

SAN JOAQUIN RIVER CONSERVANCY
TITLE: PROPOSITION 4 GRANT PROGRAM.
DIVISION 10: SAN JOAQUIN RIVER CONSERVANCY
CHAPTER 4: SAN JOAQUIN RIVER CONSERVANCY GRANT PROGRAM
FINAL TEXT OF PROPOSED REGULATIONS

Article 1. General Provisions

§ 25040. Applicability and Scope.

This chapter shall be known as the San Joaquin River Conservancy Proposition 4 Grant Program. These regulations apply to Grants funded by the Conservancy from Proposition 4, otherwise known as SB 867 (Allen 2024), The Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024.

Note: Authority cited: Sections 32501, 32503, 32510, 32534, 32537, 93020, and 90135 Public Resources Code. Reference: Sections 32537, 93020 Public Resources Code.

§ 25040.1. Definitions

The following definitions shall apply wherever the terms are used throughout this Chapter.

- (a) "Conservancy" means the San Joaquin River Conservancy established pursuant to Public Resources Code Section 32504(b).
- (b) "Disadvantaged Community" means a community with a median household income of less than 80 percent of the area average or less than 80 percent of statewide median household income consistent with Public Resources Code section 90100.
- (c) "Environmental Justice" means the fair treatment of people of all races, cultures, income, and national origin with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies consistent with Public Resources Code Section 72000.
- (d) "Grant" means an award of funds made by the Conservancy, in the form advance payment or reimbursement to the Grantee for actual expenditures incurred in performing an eligible project.

- (e) "Grant Agreement" means an arrangement between the State and grantee specifying the payment of funds by the State for the performance of specific objectives by the grantee within a specific project performance period by the grantee.
- (f) "Grantee" means an applicant that has a Grant Agreement.
- (g) "Joint Powers Authority" means any entity formed pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, if at least one of the parties to the joint powers agreement qualifies as an eligible applicant consistent with section 25040.2.
- (h) "Nonprofit Organization" means any nonprofit corporation qualified to do business in California and qualified under Section 501(c)(3) of the Internal Revenue Code consistent with Public Resources Code section 90100.
- (i) "Secretary" means the Secretary of the Natural Resources Agency consistent with Public Resources Code section 90100.
- (j) "Severely Disadvantaged Community" means a community with a median household income of less than 60 percent of the area average or less than 60 percent of statewide median household income consistent with Public Resources Code section 90100.
- (k) "Tribe" means a federally recognized Native American tribe or a non-federally recognized Native American tribe listed on the California Tribal Consultation List maintained by the Native American Heritage Commission consistent with Public Resources Code section 90100.
- (l) "Vulnerable Population" means a subgroup of a population within a region or community that faces a disproportionately heightened risk or increased sensitivity to impacts of climate change and that lacks adequate resources to cope with, adapt to, or recover from such impacts consistent with Public Resources Code section 90100.

Note: Authority cited: Sections 32501, 32503, 32510, 32534, 32537, 93020, and 90135 Public Resources Code. Reference: Sections 32537, 93020 Public Resources Code.

Article 2. Eligibility and Eligible Costs

§ 25040.2. Applicant Eligibility.

Eligible applicants are public agencies, local agencies, Nonprofit Organizations, special districts, Joint Powers Authorities, Tribes, public utilities, local publicly owned utilities, and mutual water companies.

Note: Authority cited: Sections 32501, 32503, 32510, 32534, 32537, 93020, and 90135 Public Resources Code. Reference: Sections 32537, 93020 Public Resources Code.

§ 25040.3. Project Eligibility.

The following projects are eligible for a Grant:

(a) Enhancing access to outdoor recreation, including but not limited to:

- (1) Visitor-serving improvements (including buildings, visitor center facilities, native plant landscaping and shade infrastructure), in parks, public open spaces or recreational areas.
- (2) Trails through urban or natural landscapes, whether for hiking, biking, walking or equestrian use.

(b) Community access project improvements, such as disabled access improvements, interpretative features that provide education about habitat conservation, cultural artifacts or local history.

(c) Restoration projects that support natural features and habitat areas that expand public access and enhances access to outdoor recreation.

Note: Authority cited: Sections 32501, 32503, 32510, 32534, 32537, 93020, and 90135 Public Resources Code. Reference: Sections 32537, 93020 Public Resources Code.

Article 3. Application

§ 25040.4. Letters of Intent and Request for Proposals.

