

Item 5

Exhibit B: Public Comments on the Draft Prop 68 Grant Guidelines



Daniel Woldesenbet, Ph.D., P.E., General Manager

399 Elmhurst Street • Hayward, CA 94544 • (510) 670-5480 • www.acgov.org/pwa

February 28, 2019

California Ocean Protection Council
1416 Ninth Street, Suite 1311
Sacramento, CA 95814
Via email: prop68@resources.ca.gov

Subject: Alameda County Flood Control & Water Conservation District Comments on
Ocean Protection Council's Proposition 68 Draft Guidelines

To Whom it May Concern:

The Alameda County Flood Control & Water Conservation District (District) appreciates the opportunity to comment on the "Draft Grant Guidelines, Ocean Protection Council, Proposition 68 Grant Program," dated January 7, 2019. In particular, we are commenting on guidelines pertaining to "Climate Preparedness, Habitat Resiliency, Resource Enhancement, and Innovation," which has a focus on assisting coastal communities, including those reliant on commercial fisheries, with adaptation to climate change.

The District was a founding member and continues to be a strong technical and financial supporter of CHARG (Coastal Hazards Adaptation Resiliency Group). CHARG, now an initiative of the Bay Area Flood Protection Agencies Association (BAFPAA), is comprised of agencies and organizations across the San Francisco Bay region that are responsible for implementing solutions to address coastal hazards. Our comments herein are submitted on behalf of BAFPAA and CHARG.

CHARG has been working since 2014 to develop regional solutions to address the impact of extreme tides and sea level rise on the San Francisco Bay region's coastal shoreline. Our work is comprised of directing or performing technical studies to fill key information gaps on sea level rise risks and adaptation strategies that will help guide decision making on project priorities, policy and funding. We are advancing regional sea level rise adaptation strategies in San Francisco Bay and the Delta that, when implemented, will improve shoreline resiliency and protect vital shoreline habitat.

In the near term, CHARG hopes to undertake regional technical analyses and studies to better understand the how shoreline adaptation projects implemented in one part of San Francisco Bay may affect the hydrodynamics, or, water levels, in other parts of the Bay. Our goal is to develop guidelines for shoreline adaptation implementation, along with a suite of proposed regional or sub-regional solutions.

These solutions could consist, for example, of setting aside major new tracts of land for marshland restoration, in effect, “making the bathtub bigger” to accommodate and store water as sea level rises. They could also consist of innovative energy dissipation mechanisms to lessen the impact of extreme tides.

The waters of the San Francisco Bay know no boundaries. Shoreline projects in one area may cause adverse impacts in adjacent areas. The Bay Area will not be well served by a patchwork of local solutions. We believe that it is only through working together that we can address this unprecedented threat to our coastal communities and ecosystems.

From our review of the OPC’s Draft Grant Guidelines, it appears that OPC’s funding is primarily targeted toward physical projects that have gone through a full CEQA environmental permitting process (Section 2.3). We understand (Section 2.11) that OPC has the option of spending up to 10 percent of its funding on planning and monitoring necessary for the successful selection, implementation, and design of Prop 68 projects.

On behalf of CHARG and BAFPAA, the District respectfully requests that the grant criteria be broadened to include the types of planning and analyses needed to develop regional solutions for the San Francisco Bay. These analyses may not lead directly to specific shoreline projects (as implied by the current Draft Grant Guidelines) but will serve as an invaluable resource for the health and safety of the San Francisco Bay shoreline.

The San Francisco Bay’s unique “sheltered water” geometry offers the opportunity for innovative shoreline solutions, if – and only if – we work together to analyze and implement them. CHARG has laid the groundwork to successfully develop such a regional plan. We believe that Prop 68 funding would be an ideal source of funding to support these continued efforts.

Please feel free to contact me (510-670-5553 or hank@acpwa.org) if I can offer additional insight or if we can be of further assistance.

