



OCEAN PROTECTION COUNCIL

Grant Guidelines Ocean Protection Council Proposition 68 Grant Program

FUNDED BY THE
California Drought, Water, Parks, Climate, Coastal Protection
and Outdoor Access for All Act of 2018



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Section 1. Overview

1.1 The Ocean Protection Council

The Ocean Protection Council (OPC) was created by law in 2004 via the California Ocean Protection Act.¹ The vision of OPC is to ensure that California maintains healthy, resilient, and productive ocean and coastal ecosystems for the benefit of current and future generations. Along the entire California coast, OPC works with state, federal, tribal, and local entities to further the Council's goal of protecting, conserving, and maintaining California's healthy coastal and ocean ecosystems and the economies they support. The role of OPC is to recommend policy, lead and promote coordination, seek and leverage funding, inform government decision-making with the best available science, and to operate with transparency and accountability. The California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 (Prop 68)² allocates funding to OPC for both competitive and discretionary grant programs. The competitive grant application process is discussed in Section 3 of these guidelines and the discretionary grant application process is discussed in Section 4.

1.2 Proposition 68 Background

Prop 68 was approved by voters in June 2018 (Public Resources Code (PRC) Division 45). Funding from Prop 68 is intended to support projects that provide Californians with access to safe natural spaces and to continue investments in the state's diverse ecosystems to ensure high quality of life for all Californians. Funding is also intended to support greening urban areas to mitigate the effects of climate change and pollution, and to protect and restore the state's natural resources for the benefit and enjoyment of future generations. Prop 68 allocates funds to OPC in both Chapter 9 and Chapter 10, which are described in more detail on page 4.

Additionally, Prop 68 requires the public agencies that receive funds from the proposition to consider a range of actions, as identified in the [Presidential Memorandum—Promoting Diversity and Inclusion in Our National Parks, National Forests, and Other Public Lands and Waters](#), that include, but are not limited to, the following:

- Conducting active outreach to diverse populations, particularly minority, low-income, and disabled populations and tribal communities, to increase awareness within those communities and the public generally about specific program and opportunities;
- Mentoring new environmental, outdoor recreation, and conservation leaders to increase diverse representation in these areas;
- Creating new partnerships with state, local, tribal, private, and nonprofit organizations to expand access for diverse populations;
- Identifying and implementing improvements to existing programs to increase visitation and access by diverse populations, particularly minority, low-income, and disabled populations and tribal communities;
- Expanding the use of multilingual and culturally appropriate materials in public communications and educational strategies, including through social media strategies, as appropriate, that target diverse populations;

¹ <http://www.opc.ca.gov/california-ocean-protection-act/>

² https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB5

- Developing or expanding coordinated efforts to promote youth engagement and empowerment, including fostering new partnerships with diversity-serving and youth-serving organizations, urban areas, and programs; and
- Identifying possible staff liaisons to diverse populations.

Prop 68, Chapter 9 (Appendix A): “Ocean, Bay, and Coastal Protection,” allocates \$35 million to OPC for grants consistent with the California Ocean Protection Act (Section 35650). Priority shall be given to projects that conserve, protect, and restore marine wildlife and healthy ocean and coastal ecosystems with a focus on the state’s system of marine protected areas and sustainable fisheries. The funds in Chapter 9 may be allocated through competitive or discretionary grant programs.

Prop 68, Chapter 10 (Appendix A): “Climate Preparedness, Habitat Resiliency, Resource Enhancement, and Innovation,” allocates \$21.2 million to OPC for a competitive grant program for projects that assist coastal communities, including those reliant on commercial fisheries, with adaptation to climate change. Climate adaptation projects may address ocean acidification, sea level rise, or habitat and restoration and protection.

Prop 68 requires that at least 15 percent of the funds provided to OPC be allocated to projects that serve severely disadvantaged communities (see Section 2.7 for more details), and allows for up to 10 percent of funds to be used for technical assistance to disadvantaged communities. Prop 68 also allows for up to 5 percent of funds to be used for community access projects, to the extent permissible under General Obligation Bond Law³. Applicants may propose stand-alone technical assistance projects or stand-alone community access projects. To learn more about the Prop 68 technical assistance and community access programs, see Sections 2.9 and 2.10. Definitions of key terms from Prop 68 are available in Appendix B.

