already owns or controls the land needed to construct the project, or has signed agreements to acquire needed lands; and/or 3) no major issues are known to exist that could slow implementation (e.g., property owner opposition, or lack of adequate treatment opportunities). If a project is large and complex, and depends on other funding sources, including future grants, then the portion of the project proposed for funding by the Conservancy must be able to be implemented by itself in a manner consistent with the objectives of the program. Preference will be given to projects which meet the three items above, can be implemented quickly and provide substantial water quality benefits in 2009.
  
- f. Model project - The project is useful as a model for future soil erosion control and water quality improvement projects. In situations where proven techniques to solve particular problems do not yet exist, projects incorporating innovative, cost-effective approaches to improving water quality will receive preference for funding.
  
- g. Cooperation and support – The applicant shows that they have support for the project by other public agencies, owners of property to be acquired, and/or other parties. This criterion is included to encourage early contact with stakeholders and can be related to implementability.

Where utility relocations are or may be involved, the applicant should demonstrate that they have worked with the affected public utility district(s) to minimize overall erosion control project costs. This process should include design consultation and consideration of coordinated construction scheduling. Preference will be given to projects that include a strong interface and coordination with the Tahoe Resource Conservation District (TRCD) and private property BMPs. Projects that follow the preferred design approach and demonstrate cost savings from coordinated planning will be given a priority. Notwithstanding the above requirement, the grantee shall retain all existing rights under State or Federal law/regulations, the terms of permit, franchise agreements and/or other adopted agreements.

### LTBMU Criteria

Submittals will be reviewed based on the relative need for and merits of projects. The allocation of Round 8 SNPLMA erosion control grant funds will be based on the merit of the submittals received. In general, the determination of merit for projects in California will be based on the criteria established by the California Tahoe Conservancy Grant Program, and in Nevada, criteria established by the State of Nevada, Division of State Lands Grant Program.

### **IMPLEMENTATION**

The goal is to have a TAC-recommended list of projects for funding award by mid-October 2007.

### Conservancy

Conservancy staff currently anticipates taking all funding recommendations to its board in December, 2007. Once funding recommendations are approved and a grant is awarded by the Conservancy board, implementation of the project will be governed by a standard grant agreement entered into by both the Conservancy and the implementing agency. Timely execution of this agreement by the jurisdictions is expected.

Grant agreements have numerous requirements in them, including but not limited to workplan development, project deliverables, progress reporting, record keeping, financial audits, insurance, payment criteria, and monitoring reporting.

A sample grant agreement can be provided upon request.

The draft project plan must be reviewed by a Technical Advisory Committee that includes Conservancy and regulatory agency staff, and at the discretion of Conservancy staff, other technical experts retained by the Conservancy. Detailed project review at this time ensures thorough compliance with the full range of project requirements, both technical and regulatory. In addition to Conservancy staff, such review may be conducted by representatives from the Department of General Services, Real Estate Services Division.

During a project's development and implementation, grantees will be asked to provide products in hard copy format and an acceptable electronic format for the Conservancy's use in project tracking and reporting.

#### LTBMU

LTBMU staff will notify project proponents of the pre-award selections for SNPLMA funding. Upon notification of pre-award selection, the project proponents shall complete and submit final grant applications directly to LTBMU. It is anticipated that these grant funds will become available in January 2008 and that funds for grant awards can be obligated at that time.

When LTBMU either issues (or amends) a special use permit or provides funding for the construction of an erosion control project, the Forest Supervisor must make a documented decision and that decision must be supported by appropriate NEPA analysis and documentation. The grant recipient is expected to provide all of the analysis and documentation, including a complete BA/BE covering both wildlife and botanical resources, as directed and supervised by a LTBMU interdisciplinary team.

Contractors conducting BA/BE analysis for the NEPA process will need to coordinate with LTBMU biologist staff to ensure the appropriate level of analysis and reporting format is utilized. Contractors will be provided with appropriate reporting format as well as appropriate information from USFS wildlife inventories.

LTBMU will continue to award grants for implementation prior to the completion of NEPA. However, any reimbursement for implementation will not be provided until the NEPA analysis is complete, and the Forest Supervisor has made a project specific decision. NEPA does not apply when grant funding is awarded for the development of plans, designs, studies, or monitoring, because they do not constitute a specific decision to implement a project.

LIST OF APPENDICES

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Appendix B..... Preliminary Spreadsheet Submittal  
Appendix C..... Match Documentation Spreadsheet  
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Appendix F..... California Proposition Requirements

Appendix A

Timeline

CTC and LTBMU Erosion Control Grant Submittal, Review, and Award Processes

Activity	Date
<ul style="list-style-type: none"> <li>• Conservancy Board Adoption of Conservancy and LTBMU Soil Erosion Control Grants Program Announcement and Guidelines</li> </ul>	July 20, 2007
<ul style="list-style-type: none"> <li>• Preliminary spreadsheet listing projects proposed for grant funding submittal</li> </ul>	August 10, 2007
<ul style="list-style-type: none"> <li>• Final grant funding request submittals</li> </ul>	September 21, 2007
<ul style="list-style-type: none"> <li>• TAC Review of funding requests</li> </ul>	Completed by Mid October 2007
<ul style="list-style-type: none"> <li>• Certified CEQA document and NOD from the State Clearinghouse stamped within 5 days of document certification for Site Improvement and Acquisition submittals</li> </ul>	October 26, 2007
<ul style="list-style-type: none"> <li>• Award of Conservancy funds</li> </ul>	December 2007
<ul style="list-style-type: none"> <li>• LTBMU award and grant completion</li> </ul>	After receipt of funds