Sincerely,

Alameda County Flood Control & Water Conservation District



Hank Ackerman, PE
Flood Control Program Manager



The California State University

COUNCIL ON OCEAN AFFAIRS, SCIENCE & TECHNOLOGY (COAST)

www.calstate.edu/coast

Ms. Deborah Halberstadt
Executive Director, Ocean Protection Council
Deputy Secretary, Ocean and Coastal Matters
Natural Resources Agency
1416 Ninth St., Suite 1311
Sacramento, CA 95814

February 28, 2019

Re: comments on Ocean Protection Council (OPC) draft Proposition 68 Grant Guidelines

Dear Ms. Halberstadt,

With respect to the OPC's draft Proposition 68 Grant Guidelines, we encourage the OPC to allow no less than 10 weeks between release of any solicitation and the deadline. Many campuses in the California State University (CSU) system ask Principal Investigators to notify their sponsored programs offices of their intent to apply for a particular funding source at least six weeks before the submission deadline. Please see the attached proposal review and submission timeline from CSU Northridge.

With CSU faculty members' teaching commitments and the volume of proposals submitted through campus sponsored programs offices, 10 weeks is really the minimum time period for public universities to be able to respond adequately to any funding opportunity. This is particularly true for state funding opportunities, which can often be very complex.

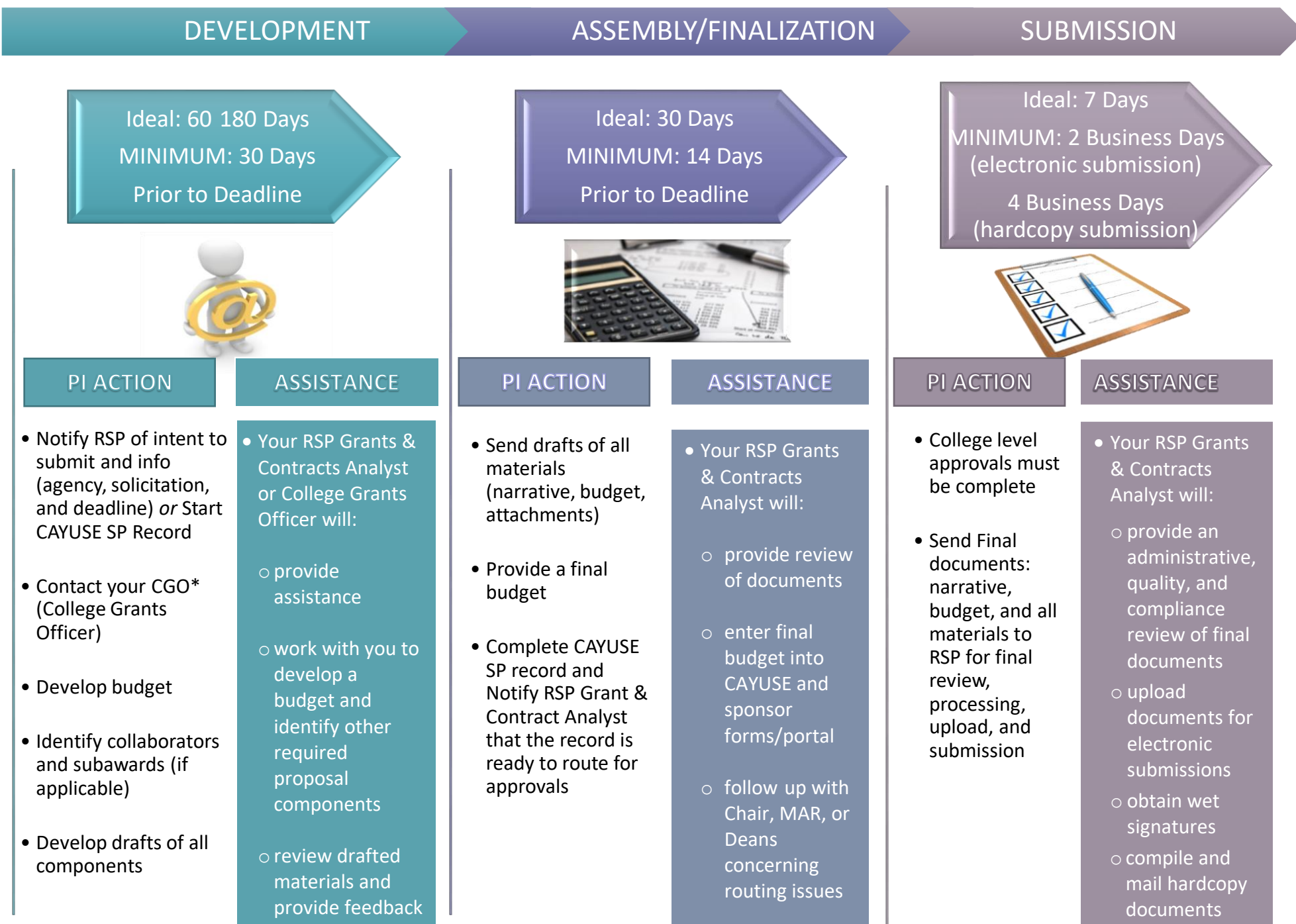
Thank you for the opportunity to comment on these important guidelines.