1.3 Upcoming rounds of OPC Proposition 68 funding

In calendar year 2019, OPC staff will solicit grant proposals for four topic areas, with at least one round of funding in each of chapter 9 and chapter 10. Together, the funding programs will expend up to \$20,000,000 from the Fiscal Year 2018/2019 appropriation of Prop 68. OPC expects to receive subsequent appropriations in fiscal years 2020/2021, 2022/2023, and 2024/2025 and anticipates holding additional grant rounds for each of these appropriations to distribute the funds. The table below outlines the timeline of expected fund appropriations and solicitation rounds. Please note that from July 2020 onward, the timetable is projected and subject to change pending legislative budget approval. For a more detailed grant solicitation schedule, please see Section 3.

Date or Quarter	OPC Appropriation and Competitive Grant Solicitation
July 1, 2018	OPC Appropriation
June-September 2019	Competitive solicitations
July 1, 2020	OPC Appropriation
July-September 2020	Competitive solicitations
July 1, 2022	OPC Appropriation
July-September 2022	Competitive solicitations
July 1, 2024	OPC Appropriation
July-September 2024	Competitive solicitations

³ PRC §80008(c)

1.4 OPC's Priorities for Proposition 68 funding

OPC's funding priorities are articulated in in §35650(b)(2) of the California Ocean Protection Act⁴ and support projects that have a nexus to ocean and coastal health and achieve the following:

- Prepare for and minimize the harmful impacts of climate change by providing funding for adaptive management, planning, coordination, monitoring, research, and other necessary activities on a local, regional, and statewide scale to minimize the adverse impacts of climate change on California's ocean ecosystem.
- Promote the long-term health of coastal and marine ecosystems and sustainability of marine fisheries in order to protect California's living marine resources and the communities that rely upon them.
- Reduce the negative impacts of land-based activity, including pollution, on coastal and marine ecosystems and the state's coastal and ocean economy by improving management, conservation, and protection of coastal waters and ocean ecosystems.
- Develop innovative technology and tools and provide monitoring and scientific data to improve state efforts to protect and conserve ocean resources.
- Inform adaptive management of California's Marine Protected Area Network
- Serve disadvantaged and severely disadvantaged communities through involving them in management of all aspects of their coastal and ocean resources. OPC will consult with local community and environmental justice representatives, Tribes, and other frontline community members to ensure that OPC's Prop 68 funds for disadvantaged communities are going toward their most urgent or critical needs relating to ocean and coastal management. Projects that serve disadvantaged and severely disadvantage communities may include, but are not limited to; providing equitable access to the ocean and coast; supporting local efforts to plan for and adapt to climate change impacts such as sea level rise and ocean acidification; building awareness and opportunities for community members to connect to California's world-renowned marine protected areas; increasing community capacity to receive Prop 68 funding and manage local ocean and coastal resources; reducing plastic litter and other sources of contamination at their source; and building awareness and opportunities for community members to participate in community-led marine science efforts.
- Allow for increased public access to, and enjoyment of, ocean and coastal resources, consistent with sustainable, long-term protection and conservation of those resources.

To achieve the priorities listed above, the types of tools and projects that will receive OPC's Prop 68 investments will include, but not be limited to: scientific research and monitoring, including innovative tools or technology, that directly addresses state management or policy needs; restoration or other on-the-ground projects that improve ecosystem health and water quality; planning and/or implementation projects that advance climate adaptation and resiliency; and projects that provide access to the coast through infrastructure, citizen science opportunities, and education. OPC will provide more detailed information on specific funding priorities in its solicitation for proposals.