Appendix B

Preliminary Submittal Spreadsheet

Appendix C

**Match Documentation Spreadsheet for SNPLMA Round 8 Awards**

*(Grantee Agency Name Here)*

<b>USFS/SNPLMA ROUND 8 Funding Request</b>	<b>EIP NO.</b>	<b><sup>1</sup> Project Name</b>	<b>Match Source</b>	<b>Match Grant No.</b>	<b>Match Award Date*</b>	<b>Match Award Amount</b>
<b><sup>2</sup> Additional Projects Utilized as Match</b>						
<b>TOTAL USFS REQUESTED</b>						<b>TOTAL MATCH FUNDS</b>

\*Amount remaining in prior year grants unspent as of July 1, 2007 (state fiscal year), and not matched with other federal funds. Amount of match does not necessarily reflect total amount awarded by match agency for this project, as only funding necessary to match current federal award is identified.

<sup>1</sup> CTC, NDSL, TRPA

<sup>2</sup> Projects in same Program but not necessarily same Round

Appendix C

**Match Documentation Spreadsheet for SNPLMA Round 8 Awards**

*(Grantee Agency Name Here)*

<b>USFS/SNPLMA ROUND 8 Funding Request</b>	<b>EIP NO.</b>	<b><sup>1</sup> Project Name</b>	<b>Match Source</b>	<b>Match Grant No.</b>	<b>Match Award Date*</b>	<b>Match Award Amount</b>
<b><sup>2</sup> Additional Projects Utilized as Match</b>						
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\*Amount remaining in prior year grants unspent as of July 1, 2007 (state fiscal year), and not matched with other federal funds. Amount of match does not necessarily reflect total amount awarded by match agency for this project, as only funding necessary to match current federal award is identified.

<sup>1</sup> CTC, NDSL, TRPA

<sup>2</sup> Projects in same Program but not necessarily same Round

## Appendix D

### Conservancy Program Objectives And Preferred Design Approach

The Conservancy's goal under the Soil Erosion Control Program is the funding and implementation of projects that meet the following three objectives.

1. Address high priority soil erosion control and water quality improvement needs. This grants program is intended to fund and implement projects in areas with critical problems and to design projects which maximize, to the extent feasible, water quality benefits. Projects, under this program, will focus on preventing the mobilization of fine sediment and nutrients by erosion (source control), reducing surface water volumes (hydrologic design considerations), and removing fine sediment and nutrients from stormwater (treatment). This design objective can be met using the Preferred Design Approach as a guiding principle, or by the use of other approaches which have been shown, by either qualitative or quantitative analysis, to have significant water quality benefit. This Preferred Design Approach is described in detail below.
2. Address soil erosion control needs effectively. This is achieved through the implementation of thorough, comprehensive projects at the lowest necessary cost.
3. Fund projects that can be readily implemented (i.e., so that on-the-ground site improvements may be completed as quickly as possible).

In addition to these primary objectives, projects must be monitored to assess their effectiveness and maintenance needs, and to improve the design of future projects.

#### Other Resource Objectives

In addition to meeting water quality objectives, applicants are requested to design projects that are compatible with other Conservancy resource objectives and Tahoe Regional Planning Agency (TRPA) environmental thresholds. Therefore, grantees are encouraged, when feasible, to develop project designs which also preserve or enhance wildlife habitat, forest and riparian habitat, public access, recreation, defensible space, and private property Best Management Practices interface opportunities.

#### Preferred Design Approach

This section presents a guiding principle to consider when designing projects. It is intended to apply not only to grant submittal preparation, but also to the more detailed planning and design work that occurs after a grant is awarded.

The PDA reflects the current assessment of state-of-the-art technology and experience in implementing erosion control projects at Lake Tahoe. The Preferred Design Approach emphasizes project elements that prevent the mobilization of fine sediment and nutrients by erosion (source control), and that reduce the volume of runoff reaching natural surface waters (hydrologic design considerations). Source control measures and hydrologic design considerations, primarily infiltration, are the most cost-effective and efficient means to improve water quality. These two elements should be considered together, not separately, when looking for opportunities. Water quality treatment measures to remove pollutants from runoff are to be considered only after source control and hydrologic design.

In cases where applicants find it difficult to apply a specific portion of the PDA to a project or element of a project, the applicant should consult with Conservancy and other agency staff on specific barriers to implementation of the PDA. If project designs are not based on the PDA, grantees will be required to explain the specific barriers to the application of the PDA and provide documentation to support how the proposed alternative approach meets program objectives (e.g., maximizes water quality benefit).

The Conservancy recognizes that this approach must be applied within the context of professional engineering practices to avoid impacts on public health and safety and damage to public and private property. It also recognizes that there are legal and regulatory limitations to the application of these principles, such as applicable drainage law.

Specific elements of the Preferred Design Approach are:

#### Source Control

1. Place higher priority on source controls than on treatment. Source controls are measures that prevent erosion. Treatment facilities remove pollutants from runoff.
2. Emphasize reduction in bare, erodible surfaces (e.g., steep cut slopes, dirt roads) and impervious area.
3. Emphasize stabilization of gullies, unstable channels, and other sources that contribute especially high sediment loads.

4. Maximize self-sustaining source control methods, such as revegetation with native plants, pine needle mulching, and adding soil amendments such as mycorrhizal inoculum to soils when appropriate.