Sincerely,

Krista Kamer, Ph.D.
Director

cc: Dr. Karina Nielsen, Chair, COAST Executive Committee
Dr. Ganesh Raman, CSU Assistant Vice Chancellor, Research
Dr. Michael Scott, Chair, Campus Chief Research Officers

PI TIMELINE FOR PROPOSAL REVIEW AND SUBMISSION



*If your college has a designated grants officer (CGO) please be sure to discuss with him/her what is required to prepare the proposal for college approval.

February 28, 2019



Deborah Halberstadt
Executive Director
California Ocean Protection Council
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

RE: Parks Now Coalition comments and recommendations regarding Proposition 68 Grant Program Draft Guidelines

Dear Ms. Halberstadt,

As members of the Parks Now Coalition, we thank you for the opportunity to submit comments and recommendations to the Ocean Protection Council (OPC) regarding the Proposition 68 Grant Program Draft Guidelines released on January 7, 2019. We are very glad to see OPC create these guidelines to begin utilizing the \$20 million made available in the 2018-2019 Annual Budget from Proposition 68. Our input is intended to help ensure that OPC investments will bring to fruition the intent to provide benefits to our most disadvantaged communities (DACs) and continue the important work of fulfilling the mission of the OPC in conserving and protecting our ocean and coastal resources for all Californians.

The Parks Now Coalition includes California-based individuals and organizations committed to public health and social and environmental justice. We believe access to parks, the coast, and public land is fundamental to healthy, vibrant communities. We also believe that disadvantaged communities that lack access to the coast and ocean must be helped to attain it. In light of our work on-the-ground with low-income, communities of color, and our desire to see Proposition 68 funding used in ways that reflect the intent of Proposition 68, we offer the following recommendations:

- 1) Develop a stand-alone Community Access Grant Program.
- 2) Improve scoring criteria to better reflect intent to serve disadvantaged communities.
- 3) Clarify the availability of technical assistance guidance during implementation.
- 4) Provide for planning grants and advance payments.
- 5) Emphasize community-based planning.

Stand-alone Community Access Funding (Section 1.2)

In Proposition 68 “community access” is defined in Public Resources Code section 80008(c)(1) as encompassing a range of important activities including: transportation, physical activity programming, resource interpretation, multilingual translation, natural science, workforce development and career pathways, education, and communication related to water, parks, climate, coastal protection, and other outdoor pursuits. Public Resources Code Section

80002(b) further defines “community access” broadly to include “engagement programs, technical assistance, or facilities that maximize safe and equitable physical admittance, especially for low-income communities, to natural or cultural resources, community education, or recreational amenities.”

Along with the language of Section 80008(c)(1), this definition makes clear the people’s intent for the state to support appropriate programs at funding levels described in Proposition 68. However, we are concerned that the proposed approach developed in the draft guidelines will not meet the intent of Proposition 68’s community access provisions. Conditioning that community access may only be included as part of larger projects (page 4) may preclude community access projects from benefitting disadvantaged communities.