(a) The Conservancy shall solicit letters of intent on its website from interested applicants when grant funding is available. In its request for letters of intent, the Conservancy shall identify priority project types for the funding opportunity as provided in section 25040.3, any program priorities listed in section 25040.6(b)(2), or fiscal limitations applicable to the available funding. Letters of intent shall be short-form documents intended to allow technical staff to ascertain whether the applicant and/or project are eligible for program funding prior to submitting a more detailed application and proposal. At a minimum, all letters of intent shall include the following information:

- (1) Name of applicant and preferred email or mail address or other preferred contact information.

- (2) Applicant's eligibility pursuant to section 25040.2.
- (3) Project type.
- (4) Project summary.
- (5) Project location and description of anticipated public access if the project includes acquisition or restoration of real property.
- (6) An explanation of the project's eligibility under section 25040.3.
- (7) Amount sought by the grant
- (8) Project duration
- (9) Does the project have matching funds? (Yes/No — if yes, specify source and amount)
- (10) Does the applicant or project serve or provide meaningful and direct benefits to a Vulnerable Population, a Disadvantaged Community, or a Severely Disadvantaged Community.

(b) Letters of intent will undergo an administrative review to determine whether applicant and project eligible requirements in section 25040.2 and 25040.3 respectively are met. Applicants or projects determined ineligible will be disqualified. Applicants or projects determined eligible will be invited to submit full applications and proposals.

Note: Authority cited: Sections 32501, 32503, 32510, 32534, 32537, 93020, and 90135 Public Resources Code. Reference: Sections 32537, 93020 Public Resources Code.

Article 4. Application Submittal, Proposal Review, and Grant Awards

§ 25040.5. Applications and Proposals.

(a) Each applicant deemed eligible pursuant to section 25040.4(b) shall be invited to submit a full application and proposal which shall, at a minimum, include the following information:

- (1) Name of applicant and preferred email or mail address or other preferred contact information.
- (2) Project description and amount sought
- (3) Introduction summarizing applicant's interest, goals, and project, and rationale for

the project goals and approach

- (4) A scope of work and narrative description illustrating how the project would advance one or more of the goals and objectives identified in section 1 of Proposition 4.
- (5) Approach and methods
- (6) Anticipated outcomes and deliverables
- (7) Anticipated community engagement and benefits, including workforce education and training, contractor, or job opportunities for Vulnerable Populations.
- (8) Proposed project timeline
- (9) Proposed budget, including need for advance funding and description of external sources of funding (not required for project selection)
- (10) Project team experience and qualifications, including the use of services by the California Conservation Corps or certified community conservation corps, as defined in Public Resources Code Section 14507.5, where determined feasible by the applicant.
- (11) Identification of relevant permit compliance requirements and a plan to obtain applicable permits.
- (12) Website accessibility compliance where relevant
- (b) Grants shall be awarded as funding is available and authorized.
- (c) Allocation of funds is contingent on the enactment of the state budget. The Conservancy does not disburse funds until the budget has passed and is signed by the Governor.

Note: Authority cited: Sections 32501, 32503, 32510, 32534, 32537, 93020, and 90135 Public Resources Code. Reference: Sections 32537, 93020 Public Resources Code.

§ 25040.6. Evaluation of Proposals.

- (a) All proposals shall be reviewed by a review committee of state-staff experts on climate change impacts on communities, fish and wildlife, and natural resources, and public access, or other relevant qualifications based on the nature of the funding available and the Conservancy's priorities.

(1) If state staff with relevant expertise are unavailable, the Conservancy may invite non-state staff experts to participate in the review committee.

(2) All review committee members are subject to applicable laws on conflict of interest.

(b) Each Proposal will be evaluated based on the following criteria:

(1) Alignment with and response to the program declarations listed in Section 1 of Proposition 4, including advancing funding to Vulnerable Populations, Disadvantaged Communities, or Severely Disadvantaged Communities, and advancement of Environmental Justice principles.

(2) Alignment with program priorities which shall include the following:

(A) Reduce risks of climate change impact upon communities, fish and wildlife, and natural resources. This includes:

I. Acquisition Projects that:

- a. Preserve and maintain natural and cultural areas that are critical to and for species that are endangered or threatened or that are critical to the health of the natural ecosystem.
- b. Support land conservation, where conserved land reduces greenhouse gas emissions by both preventing emissions and sequestering existing gases.
- c. Support the 30x30 initiative in acquiring private lands and returning them to conservation or expanding existing conservation areas or create new ones and protect vital ecosystems.