#### Hydrologic Design

5. Maintain or create distributed flow patterns (e.g., flows which discharge from the right-of-way frequently, or from shoulders by unconcentrated "sheet flow") and avoid concentration or increases of flows where feasible.
6. Maximize infiltration of runoff from impervious surfaces. In some cases this can be accomplished by techniques described in number 5 above or also by the construction of leach fields, dry wells, or detention basins, for example.
7. Keep runoff from non-urban areas separate from urban runoff until urban runoff is treated. Treatment efficiency is much greater when flow volumes are smaller.
8. Keep treated urban runoff separate from untreated urban runoff to avoid resuspension of sediments and decreased treatment efficiency in downstream facilities.
9. Apply geomorphologic principles to natural channel design and mimic natural processes when stabilizing, restoring, or recreating natural drainage channels. For example, channels with floodplains tend to be more stable than those without. Channels with steps and pools are a frequent natural stream form and have better habitat values than those with continuous slopes. Avoid adding to or decreasing natural stream flows or changing watershed boundaries.

#### Treatment

10. Emphasize removal of fine sediments and phosphorous. For the purposes of the PDA, fine sediment is considered to be those particles that pass the number 200 sieve (less than 75 microns). Examples of improvements that are likely to achieve this objective are properly-sized, flat or gently-sloping, well-vegetated, detention areas (meadow-like areas).
11. Use natural treatment systems, such as meadows, where feasible. Because of the critical importance of wetland plants in removing pollutants from runoff, projects located in Stream Environment Zones (SEZ) should generally preserve the existing vegetation and function of the SEZs to the maximum extent practicable.

The Basin 208 Plan calls for the restoration of 1,100 acres of disturbed SEZs in the Basin. The program objectives continue to place a priority on SEZ restoration work to support attainment of this threshold. Such restoration work is cost-effective and beneficial for



removing nutrients and fine sediment from runoff. Preference will be given to qualified projects that provide for infiltration of runoff and absorption of nutrients by plants and soil. This concept will continue to be promoted throughout the project design and plan review process.

Grantees are encouraged to collaborate and cooperate with the Tahoe Resource Conservation District (TRCD) at the beginning of a project to determine methods of collecting and sharing information between them that can assist in promoting private property compliance with the TRPA's BMP Retrofit Ordinance within project areas. The goal of these efforts is to reduce pollutant loads entering public rights-of-way, ground water, and surface waters to improve the effectiveness of County and City erosion control projects as well as assist TRCD in obtaining information that would assist them in providing more efficient BMP designs. When funding submittals are evaluated, preference will be given to qualified projects that include this component.

#### Coordination with Storm Water Master and Management Planning Efforts

Where feasible and appropriate, grantees shall incorporate jurisdictional storm water master plan drainage efforts and storm water management activities with Conservancy project design objectives. Development of regional treatment systems, where appropriate, should be considered to address water quality treatment. While regional treatment systems may also address the potential for flooding, its primary objective must be water quality improvement to be eligible under the soil erosion control grant program.

#### Storm Water Quality Improvement Committee (SWQIC) Procedures

The California Tahoe Conservancy board and the Lake Tahoe Basin Executives have endorsed the concepts and principles described in the documents developed by the **Storm Water Quality Improvement Committee (SWQIC)**. The SWQIC documents describe a process to provide a consensus-based approach to project review, development, and implementation. It is hoped that this approach will lead to project designs that have the support of all agencies and meet the objectives of the PDA.

When implementing erosion control projects, the procedures described in the SWQIC documents should be followed to the extent practical and feasible. A complete set of these documents can be downloaded by clicking on the "Stormwater Planning" link on the TRPA website (<http://www.trpa.org/>).

Pursuant to the Formulating and Evaluating Alternatives portion of the SWQIC process, applicants are requested to develop and analyze a variety of design alternatives to determine the best elements to include in a particular project. Consistent with the PDA, the alternatives should first consider source control measures and hydrologic design measures, and, finally, treatment systems.

#### Conservancy Monitoring Objectives and Requirements

Pursuant to the intent of the budgetary requirements, all projects must be monitored to document their effectiveness at reducing discharge of sediment and other pollutants to the waters of the Lake Tahoe region. Prior to initiating a monitoring program, the questions that will be answered or addressed through monitoring should be defined and agreed upon in a monitoring plan approved by the Conservancy.

More intensive water quality monitoring is encouraged only on projects that provide the best opportunities to more comprehensively address the Conservancy's monitoring program objectives. These objectives are to improve the effectiveness of future projects and document the water quality benefits of constructed BMPs and projects. Since funding for this task tends to be limited, applicants must work closely with Conservancy staff in the early planning phases of project development to determine the level of monitoring for each project.

#### Minimum Monitoring Requirements

Photographs and visual observations are required for all projects. These must be recorded at each site during the year preceding construction and for at least two years following construction. Semi-annual reporting and annual reports documenting photo monitoring and visual observation must be prepared and submitted to the Conservancy.

1. Photo points - On a map of the site, show the locations where the camera will be positioned, and the direction(s) it will be pointing. Photographs should be taken from the same locations each time and pointing in the same directions. The photographs should contain landmarks or reference points so that the viewer can discern that the before and after pictures were taken from the same location. Note the frequency and dates when photographs will be taken. Digital photographs must be taken at all sites, at various times of the year both before improvements are installed, and after the project is constructed. Photos must be taken twice a year, once during spring melt and once in the fall prior to snowfall, so that a sequence of photos can be prepared and evaluated for

seasonal variability. Photos should always be taken at the same time of day (i.e., morning, afternoon, etc.).