For these reasons, we recommend the following:

- To allow for better utilization of “community access” funds, we recommend that the council make grants available through a stand-alone grant funding program. Other state agencies like the Department of Parks and Recreation and the State Coastal Conservancy have begun developing their own stand-alone community access programs that could serve as useful models.
- Develop separate scoring criteria for this stand-alone grant funding program.

For the “community access” program, the OPC can provide grants for unique opportunities to participants that expose them to experiences relevant to the investments being made in Proposition 68, especially for disadvantaged communities. For many low-income communities the largest limiting factor is transportation to the coast and ocean, which “community access” funding can provide resources for.

For example, consistent with Section 80120(a) in Proposition 68 which focuses on marine protected areas and sustainable fisheries, groups in the Los Angeles area, San Diego, and Monterey Bay have developed creative approaches for students, including those from disadvantaged communities, that provide on the water experiences such as water testing, MPA monitoring, and other “citizen science” training. There are numerous examples of such “community access” programming, and we believe that funding from OPC has the ability to catalyze more of these opportunities along California’s shores.

Similarly, consistent with the priorities in Section 80133(a), there are myriad approaches that can provide outdoor environmental education opportunities that expose students and communities to the importance of restoration, protection and management of our coastal and ocean ecosystems in relation to sea level rise, ocean acidification, and the Pacific Flyway. A truism of conservation is that communities will not protect what they do not know, and OPC’s “community access” funds provides an opportunity to ensure that investments made from Proposition 68 can continue to be appreciated and valued into the future.

In addition to consulting with the Department of State Parks on their approaches and guidelines on “community access”, we also recommend the Coastal Conservancy’s approach and would encourage consultation with them as OPC develops its own approach.

Scoring Should Reflect Disadvantaged Communities Engagement (Section 2.7)

To ensure that disadvantaged communities are meaningfully engaged and benefit from the program, applicants should further explain how the community will be served by the project.

For these reasons, we recommend the following:

- In addition to meeting Prop 68’s basic DAC definition, additional criteria should be developed, such as asking an applicant to “describe and justify how the community is served by the proposed project.”
- We also recommend asking how the community will be involved in planning and development of the project, as well as stewardship of the project post construction. Accepting letters of support is useful but does not comprehensively help identify a community’s specific needs or serve as proof of meaningful community participation. For this, we also recommend the approach for community engagement found in the [Statewide Park Program Guidelines](#).

Applicant Capacity and Technical Assistance (Section 1.2, 2.2, 2.9)

Diversity, equity, and inclusion are key values supported by the undersigned and we were glad to see them reflected in the language of Proposition 68. Section 80001(b)(8) in particular outlines outreach and inclusion strategies found in the presidential memorandum “Promoting Diversity and Inclusion in Our National Parks, National Forests, and Other Public Lands and Waters,” which is also referenced on Page 3 of the draft guidelines. However, in order to fully incorporate the range of actions described in the Presidential Memorandum described on page 3, we recommend a different approach to Applicant Capacity as described on page 6.

For many communities that have not experienced the benefits of statewide or local grant funding programs for natural resource investments, the learning curve for nonprofits and local agencies to serve as primary grant applicants can be daunting, it is important for OPC to support capacity building among such grant applicants through targeted technical assistance.

The requirement that applicants should have “a history of success completing similar projects” is a deterrent to new applicants from disadvantaged communities. This requirement would ensure that only the same players that have historically had the savvy to access these funds will continue to do so.

For these reasons, we recommend the following:

- The Council should provide comprehensive technical assistance during grant the application process to ensure compliance with all requirements. The draft guidelines should provide additional technical assistance and information for the application process. As a reference, the Department of Parks and Recreation has developed useful

guidelines for their Proposition 68 funded Statewide Park Program that include technical assistance appendices in their Final Application Guide.¹

- In addition to a Technical Assistance Appendix, we recommend also including a “Guide to Applicant Best Practices,” and/or FAQs to help organizations working in disadvantaged communities understand how and when to identify project partners, such as municipalities, that may not otherwise be engaged in the application process.
- OPC should not prioritize selection of grant recipients based on prior granting of funds in order to ensure that new constituencies and organizations have an equal opportunity to be considered in the application process (page 13).