II. Habitat Enhancement and Restoration Projects that:

- a. Remove invasive plants that contribute to global warming, use excessive amounts of water or harm endangered or threatened species of plants or animals

and replace them with native plants.

- b. Enhance watershed related natural features, such as washes, channels, streams or riverbeds.
- c. Improve groundwater supply by enhancing flow into the aquifer through washes, alluvia fans, or streams.
- d. Improve ecosystem through restoration work that supports biodiversity, resilience to disturbances, and the ability to support a wide range of plants and animal life, including healthy soil, dust suppression, and clean water.
- e. Prevent wildfire through the removal of invasive plant species to enhance fire prevention by reducing fuel loads, preventing fire spread, and allowing native fire-resistance vegetation to thrive.

(B) Increase Public Access. Eligible projects include:

- I. Enhancing access to outdoor recreation, including but not limited to:
 - a. Visitor-serving improvements (including buildings, visitor center facilities, native plant landscaping and shade infrastructure), in parks, public open spaces or recreational areas.
 - b. Trails through urban or natural landscapes, whether for hiking, biking, walking or equestrian use.
- II. Community access project improvements, such as disabled access improvements, interpretative features that provide education about habitat conservation, cultural artifacts or local history.
- III. Restoration projects that support natural features and habitat areas that expand public access and enhances

access to outdoor recreation.

- (3) Demonstration of public benefits anticipated to be derived from the project, including direct and meaningful community benefits, workforce development and training, or the inclusion of community partnerships, where applicable, including tribally-led projects or partnerships.
- (4) Demonstration of readiness and capacity to complete the proposed project.
- (5) Inclusion of services by the California Conservation Corps or certified community conservation corps, as defined in Public Resources Code Section 14507.5, where determined feasible by the applicant.
- (6) Inclusion of innovative and/or effective methodology supported by science.
- (7) Relative need of the project, based on geographic or environmental vulnerability factors, as described in the request for proposals pursuant Section 25040.4.

Note: Authority cited: Sections 32501, 32503, 32510, 32534, 32537, 93020, and 90135 Public Resources Code. Reference: Sections 32537, 93020 Public Resources Code.

§ 25040.7. Grant Awards.

- (a) The review committee will consider which proposed Grant projects will best meet the criteria in section 25040.6(b) and make award recommendations to the Conservancy for the full or partial amount requested, or denied, based on the extent to which proposed projects best satisfy the goals of Proposition 4. Each applicant that submits a full application pursuant to section 25040.5 shall be notified of the review committee's recommendation prior to the Conservancy meeting for final decision. A notice of intent to award a grant for the full or partial amount requested will be based on the following factors:
 - (1) Amount of available funding;

- (2) Number of Applicants;
- (3) Amount of funding requested by Applicants; and
- (4) The Conservancy's funding priorities.
- (b) The review committee will submit its recommendations for funding to the Conservancy. The Conservancy shall review the review committee recommendations and will approve, modify, or deny these recommendations based on the information provided and the record before it. Upon a final vote, the Conservancy shall notify successful applicants of a Grant Award, including the amount of a Grant.

Note: Authority cited: Sections 32501, 32503, 32510, 32534, 32537, 93020, and 90135 Public Resources Code. Reference: Sections 32537, 93020 Public Resources Code.

§ 25040.8. Grant Agreements.

(a) The terms and conditions of a Grant shall be set forth in a Grant Agreement entered into by the Conservancy and the Grantee. A Grantee has the sole responsibility for the fiscal management of Grant funds, project-specific recordkeeping and reporting, performance of the Project, and all other aspects of compliance with this Chapter and the Grant Agreement. The Grant Agreement shall include, but is not limited to, the following:

- (1) Grant amount and any need for advance payment.
- (2) Grantee contact information.
- (3) Grant duration.
- (4) Scope of the Project funded by the Grant award.
- (5) Budget.
- (6) The Grantee's agreement to comply with existing laws.
- (7) Other project-specific terms as may be necessary to protect the state in administering its fiduciary obligations.

Note: Authority cited: Sections 32501, 32503, 32510, 32534, 32537, 93020, and 90135 Public Resources Code. Reference: Sections 32537, 93020 Public Resources Code.