In addition to seasonal photos taken each year, pictures should be taken during and/or after major storm events (i.e., large runoff events) and after structural changes such as bank failure or gullying have occurred. These event-based photos may be taken at a different location than the established photo points if that is necessary to capture the impacts of the event. Under these circumstances, the locations for the new photo points and the reasons for selecting these new locations should be explained in annotations corresponding to each photo.

2. Field observations - Field observations should address the monitoring goals and should attempt to answer the questions defined for the photo monitoring. In addition to the existing conditions mentioned below, photo annotations should discuss antecedent conditions, such as the weather and soil moisture conditions, and/or the size and type (i.e., rain, snow, hail, etc.) of storm that is being observed.

Conditions that are required to be observed in the field, and must be addressed with photo annotations are:

- location, date and time;
- precipitation (estimate where rain gauge data is not available);
- temperature of the ambient air, and water if present;
- depth, velocity, and cross-sectional area of flow (only where channels are impacted by project);
- color and turbidity of water, if present (turbidity shall be determined by field analysis of a grab sample or submittal of a sample to a laboratory qualified to perform turbidity analysis in accordance with accepted protocol);
- depth and area of accumulated sediment in channels, basins, or traps;
- depth, length and width of rills or gullies on slopes; and
- percent plant cover (if using a transect evaluation method), or label discrete areas with one of the following categories: bare, sparsely vegetated, moderately vegetated, densely vegetated.

Field observations must be recorded whenever photographs are taken.

3. Semi-annual reporting - The grantee should report to the Conservancy staff semi-annually with a brief letter or verbal communication, and provide digital photos on a disk or email attachment, in order to allow Conservancy staff to comment prior to the completion of each year of monitoring. If problems are encountered with the

monitoring, a brief summary of the problems should be provided to the Conservancy during this communication.

4. Annual reports - The first annual report must include annotated photographs of the site before construction. Each subsequent annual report shall include a sequence of annotated photographs from each photo point showing the site, at least twice a year, once during spring snowmelt and once in the fall prior to snowmelt, before construction, one year after construction, and two years after construction. As noted above, the photographs should contain landmarks or reference points so that the viewer can discern that the before and after pictures were taken from the same location. The annotations should include the photo point location, a description of what each photograph shows, and the field observations detailed above. The report should include a project map or maps showing the locations of the photo points.

Annual reports must present the water quality data collected during the past year (if any), and an analysis of the data's significance in regard to the effectiveness of the control measures at improving water quality. Variations in the data, if any, and possible reasons for them should also be discussed. Annual reports should also identify the conclusions that can be drawn from monitoring, and should answer questions like – What did we learn about these designs regarding their effectiveness, limitations associated with them, problems that may have occurred, any suggested solutions/modifications to the designs, any recommendations regarding effectiveness of monitoring techniques?

#### More Intensive Monitoring

The following guidance should be followed for projects approved for more intensive monitoring, including water quality sampling.

##### 1. Monitoring Proposal Review -

The LTIMP group, a water quality working group, continues to meet monthly. This working group includes representatives from various Federal, regional, State, and local agencies, plus university staff, consultants, and private individuals with monitoring expertise. One function of the working group is to provide an informal review of monitoring proposals and sampling and analysis plans. This review process does not apply to basic monitoring programs involving only photographs and visual observations, and should primarily be utilized for complex monitoring projects, that incorporate new technology or include treatment BMPs that pose problems for monitoring efforts. Applicants are encouraged to present their monitoring proposals for

intensive monitoring projects to the LTIMP working group for review when complex designs are proposed or there is a lack of convenient sampling locations. However, this procedure is optional and at the discretion of the grantee. The recommended process for this informal review is a short presentation by the monitoring project proponent to the LTIMP group, followed by a session of feedback and questions. The purpose of the presentation and feedback session is to coordinate efforts, prevent duplications, and strengthen the monitoring proposal's methods. To schedule a presentation, applicants should contact the current LTIMP chair.

2. Locations of water quality sampling points - At least one sampling point should be immediately above and below the proposed improvements. The station above the project should be designed to provide data on background pollutant levels. If a sampling point immediately above the project is not feasible, a control station as close as possible to the site should be selected. The watershed above the control station must be similar to the project site and there should be no land use changes in this watershed during the period of monitoring. The sampling point below the proposed improvements should be designed to measure the effectiveness of the improvements. If possible, water quality sampling points should be chosen that would allow for flow measurements (or estimates) to be taken (i.e., a location with well defined, concentrated flow).

3. Constituents to be analyzed - The constituents analyzed for in each project should be mutually agreed upon between Conservancy staff and grantees prior to the onset of intensive monitoring efforts. The units of measurement must be the same as those used by the Lahontan Regional Water Quality Control Board. Laboratory methods approved by the US Environmental Protection Agency must also be used.

Where feasible, flow measurements should be taken at each water quality sampling point, during each sampling event, in order to more accurately estimate pollutant loading associated with the project components.

4. Frequency of sampling - Frequency of sampling will vary depending on the question that is being answered through the monitoring. However, at a minimum, samples should be collected at the beginning, peak, and end of each storm that is sampled. At least three storm events and one snowmelt runoff event should be sampled each year for one year preceding construction and at least two years following construction. Consensus on statistical methods and sampling frequency should be reached before data collection begins.

## Appendix E

### Land Acquisition Information and Submittal Form

#### Acquisition Information Form

The form found at the end of this appendix shall be submitted with the final funding request submittal for all interests in privately-owned parcels proposed for consideration of Conservancy funding.