⁴ <http://www.opc.ca.gov/california-ocean-protection-act/>

Section 2. Program Purposes and Eligibility Requirements

2.1 Purpose of Proposition 68 Grant Program Guidelines

OPC's Proposition 68 Grant Program Guidelines (Guidelines) establish the process and criteria that OPC will use to award discretionary funding and solicit applications, evaluate and select proposals, and award funds through a competitive process, pursuant to Prop 68. These Guidelines identify the additional project requirements and evaluation processes applicable to Prop 68-funded projects. The Guidelines are adopted pursuant to PRC §80010 and may be updated periodically.

To comply with the requirements of PRC §80010, OPC provided the draft Guidelines for public review and comment on its website for 30 days, and scheduled 10 public in-person meetings in Eureka, Oakland, Salinas, Santa Monica, and San Diego, to consider public comments before closing the comment period. OPC held separate workshop sessions in the afternoons and evening to accommodate stakeholders with less flexible schedules. OPC also held a webinar to enable participation and input from members of the public who are unable to travel to the regional meetings.

2.2 Applicant Eligibility

Funds can be awarded to public agencies (including local, state, and federal), public or private universities, nonprofit organizations, private entities, federally recognized Indian tribes, and state Indian tribes listed on the Native American Heritage Commission's California Tribal Consultation List. Nonprofit organizations must be 501(c)(3) as verified by the Internal Revenue Service.

Applicant Capacity

The applicant must demonstrate that it can adequately administer the ongoing management and operation of the project, and that its entire operating budget is not dependent upon the underlying grant. The applicant should address the following organizational capacity and expertise elements, including but not limited to:

- Capacity to manage a state award, including the ability to clearly document accounting activities and sufficient staff dedicated to tracking and reporting financial operations associated with the award;
- Ability to address cash flow processing of reimbursement payments. Grantees implementing projects that serve disadvantaged communities may be eligible for a small fund advancement. Please see section 2.8 for details. Aside from the exception laid out in section 2.8, OPC provides funds on a reimbursement basis, and withholds 10% of the funds, to be disbursed upon project completion. There are restrictions on the types of expenses that can be claimed. All expenses are paid on a reimbursement basis within 45 days of receiving a properly submitted "Request for Disbursement" and its associated invoice, receipts, and other required documentation;
- Proof of qualified staff or contractors to carry out the project activities;
- The applicant's governance structure, with institutional history and any operating laws or procedures, and the commitment to see the project to completion.

OPC reserves the right to reject any applicant who has a history of performance issues with past grants or other agreements with any public entity.

California Native Tribes and Tribal Governments

As mentioned above, California Tribes and Tribal Governments are eligible to apply for funding under Prop 68, and OPC encourages Tribes and Tribal Governments to submit eligible projects for consideration. Additionally, OPC recognizes that California Tribes and Tribal Governments should be involved in the development of proposed projects, especially those that occur in areas of traditional use. As such,

applicants should make every effort to involve Native American Tribes, through formal or informal consultation, if necessary, as they develop their projects.

2.3 Environmental Documents and Permitting

OPC is required to comply with the California Environmental Quality Act (CEQA). Applicants must consider whether their proposed project will require an environmental impact report, negative declaration, or whether a CEQA exemption applies. How CEQA applies to the proposed project and the status of CEQA compliance must be addressed in the application. Projects also must comply with applicable state and federal laws and regulations, including the National Environmental Policy Act (NEPA), and other environmental permitting requirements. The applicant is solely responsible for receiving and fulfilling all permitting requirements.

No project will be approved until the necessary environmental permitting is complete, and OPC reserves the right to modify the design of the proposed project, require additional mitigation, and to ultimately find the project ineligible for funding under Prop 68, should environmental permitting be incomplete, as described in Section 2.5.

2.4 Project Eligibility and Timing

Prop 68 funds must be spent consistent with the General Obligation Bond Law, [Government Code §16727](#). In general, this means projects must provide long-term benefits to the state; “long-term benefits” are generally considered to be a minimum of 15 to 30 years. Priority will be given to projects that address the priorities listed in Section 1.4 and that conserve, protect, and restore marine wildlife and healthy ocean and coastal ecosystems with a focus on the state’s system of marine protected areas and sustainable fisheries, and projects that assist coastal communities, including those reliant on commercial fisheries, with adaptation to climate change. Climate adaptation projects may address ocean acidification and hypoxia, sea level rise, or habitat and restoration and protection. Research and monitoring projects shall be designed to improve the management, protection and/or restoration of coastal and ocean resources. Funding may also be used for technical assistance, community access, and planning and evaluation projects (see Section 2.9 through Section 2.11). To be competitive, projects must demonstrate how they meet the criteria listed in Section 5.