Planning Grants and Advance Payments

Most nonprofits do not operate with large cash reserves or have easy access to financing mechanisms required to absorb or defray the planning and other predevelopment costs associated with large grants like the ones being made available through the Statewide Parks Program. In addition, it may prove difficult to find an appropriate partner with significant resources on-hand, like a municipality or public agency, to take the primary applicant role in a proposed project. We fear that these realities may ultimately leave behind many ideas for worthwhile projects that will benefit disadvantaged communities. The following recommendations therefore speak to the need for planning grants (as allowed in Section 80006) and advance payments (as allowed in Section 80030):

- The first round of OPC grants should support planning grants. These grants may be prioritized for disadvantaged, or severely disadvantaged, communities where the lack of a planning grant would restrict the ability of a local nonprofit organization or local government that lacks resources to absorb the costs associated with developing a comprehensive proposal for a grant that is ultimately not approved, leaving the planning costs unreimbursed.
- Advance payment should similarly be allowed at a higher rate than 25%, especially for projects that are proposed to benefit disadvantaged communities by applicants that otherwise would be challenged to front the costs of developing a project.

Community Based Planning

Meaningful community engagement that involves community members in all aspects of the project design process is crucial in better serving community needs. We appreciate that the guidelines award up to 4 points for community support. In addition, we want to emphasize that community-based planning should be an iterative process that provides multiple opportunities for community input from the beginning of the planning process all the way through the completion of construction and the creation of a stewardship plan for the site. For these reasons, we recommend:

- Requiring applicants to include a community engagement plan that explains how they will continue to involve community members in the design and construction process beyond the five meetings required to receive maximum points for that category.

¹ http://www.parks.ca.gov/?page_id=29939

- Require that at least half of the meetings in critically underserved communities are held on weekends or evenings to ensure that they occur at times that work for most community members.

Conclusion

We thank you again for the opportunity to submit these comments and recommendations. We welcome further discussion of any of these points. For further communication regarding this letter, please contact Alfredo Arredondo of Priority Strategies (alfredo@priorityca.com).

Once again, we appreciate all your effort in developing the draft guidelines, and we look forward to the success of the program.

Sincerely,



Marce Graudiņš
Azul



Belinda Faustinos



Leslie Reynolds
Groundwork San Diego



Ben McCue
Outdoor Outreach



Sammy Nunez
Fathers & Families of San Joaquin

Mark Gold
2248 Murphy Hall
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Phone: (310) 825-5324
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February 26, 2019

The Honorable Wade Crowfoot
Secretary for Natural Resources
Chair, California Ocean Protection Council
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Submitted via electronic mail: Prop68@resources.ca.gov

RE: Comments on Proposition 68 (Prop 68) Draft Grant Guidelines

Dear Chairman Crowfoot and Members of the Ocean Protection Council,

On behalf of UCLA's Sustainable LA Grand Challenge, we appreciate the opportunity to review and provide comments on the Prop 68 draft grant guidelines released on January 7, 2019, and funded by the California Drought, Water, Parks, Climate, Coastal Protection and Outdoor Access for All Act of 2018.

The Sustainable LA Grand Challenge (SLAGC) is a campus-wide, Chancellor supported research endeavor that tackles sustainability in the County of Los Angeles through innovations in science, technology, and policy. Our research enables us to develop comprehensive strategies to transition LA County to 100 percent renewable energy, 100 percent locally sourced water, and enhanced ecosystem health by 2050. With some of the world's top terrestrial and marine conservation scientists, ecologists, conservation genomicists, ecological and climate modeling experts, and remote-sensing and geographic information systems (GIS) practitioners, SLAGC represents over 40 UCLA departments helping to facilitate LA County's sustainable transformation.