#### Nominal and Low-Value Acquisitions

Grantees may use an abbreviated and faster value determination process for nominal value (\$2,500 or less) and low-value (\$2,501 to \$10,000) acquisitions. Grantees are eligible for this streamlined appraisal process when there is no serious question as to the highest and best use, when adequate market data is available to make an administrative determination of value, when substantial damages or benefits are not involved, and when there is no reason to believe hazardous materials/waste is present.

Grantees shall indicate in their requests which easements they believe will be eligible for the streamlined valuation process. A final determination on which easements are eligible for this process will be made in consultation with Conservancy staff, who will continue to review and approve all valuation determinations as provided for in the standard grant agreement.

For nominal value (\$2,500 or less) acquisitions, title insurance is not required. However, a preliminary title report (PTR) is required in all instances, including donations. In order to compensate for the lack of title insurance, an indemnification clause must be added to the purchase and sale agreement between the grantee and the seller. This clause must require the seller to indemnify the grantee against loss resulting from defects in the title in an amount sufficient to allow the project to be fully implemented.

Grantees may take title subject to a deed of trust or mortgage under the following conditions:

- 1) where a partial acquisition is a relatively small portion of a parcel, or of nominal value (\$2,500 or less), and
- 2) the easement is for improvements that are not essential to the overall functioning of the project, such as curb and gutter and pavement along the perimeter of a parcel. An indemnity clause will be required in the purchase agreement for loss resulting from defects in title.



**INFORMATION FORM FOR LAND ACQUISITION FOR EROSION CONTROL PROJECTS**

(Use one form for each parcel.)

Project Title: \_\_\_\_\_

1. Assessor Parcel Number: \_\_\_\_\_

2. Parcel Street Address: \_\_\_\_\_

3. Owner's Name: \_\_\_\_\_

Owner's Mailing Address: \_\_\_\_\_

4. Subdivision Name: \_\_\_\_\_

5. IPES Score: \_\_\_\_\_

6. a. Assessed Value: Land \$ \_\_\_\_\_ Improvements \$ \_\_\_\_\_

b. Approximate % of parcel needed: \_\_\_\_\_

c. Current fair market value of portion of parcel needed: \_\_\_\_\_

( circle one: fee easement )

7. Existing improvements, if any: \_\_\_\_\_

8. Reason for acquisition: \_\_\_\_\_

9. a. Owner Contacts Made: \_\_\_\_\_

b. Owner's Response (if the owner is willing but with conditions, list those conditions): \_\_\_\_\_

c. Alternatives to acquisition (such as permit or right-of-entry): \_\_\_\_\_

10. Attach annotated Assessor's Plat showing proposed acquisition and approximate location of project improvements that will affect the lot. If a creek or other drainageway crosses the property, sketch its approximate location.



## Appendix F

### California Propositions Funding Requirements

#### California Environmental Information Catalog Requirements

Grantee's shall prepare and submit an on-line catalog entry form to the California Environmental Information Catalog for information products and reports relating to California's natural environment for projects that have been designed with proposition funds. Of particular interest are those products that characterize site-specific conditions with regard to vegetation, wildlife populations, species occurrences, and other measures of biological diversity, environmental and ecological condition. The on-line catalog entry form is available at <http://gis.ca.gov/catalog/intro.epl?page=using.html>. The Conservancy shall determine whether, for public policy reasons, a catalog description of any information product or report should be withheld from disclosure in the California Environmental Information catalog.

#### Accounting Requirements

Departments receiving Proposition funds are required to annually report to the Department of Finance on the progress of Proposition expenditures. Using these reports, the Department of Finance is required to annually audit and report on the expenditure of these funds. Accordingly, the Conservancy and individual grantees receiving Proposition funds are subject to annual audits.

The Conservancy's standard grant language for site improvement, acquisition and planning grants has always contained language requiring that the grantees maintain (for three years following final payment), satisfactory financial accounts, documents, and records relating to the projects and make them available for audit by the Conservancy and the State's Auditor General.

The Conservancy's standard grant agreement audit language requires that the grantees establish separate accounting records for each project and maintain their records sufficient to reflect properly the amount and disposition of all project funds, including State funds, interest earned, and any matching funds. Therefore, in accordance with this audit language, grantees must establish separate accounting records for each project, which keep track of the receipt date, deposit, and disbursement of all project funds, including interest.

## Signing Requirements

In addition, for projects funded under Propositions there are specific sign requirements. The sign guidelines require a specific sign or signs at the project site identifying the Proposition funding received for the project. They also require that the sign(s) contain a logo specific to the Proposition.

## **PROPOSITION 50 REQUIREMENTS**

In accordance with provisions of Proposition 50, the following principles apply, to the implementation of Proposition 50 to the maximum extent possible, and where appropriate.

a. Integrated, Multiple Benefit Projects: Where appropriate and feasible, applicants are encouraged to submit grants that have multiple program benefits as related to other Conservancy program objectives and authorities. Projects submitted for funding that have well-developed, integrated, cross-program benefits, and/or which demonstrate compatibility with other Conservancy program objectives, shall receive funding preference. Applicants are encouraged to develop project designs that, in addition to meeting water quality objectives, preserve or enhance wildlife habitat, forest and riparian habitat, and/or which provide public access and recreation opportunities.