Projects must be ready to start work upon approval and be able to be completed within 1 to 4 years. Specifics on project completion requirements will be determined during the solicitation process.

2.5 Ineligible Projects

The following list provides examples of projects that will not be funded nor considered eligible under this program. This is not a comprehensive list.

- Projects that create negative environmental impacts inconsistent with the goals and purposes of OPC;
- Projects that are not consistent with OPC’s priorities;
- Projects not compatible with the specific environment or location in which they are proposed to be situated;
- Projects requesting funding to implement activities required as legal mitigation for development projects or other obligations that an agency, organization, or company is mandated to complete;
- Projects that do not inform or promote improved state management or protection of coastal and ocean resources; and
- Although some planning costs are eligible, costs associated with environmental permitting are not eligible. Projects must comply with applicable State and federal laws and regulations, including the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), and

other environmental permitting requirements. The applicant is responsible for receiving and fulfilling all permitting requirements. (See Section 2.3).

2.6 Project Budget Amounts

OPC will define project minimums and maximum amounts in proposal solicitations. The number of applications that will be approved for funding will vary based on the amount of funding available and the amount of funding requested.

2.7 Disadvantaged Communities

OPC prioritizes projects serving disadvantaged and severely disadvantaged communities. OPC will consult with local community and environmental justice representatives, Tribes, and other frontline community members to ensure that OPC's Prop 68 funds for disadvantaged communities are going towards the most urgent or critical needs relating to ocean and coastal management. OPC will provide at least 15 percent of its Prop 68 funding to projects that serve severely disadvantaged communities.⁵ Prop 68 defines disadvantaged communities as a community with a median household income of less than 80 percent the statewide average⁶, and defines severely disadvantaged communities as a community with a median household income of less than 60 percent the statewide average.⁷ To determine whether a project is located within or near a disadvantaged or severely disadvantaged community, please use the California State Parks Community FactFinder map viewer.⁸ Grant applicants should provide a map and written description of the projects' geographical proximity to specific disadvantaged communities.

OPC will use its discretion to determine whether proposed projects serve disadvantaged communities and expects applicants to describe and justify how the community is served by the proposed project. Additionally, applicants are expected to identify the distance between the project a disadvantaged or severely disadvantaged community. Generally, OPC considers projects that are within a ½ mile of a disadvantaged or severely disadvantaged community to be close to the community.

2.8 Advanced payments

For grants awarded for projects that serve a disadvantaged community, OPC may provide advanced payments of up to 25% of the grant award at a time to the recipient to initiate the project in a timely manner. To qualify for advanced payments, the grantee must explain how their project meets the definitions for disadvantaged community or severely disadvantaged community in Section 2.7, and must meet additional requirements regarding the use of advanced payments, as will be specified by OPC. Advances cannot be used for in-house labor or personnel costs.

2.9 Technical Assistance

OPC may spend up to 10 percent of its funding from Prop 68 on technical assistance to disadvantaged communities. As mentioned above, OPC will consult with local community and environmental justice representatives, Tribes, and other frontline community members to obtain guidance on how to use technical assistance funds in the most impactful and effective way. Technical assistance to disadvantaged communities may include, but is not limited to, the following:

- Capacity building to complete OPC's Prop 68 grant applications and to implement Prop 68-funded projects;

⁵ PRC §80008(a)(2)

⁶ PRC §80002(e)

⁷ PRC §80002(n)

⁸ <http://www.parksforcalifornia.org/communities>

- Assistance to promote engagement with potential project partners, work through local challenges, and develop competitive proposals for Prop 68 funding;
- Technical expertise to support project planning and implementation;⁹ and
- Education for disadvantaged and severely disadvantaged communities consistent with the purposes of OPC's Prop 68 funding.