As a premier research institute located in Southern California, our faculty conducts research focused on some of our most critical coastal management problems, including:

- Impacts of ocean acidification and hypoxia (OAH) on the coast and on vulnerable marine communities and species;

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- Sensitivity of marine methane hydrates to temperature rise;
- Coastal pollution reduction treatment technologies;
- Climate change impacts on the distribution of mangrove and kelp forests;
- Sea level rise impacts on coastal wetlands, rocky intertidal habitats, and the built environment;
- Pathogens and health risks to swimmers and surfers at the beach;
- Watershed and water supply management impacts on our coastal estuaries and the species that rely on them; and
- Pollution and fishing impacts on coral reef and kelp forest ecosystems.

The world's oceans are warming about 40 percent faster than previously thought; in fact, oceans had their hottest year on record in 2018 as global warming accelerates. Stretching across 1,200 miles of shoreline, California's coastal system region is already experiencing the impacts of climate change, including rising sea levels, warming ocean waters, increasing acidity, and decreased oxygen level. According to California's Fourth Climate Assessment, these impacts will extend beyond coastal communities.

In reviewing the draft Prop 68 guidelines, including Chapter 9 (Ocean, Bay, and Coastal Protection) and Chapter 10 (Climate Preparedness, Habitat Resiliency, Resource Enhancement, and Innovation), we commend OPC for taking a broad and holistic view of funding priorities, including long term health of marine ecosystems, water quality, and climate and resiliency planning. We appreciate that eligible projects will require long term benefits to the state (considered 15-30 years), as this will greatly contribute to the sustainability of interventions as well as investments.

We support focusing Prop 68 investments to ensure all Californians have access to clean water, sustainable fisheries and ocean economy, climate-ready coastal communities, and an adaptively-managed Marine Protected Area Network. In addition, we appreciate that investments will be focused on scientific research and monitoring, and that those investments are ultimately designed to improve the management, protection and/or restoration of coastal and ocean resources, thereby addressing state management or policy needs.

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We would encourage you to expand your research to include the development of new technologies, as well as the utilization of innovative tools such as climate modeling and remote sensing.

In the current draft guidelines, it is unclear how much funding will be available for research, and whether the research must be tied to projects. Because the draft guidelines are so broad, it is unclear if the following critical research areas will be eligible for funding under Prop 68:

- Fire impacts on coastal watersheds, lagoons, and intertidal and nearshore habitats;
- The use of genomics methods to identify seafood fraud and poaching in California;
- Antibiotic resistance bacteria and viruses at coastal beaches and the impacts to swimmers and surfers;
- The efficacy of engineering and management measures to reduce the impacts of sea level rise; and
- OAH impacts on California marine flora and fauna- in the lab and on the coast.

Furthermore, we wanted to clarify that in Appendix B, the term “restoration” would include research areas on:

- Invasive species impacts on coastal biodiversity; and
- Plastic pollution/marine debris impacts in habitats, ecosystems, and individual species.

We were pleased to see that climate adaptation projects may address ocean acidification, sea level rise, or habitat, restoration and protection. However, we would suggest this list be broadened to include: ocean hypoxia and oxygen minimum zones (OMZ), both of which are expanding due to changes in our climate, thereby impacting coastal and marine species. UCLA is undertaking a large research project, funded by NOAA and the OPC, modeling oceanic hypoxia and acidification in the California Current System (CCS) --one of the most biologically productive regions of the world’s oceans.

Finally, we wanted to clarify that climate mitigation projects were listed as *ineligible* under section 2.5, especially since carbon sequestration and greenhouse gas reduction projects are listed as additional project characteristics in section 2.12. Reducing greenhouse gas emissions is the most effective long term solution to man-made climate change and ocean

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acidification; therefore we would hope that mitigation projects would be included as eligible projects.

In sum, we greatly appreciate the opportunity to participate in this process and thank you for your consideration of these comments. Please do not hesitate to contact me if you have any questions or need any clarification.