Projects having multiple environmental cross-program benefits often have other public benefits (such as social and economic benefits through job creation, enhanced scenic and aesthetic values through the creation of open space, by providing lakeside recreational amenities including, but not limited to, parks and public access ways, enhanced alternative transportation through the creation of public footpaths and bicycle paths).

b. Disadvantaged Communities: Proposition 50 contains provisions related to favoring disadvantaged communities in making funding decisions for projects. Staff believes it is more appropriate and feasible to consider the Lake Tahoe Basin as a single community for the purposes of the erosion control grant program (i.e., not to differentiate areas within the basin based on socioeconomic criteria), for the following reasons: The intent of the grant program and a mission of the Conservancy is to protect Lake Tahoe and "the waters of the Lake Tahoe Region." Lake Tahoe is a single body of water. Its quality is affected by all the land areas that drain into it, regardless of their socioeconomic status. The Conservancy has been charged with implementing its portion of the Environmental Improvement Plan (EIP) for Lake Tahoe. The EIP is a basinwide plan that does not differentiate areas or priorities based on socioeconomic factors. It contains projects in all the urbanized portions of the region, and all areas require at least some

form of treatment. Thus, it would not be appropriate or advantageous for meeting the goals of the grant program to give preference to disadvantaged communities.

Conservancy staff will continue to evaluate the disadvantaged community criteria to determine whether it should be modified in the future to address changing conditions or needs.

c. Water Supply Reliability: Where appropriate and feasible, programs shall support projects that improve local and regional water supply reliability. This item is fundamentally within the jurisdiction of local and/or regional water providing agencies. Applicants are encouraged to contact their local and regional water supply agencies when considering projects that may affect local and regional water supply reliability.

d. Water Quality Standards: Where appropriate and feasible, preference shall be given to projects that are expected to contribute expeditiously and measurably to the long-term attainment and maintenance of water quality standards.

Applicants are encouraged to review existing regulatory documents pertaining to local and regional water quality, including but not limited to the following: the Tahoe Regional Planning Agency (TRPA) 208 Plan, Chapter 2 of TRPA's Goals and Policies, Chapter 81 of TRPA's Code of Ordinances, the Water Quality Control Plan for the Lahontan Region, and the Preferred Design Approach within the Conservancy's Soil Erosion Control Program Guidelines. Applicants are encouraged to demonstrate how projects meet and/or exceed the standards outlined in the above-mentioned documents when addressing projects that contribute expeditiously and measurably to the long-term attainment and maintenance of water quality standards.

e. Impaired Waters and Sensitive Habitat Areas: Where appropriate and feasible, preference shall be given to funding projects that will eliminate or significantly reduce pollution into impaired waters and sensitive habitat areas, including areas of special biological significance. Impaired water bodies on the California side of the Lake Tahoe basin include: Blackwood Creek, Ward Creek, and Heavenly Valley Creek.

Applicants are encouraged to review all applicable local and regional documents that make reference to sensitive habitat areas and areas of special biological significance, including but not limited to the following documents: Chapters 75, 78, and 79 of the TRPA Code of Ordinances, Chapter IV (Conservation Element) of the Goals and Policies of the TRPA Regional Plan, Chapter 4.9 of the Water Quality Control Plan for the Lahontan Region, and Chapters 2, 3, and 4 of the Lake Tahoe Basin Management Unit Forest Plan.

f. Surface Water Ambient Monitoring Program (SWAMP): Where appropriate and feasible, projects shall include a monitoring component that allows the integration of data into statewide monitoring efforts, including but not limited to the SWAMP. SWAMP is a statewide monitoring effort designed to assess the conditions of surface waters throughout the State of California and is administrated by the State Water Resources Control Board (SWRCB). Responsibility for coordination of grant-funded monitoring activities under the SWAMP in the Lake Tahoe Basin resides with the State Water Board's SWAMP unit. SWAMP quality assurance protocols, a checklist, a sample quality assurance plan and other information can be reviewed at [www.swrcb.ca.gov/swamp/qapp.html](http://www.swrcb.ca.gov/swamp/qapp.html). Grantees are encouraged to implement these SWAMP requirements where applicable, specifically the SWAMP Quality Assurance Template listing 24 required elements and the Quality Assurance Program Plan checklist. For more information on SWAMP, grantees should the State Water Board.

Staff will continue to evaluate the SWAMP requirements as they are developed by the State Water Board, and determine whether modifications to these grant program guidelines are appropriate or necessary.

g. Groundwater Quality Monitoring Act of 2001: Where appropriate and feasible, projects that affect groundwater shall include groundwater monitoring requirements consistent with the Groundwater Quality Monitoring Act of 2001 [Part 2.76 (commencing with Section 10780) of division 6 of the Water Code]. Applicants are also encouraged to coordinate with appropriate State Water Board staff, to address Groundwater Quality Monitoring Act of 2001 requirements that may be applicable to Proposition 50-funded projects, and to ensure that projects including a groundwater monitoring component allow the integration of data into statewide monitoring efforts, including but not limited to the State Water Board's Groundwater Ambient Monitoring Assessment (GAMA) Program.

Grantees are encouraged to access the Groundwater Quality Monitoring Act of 2001 requirements, which can be located at the State Water Board's web site using the following web site address: <http://www.waterboards.ca.gov/gama/ab599.html>. Grantees should contact GAMA staff at the State Water Board when seeking answers to any questions pertaining to the Groundwater Quality Monitoring Act of 2001 requirements.

**SOIL EROSION CONTROL GRANTS PROGRAM AUTHORIZATION  
FY 2007-2008**

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**SUMMARY:** Staff is requesting adoption of the annual soil erosion control program grant guidelines and is seeking authorization to implement the 23rd round of the soil erosion control grants program.