Additional information about applicable technical assistance projects will be provided in the grant solicitations. Additionally, OPC staff will provide assistance to all applicants during the solicitation process. For more information on the assistance provided by OPC staff, please see Appendix D.

2.10 Community Access

OPC may spend up to 5 percent of its funding from Prop 68 on community access projects. Applicants applying for Prop 68 funding for community access should develop stand-alone projects to enhance community access. Because OPC will be advancing this component of Prop 68 as a stand-alone effort, we are unable to fund community access activities that are part of a larger project addressing other issues. Community access projects must be consistent with general obligation bond law, which means they must provide long-term benefits to the state. Specifically, community access funds must be used for capital assets with a useful life of at least 10 years.

Community access projects that meet General Obligation Bond Law may include, but are not limited to:

- Construction of a trail or boardwalk to provide access to the coast;
- Implementing climate adaptation plans to ensure that sites for coastal recreation remain accessible to the public in the future as sea levels rise;
- Purchasing of equipment needed to provide on-the-water citizen science experiences; and
- Developing curriculum for environmental education that will be used for at least 10 years.

2.11 Planning and Evaluation¹⁰

OPC may spend up to 10 percent of its funding from Prop 68 on planning and evaluation necessary for the successful selection, design, and implementation of Prop 68 projects. Funding for planning and evaluation may not be used for costs associated with permitting. Eligible planning grants are those that will lead to successful design of implementation projects. These efforts may include project development, implementation strategy development, watershed assessments, and project-specific activities such as design and baseline data collection.

2.12 Additional Project Characteristics

Prop 68 and OPC have several additional requirements for projects receiving funding:

- Priority will be given to projects that leverage private, federal, or local funding or produce the greatest public benefit.

⁹ Technical assistance funds may be used for developing design plans and other planning work that leads to on-the-ground projects but may not be used to develop CEQA documents or similar environmental permitting documents.

¹⁰ In Prop 68 these funds are called out for "planning and monitoring." Among OPC's stakeholders, the term "monitoring" may be confused with scientific monitoring of natural resources. To clarify this section, OPC is using the term "evaluation" to refer to information collection to determine the success of the project.

- Priority will be given to projects that have acquired all required permits in advance of the application. No project will be approved by the Council until the necessary environmental permitting is complete.
- Projects funded by Prop 68 should include signage or other acknowledgement that the project received funding from Prop 68, to the extent practicable. This may include placing the Prop 68 logo on final reports or policy documents.
- To the extent practicable, projects receiving funds from Prop 68 will provide workforce education and training, contractor, and job opportunities for disadvantaged communities.
- Priority will be given to projects with components that emphasize the efficient use and conservation of water supplies, use of recycled water, capture of stormwater, or carbon sequestration features in project design.¹¹
- To the extent feasible, priority will be given to project applications that use the services of the California Conservation Corps or certified conservation corps to implement (see Section 7.2)
- Priority will be given to projects that include a community engagement plan in their application. A community engagement plan should include how applicants and partner organizations have worked with community stakeholders to design the project, communicate about the project's results, or ensure long-term maintenance of the project. The community action plan should demonstrate:
 - How the applicant and community-based partner organizations engaged, or will engage, residents or stakeholders to design the project;
 - How many meetings occurred in the community and why these meeting times and locations were convenient for community members or stakeholders. OPC requires that half of the meetings held for projects that serve disadvantaged communities occur during weekends or evenings to ensure that community members can participate; and
 - What additional outreach, if any, occurred to ensure a broad selection of community members or stakeholders were reached.
- To the extent practicable, OPC will measure greenhouse gas emissions reductions and carbon sequestration associated with projects that receive funding, pursuant to PRC §80001(b)(7). Applicants should be prepared to provide OPC with the information it requires to measure greenhouse gas emissions reductions and carbon sequestration. OPC will be using the CALAND model to calculate carbon sequestration and GHG reductions.