Sincerely,



Mark Gold, D.Env.

Associate Vice Chancellor for Environment & Sustainability

Wyer, Holly@CNRA

From: Tosney, Meghan@Waterboards <Meghan.Tosney@waterboards.ca.gov>
Sent: Wednesday, February 6, 2019 3:39 PM
To: Prop68@CNRA
Cc: Badyal, Damanvir@Waterboards; Bagha, Harish@Waterboards
Subject: Comments on OPC Proposition 68 Grant Guidelines

Hello, We recently received the below notice regarding your draft Proposition 68 Grant Guidelines.

We are concerned that the draft Guidelines do not address the requirements of the 2014 bill, [Senate Bill\(SB\) 985](#), which required the development of a Storm Water Resource Plans (SWRP) to receive grants for stormwater and dry weather runoff capture projects from a bond act approved by the voters after January 1, 2014. (Water Code section 10563(c)(1)) Note, the requirement does not apply to grants for a disadvantaged community, as defined in Section 79505.5, with a population of 20,000 or less, and that is not a copermitttee for a municipal separate stormwater system national pollutant discharge elimination system (NPDES) permit issued to a municipality with a population greater than 20,000. (Water Code section 10563(c)(2)(B))

It is our understanding that your Proposition 68 funding is available for stormwater and dry weather runoff capture projects. If these projects are funded using Prop 68 funds, then the requirements of SB 985 are triggered. Therefore, we strongly encourage you to incorporate SB 985 requirements into your Proposition 68 Grant Guidelines, as well as your funding review and approval process.

For your information, a list of SWRPs that the State Water Board has reviewed and concurred with are available on our [SWRP webpage](#). The page also provides a link to the [SWRP Guidelines](#), as well as instructions on how to submit SWRPs for review, and the concurrence process.

We would very much appreciate a response back regarding whether you intend to incorporate these requirements into your Guidelines and funding process.

And please let me know if you have any questions

Thank you,

Meghan Tosney

Supervising Water Resource Control Engineer

Division of Financial Assistance

State Water Resources Control Board

Phone: 916-341-5458

From: Ocean Protection Council <posting-oceanpublic@RESOURCES.CA.GOV>

Sent: Tuesday, February 5, 2019 2:46 PM

To: CNRA_OCEANS_PUBLIC@LISTSERVICE.CNRA.CA.GOV

Subject: OPC Public Workshops on Proposition 68 Grant Guidelines

Wyer, Holly@CNRA

From: Emily Benvie <ebenvie@cityofarcata.org>
Sent: Friday, February 22, 2019 10:06 AM
To: Prop68@CNRA
Subject: Prop 68 Grant - Technical assistance vs. implementation

Good Morning,

I recently attended a grant workshop on the Prop 68 guidelines/solicitation and had one question about project eligibility. As I understand it, projects must have CEQA and permitting completed prior to funding. I did also notice that 10% of grant funds will be allocated to "technical assistance." I'm wondering in this case, what the technical assistance would be intended for if the assumption is that CEQA and permitting should be completed. Is this a separate category of funds intended for planning projects? Thanks for the clarification!

Emily Benvie
Environmental Programs Manager
City of Arcata - Environmental Services
736 F Street Arcata, CA 95521
(707) 825-2102
ebenvie@cityofarcata.org



**OCEAN
PROTECTION
COUNCIL**

COMMENT CARD

Date: 02/22/19

Name Christine Shen

Representing: City of Malibu

Comment: ~~Env~~ Require letter of intent for all
projects before inviting selected applicants
to submit full proposals.



OCEAN
PROTECTION
COUNCIL

COMMENT CARD

Date: 2/12/19

Name: JOSH ASIAS & DEON WEST

Representing: Outdoor Outreach

Comment: we are here to promote access to the coast for all.

Prop 68 requires public agencies receiving funding to increase
coastal access for diverse populations. Outdoor Outreach
provides opportunities for underserved communities to reach the
coast. Please consider equal coastal access as a priority
for funding.