**LOCATION:** El Dorado and Placer Counties and the City of South Lake Tahoe

**FISCAL SUMMARY:** Allocation of \$10,000,000 for planning, land acquisition, and site improvement grants

**RECOMMENDED ACTION:** Adopt Resolution No. 07-07-08 (Attachment 1)

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**BACKGROUND:** As part of its mission, the California Tahoe Conservancy undertakes programs designed to protect the natural environment and to preserve the clarity and quality of the waters of the Lake Tahoe Region. On November 22, 1985, the Conservancy established a grant program for soil erosion control site improvement and acquisition projects. In September 2000, the scope of this program was expanded to include provisions for grants for planning activities leading to the preparation of project plans and environmental documents for potential Conservancy-funded site improvement projects and related acquisitions.

To date, the Conservancy has approved a total of \$93.5 million for 101 projects under this program, including \$66.6 million in site improvement grants, \$11.8 million in planning grants, and \$15.1 million in grants for land acquisitions.

The proposed 2007-2008 fiscal year budget includes appropriation of Proposition 50 and 84 funds totaling \$10 million to the Conservancy for planning, acquisition, and site improvement grants to local agencies for erosion

control projects. Therefore, staff is recommending that up to \$10 million be made available under this round of grants for the 2007-2008 fiscal year.

Conservancy staff has also been in discussions with the United States Forest Service, (USFS) Lake Tahoe Basin Management Unit (LTBMU), and the State of Nevada, Division of State Lands, in regards to combining the application and evaluation phases Tahoe Basin's of the three erosion control grant programs. Combining the application and evaluation phases will decrease the number of applications local agencies will need to prepare and will allow the funding agencies to award funding in a more comprehensive fashion than has been done in the past. Conservancy staff is recommending that the Conservancy program combine its application and evaluation phase with the LTBMU program's pre-application and evaluation phase. It is currently anticipated that the State of Nevada will join in this combined process for the 2008-2009 fiscal year. Attachment 2 contains the proposed grant guidelines to administer this combined funding request and evaluation process.

**PROGRAM OBJECTIVES:** The Conservancy's soil erosion control grants program continues to be based on three overall objectives:

- Address high priority soil erosion control and water quality improvement needs by funding and implementing projects in areas with critical problems and by designing projects which maximize, to the extent feasible, water quality benefits;
- Address soil erosion control needs effectively; and
- Fund projects that can be readily implemented

These objectives reflect several factors such as water quality objectives, implementation considerations, and the availability of funds. Because of the magnitude of need compared to funds available, it is important to spend the funds in the most cost-effective, beneficial and feasible manner possible. The evaluation criteria, detailed in the guidelines (Attachment 2), were created to ensure this result.

All projects considered for Conservancy funding must be either listed in the Environmental Improvement Program (EIP) or consistent with the objectives of the EIP. In addition to meeting water quality objectives, grantees are requested to design projects that are compatible with other Conservancy resource objectives, TRPA environmental thresholds, and funding. Therefore, grantees are encouraged, when feasible, to develop project designs which also preserve or enhance wildlife habitat, forest and riparian habitat, public access, recreation,



defensible space, and private property Best Management Practices (BMPs) interface opportunities.

To achieve designs that meet the objectives, grantees are asked to follow the Preferred Design Approach (PDA) and the Project Delivery Process developed by the Storm Water Quality Improvement Committee (SWQIC). In addition, all projects must be monitored to document their effectiveness in reducing discharge of sediment and other pollutants to the waters of the Lake Tahoe Region. The Preferred Design Approach, SWQIC process, and monitoring requirements are explained in detail in Appendix C of the attached grant guidelines.

Combining the LTBMU and Conservancy processes required a major rewrite of the grant guidelines, resulting in some revisions to the previous Conservancy process. These revisions include:

1. The detailed pre-application has been replaced by a preliminary submittal spreadsheet. New projects or new components of an existing project, such as an intensive monitoring program, require submittal of a brief description of the project with the spreadsheet. This spreadsheet will enable staff to determine anticipated funding requests and the eligibility of new projects or new project components. The final application remains relatively unchanged from previous years.
2. The field visit that occurred prior to pre-applications will be eliminated and replaced with a field visit during the evaluation process, if needed.
3. Conservancy staff previously reviewed the applications and solicited comments from other agencies, but did not have a formal meeting reviewing the applications with other agencies. By combining evaluation processes, the Conservancy will now review all applications with a Technical Advisory Committee (TAC), as is required by the LTBMU, and strongly consider the TAC's recommendations in determining recommended funding levels.
4. On behalf of the LTBMU, all funding requests will be received by the Conservancy, including those from Nevada jurisdictions requesting LTBMU funding.
5. The program objectives for the Conservancy's soil erosion control program have been moved into an Appendix of this document rather than incorporated throughout the document.