In addition to the Priority Areas for funding described in Section 1.4, ***OPC has a strong preference for projects that are: innovative; demonstrate new approaches or solutions to ocean and coastal problems; employ community-based approaches; and/or address important unmet needs or gaps.***

¹¹ See section 7.6 for requirements associated with stormwater and dry weather runoff capture projects.

Section 3. Competitive Grant Application Process

3.1 Project Solicitation and Proposal Timing

Solicitation periods for Prop 68 competitive grants will be announced on OPC’s website, social media and via OPC’s email listserv, which has more than 4,000 subscribers. OPC may elect to solicit targeted proposals for a specific type of project for some grant solicitations, and OPC may release multiple solicitations on different priorities around the same time. There may be up to four competitive project solicitations per calendar year depending upon the level of applicant interest and capacity of OPC staff and external review committee. Timing of grant rounds or solicitation periods will also depend on legislative approval of budget allocations. Grant applications for the competitive grant program may be submitted during the solicitation periods only.

Proposed Competitive Grant Solicitation Schedule	
Grant Guidelines considered by OPC	May 2019
Round 1 Solicitation and Full Proposals Due	Second Quarter - Fourth Quarter 2019
Round 1 Full Proposals Evaluated	Fourth Quarter 2019 – First Quarter 2020
Ocean Protection Council Meeting consideration	Second Quarter 2020
Round 2 Solicitation and Full Proposals Due	Third Quarter 2020
Round 2 Full Proposals Evaluated	Third Quarter 2020 – First Quarter 2021
Ocean Protection Council Meeting consideration	Second Quarter 2021
Round 3 Solicitation and Full Proposals Due	Third Quarter 2022
Round 3 Full Proposals Evaluated	Third Quarter 2022 – First Quarter 2023
Ocean Protection Council Meeting consideration	Second Quarter 2023
Round 4 Solicitation and Full Proposals Due	Third Quarter 2024
Round 4 Full Proposal Evaluated	Third Quarter 2024 – First Quarter 2025
Ocean Protection Council Meeting consideration	Second Quarter 2025

More specific dates and deadlines will be provided when grant round solicitations are announced.

3.2 Overview of Competitive Proposal Application and Project Selection Process

The competitive grant program ensures that proposals are reviewed with fairness and transparency. An overview of the program is presented in bullets below. Solicitations will have more detail on the competitive proposal application process, including identifying whether a letter of intent is required in addition to the full proposal.

- **Step 1: Research, obtain relevant permits, and prepare project information**
 - Potential applicants use the grant guidelines and solicitation to evaluate project eligibility, feasibility, relevance to OPC’s funding priorities, and compliance with relevant policies and regulations.
 - If necessary, potential applicants ensure that CEQA is completed and that all required permits are obtained.
 - Applicants consult with OPC staff and seek matching funding (if needed).
- **Step 2: (Only if required) Preparation of letter of intent**
 - If required in the solicitation, applicants prepare and submit a letter of intent. OPC and the review committee will use the letter of intent to determine project eligibility, as described in Section 2.4, and which projects will be invited to submit a full proposal. Not all solicitations will require this step in the application process.

- The letter of intent is an outline of the proposed project. It should be no more than 2 pages of text, and may contain one table for the budget and one table for the timeline, and proof of permits.
- If the solicitation requires a letter of intent, the solicitation will include a template letter of intent for potential applicants to use.
- **Step 3: Preparation of full proposals and submit full proposal applications**
 - Applicants must submit a complete proposal by the deadline identified in the solicitation or they will not be evaluated for funding. Applications must be submitted online through the System for Online Application Review ([SOAR](#)), together with one original (with wet signature) and one paper copy of the complete grant application package mailed to OPC staff.
 - Proposals must contain a detailed work program, schedule, and budget for the project. See Section 3.3 for additional details on full proposal requirements.
 - The solicitation will include a template proposal for potential applicants to use.
- **Step 4: Evaluation of proposals**
 - Proposals are reviewed by OPC staff and a review panel using the Eligibility Criteria, the Evaluation Criteria (Section 5), and additional project characteristics (Section 2.12). Incomplete or ineligible applications may not be evaluated or considered for funding, at the sole discretion of OPC.
 - Interviews or site visits may be scheduled prior to funding decisions and may result in rank adjustments.
 - Partial funding may be considered to fully leverage grant awards.
- **Step 5: Project recommendation to the Ocean Protection Council**
 - Staff will recommend projects to the Council for funding. Recommendation for funding does not guarantee that a project will be funded.
 - Council determines final project awards at a publicly noticed meeting of the Council.
 - Final funding decisions are determined and announced.