In addition to the revisions listed above, Conservancy staff is proposing some additional revisions to the grant program. These revisions will:

1. Strongly encourage applicants to have signed acquisition transaction documents prior to requesting substantial site improvement funding.
2. Add the requirements of Assembly Bill 270, which affects the Conservancy's ability to fund costs associated with public utility relocations.
3. Add language clarifying the restrictions associated with the Conservancy's local assistance grant funding.
4. Reflect that Proposition 84 may also be a source of funding in this year's grant round and, as such, there are additional requirements.
5. Add a new jurisdictional allocation for the three primary jurisdictions, El Dorado County, Placer County, and the City of South Lake Tahoe, for the preparation of their Lahontan Regional Water Quality Control Board (LRWQCB) Municipal Permit Section IX pollutant load reduction (PLR) strategy. This strategy will use the Total Maximum Daily Load (TMDL) criteria that will be coming out soon to estimate PLRs for project areas. That information will then be used to develop a project prioritization list under the EIP, which will become the basis for future funding awards.
6. Incorporate modified PDA language in accordance with the changes suggested during that revision process. The modifications do not change the underlying principles of the PDA, but merely clarify how to use and apply it.
7. Add language that provides higher ranking for projects that contain multiple resource goals, including defensible space and private property BMP interface.
8. Add language advising grantees that they will be asked to provide products in acceptable electronic format for Conservancy tracking and reporting purposes.
9. Remove language describing detailed contract terms and add language advising the applicants that a sample contract will be provided upon request.
10. Add language clarifying the California Environmental Quality Act (CEQA) process that must occur in order to allow for timely adoption of CEQA documents by the Conservancy.
11. Add language regarding travel and meal reimbursements.

**GRANT ALLOCATIONS:** Staff recommends continuing the dual approach of a jurisdictional allocation and a discretionary allocation in distributing

Conservancy funds under the program; however, the jurisdictional component has been expanded as described above to include a one-time funding component for preparation of the PLR strategy required by the three jurisdictions under Section IX of their Municipal Permits from Lahontan. This means that the jurisdictional allocation will be comprised of the traditional jurisdictional allocation of \$4,500,000 split equally among the three jurisdictions (Placer County, El Dorado County, and the City of South Lake Tahoe) and additional funds as necessary for each for their PLR strategy preparation. The discretionary basinwide allocation of the funds remaining from the \$10,000,000 after the jurisdictional awards will be recommended for high priority projects based on the merits of proposals received.

The three general-purpose local governments are each allocated \$1,500,000 as jurisdictional funding, since they have the primary responsibility for implementing the EIP. This jurisdictional allocation also provides for continuity and a degree of funding certainty for program planning and staffing. These three jurisdictions, as well as North Tahoe Public Utility District (NTPUD), Tahoe City Public Utility District (TCPUD), and South Tahoe Public Utility District (STPUD), can apply for the discretionary allocation.

If the Conservancy does not receive qualifying applications for the full amount of a jurisdictional allocation, staff will transfer any remaining funds to the discretionary allocation for potential award to high priority projects elsewhere in the basin.

**FISCAL ISSUES:** For acquisitions, Proposition 50 and 84 funds, which will be used to fund this year's grant program, may be used only for acquisition of property from willing sellers. This willing seller provision was also a condition of previously awarded Proposition 12 and 40 funds. Grantees with jurisdictional allocations have stated that this requirement will not be a significant constraint to effective program implementation.

Departments receiving Proposition 50 or 84 funding are required to annually report to the Department of Finance on the progress of bond expenditures and, based on these reports, the Department of Finance is required to annually audit and report on the expenditure of these funds. Accordingly, the Conservancy and individual grantees receiving these bond funds are subject to annual audits. The Conservancy's standard grant language for site improvement, acquisition and planning grants contains language requiring that the grantees establish separate accounting records for each project and maintain their records sufficiently to

properly reflect the amount and disposition of all project funds, including State funds, interest earned, any matching funds, and disclose all other project funding sources and make the records available for audit by the Conservancy and the State's Auditor General.

There have been discussions during the course of the EIP update that local (non-Federal and non-State) matching funds may be required in the future. This year's grants program does not include a matching funds component; however, grantees have been advised that this component may be added as soon as next year to Conservancy grants.

**IMPLEMENTATION OF THE GRANTS PROGRAM:** Three types of grants may be applied for under the grants program: 1) planning grant; 2) site improvement grant; and 3) acquisition grant. The specific application requirements for each type of grant are detailed in the attached guidelines.

A planning grant allows a grantee to develop project plans, perform environmental analyses, contact property owners and prepare acquisition paperwork, discuss permitting issues with regulatory agencies, and perform other planning tasks to prepare projects for rapid implementation after site improvement funding is obtained. A site improvement grant provides funds for construction, with the highest priority given to completing projects previously funded. Applicants may also request funds for land acquisition from willing sellers that would address a significant water quality objective.

Combining the LTBMU and Conservancy grant programs requires modifications to the Conservancy's application process. Applicants will now submit a preliminary submittal spreadsheet by August 10, 2007 for review by the Conservancy to determine anticipated funding requests. The final funding requests for both Conservancy and USFS funding will be submitted to the Conservancy by September 21, 2007. Staff will review the applications and meet with the LTBMU TAC to evaluate the funding requests by mid-October, 2007. If field visits are necessary, they will be done during this review and evaluation period. Staff anticipates that it will make recommendations to the board at its December 2007 meeting. This earlier award date will fulfill recent requests made by the three primary jurisdictions for earlier funding in order to better facilitate bidding and construction schedules.

**CONSISTENCY WITH THE CONSERVANCY'S ENABLING LEGISLATION:**

The soil erosion control grants program is consistent with the Conservancy's

enabling legislation. Specifically, the Conservancy is authorized under Government Code Sections 66905.2 and 66907.7 to award grants to local agencies for soil erosion control projects as a means "to maintain an equilibrium between the region's natural endowment and its manmade environment", and "to preserve the scenic beauty and recreational opportunities of the region...".

**LIST OF ATTACHMENTS:**

Attachment 1 – Resolution No. 07-07-08

Attachment 2 – Grants Program Announcement and Guidelines

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