3.3 Submittal of proposals and required grant proposal elements

Applicants must submit a detailed scope of work, schedule, and budget for the project in response to the solicitation. Details about submittal deadlines, how to use SOAR, and technical information about SOAR will be included in future grant round solicitations.

A full proposal is expected to contain a well thought out and complete description of the project, including but not limited to:

- Detailed description of the proposed scope of work, including long-term results and outcomes;
- Project schedule with explicit task completion dates, including a clear depiction of timing of project phases and components;
- Budget that is tied directly to the explicit task list that includes estimated rates, hours, equipment, and potential sub-contractors;
- Resumes or Curriculum Vitae of principal investigators or contractors, including previous projects that reflect sufficient aptitude in the project's focal area;
- Review of all environmental compliance and permitting requirements, and evidence that permitting is complete (Section 2.3);
- Plans for monitoring and reporting the project consistent with Section 7.4;
- Letters of support from both within and outside the community where the project will take place;
- If applicable, proof of site control at the project site;
- Consistency with, and a description of, how the proposed project supports implementation of the state's climate change documents (see Appendix C).

- Plans for how the project will acknowledge Prop 68 funding, this applies whether the project completes on-the-ground work and provides acknowledgement signage, as well as acknowledgement from research projects in their final reports and publications.

3.4 Evaluation of Proposals

Proposals will be reviewed for completeness and eligibility by OPC staff and scored by a minimum of three professionals with relevant expertise, using the evaluation and scoring criteria in Section 5. Reviewers may include state and federal agency staff and others with relevant expertise, including, for example, consultants and academic professionals. Members of the review committee will be selected based on their knowledge of the priority topic areas described in the solicitation.

All reviewers other than OPC staff will be required to document that they do not have a conflict of interest in reviewing any proposals. All applicants and individuals who participate in the review of submitted applications are subject to state and federal conflict of interest laws. Any individual who has participated in planning or setting priorities for a specific solicitation or who will participate in any part of the grant development and negotiation process on behalf of the public is ineligible to receive funds or personally benefit from funds awarded through that solicitation. Certain state agencies may submit applications for funding. Failure to comply with the conflict of interest laws, including business and financial disclosure provisions, will result in the application being rejected and any subsequent grant agreement being declared void. Other legal actions may also be taken. Applicable statutes include, but are not limited to, California Government Code §1090 and Public Contract Code §10365.5, §10410, and §10411.

The State reserves the right to reject an applicant during the proposal review period, or to revoke funds after they have been awarded, if the applicant is found to be in violation of any existing law or policy. Potential violations include, and are not limited to, being in default of their performance requirements in other contract or grant agreements issued by the State, being engaged in or suspected of criminal conduct that could poorly reflect on or brings discredit to the State, or failing to have all required licenses or permits to perform the State required functions. The State further reserves the right to reject any applicant who has a history of performance issues with past grants or other agreements at any public entity, or other grantor, including OPC.

These award guidelines identify the scoring criteria to be used by the review committee. Additional scoring criteria may be included in the solicitation. Site visits may be scheduled prior to funding decisions, and may result in ranking adjustments. Partial funding may be considered. After scores are collected, the committee will meet in person to make their final recommendations. OPC retains full discretion in approving or disapproving projects.

3.5 Staff Recommendations for Competitive Awards

To fund as many high-ranking projects as possible, OPC staff may request modification of project scope and budget. In concert with the professional review panel, OPC staff will determine which qualified applications to recommend to the Council for funding and the amount of funding, considering the project's score relative to other eligible projects, and the total amount of funding available for Prop 68 projects. OPC staff may reduce grant amounts from that requested. OPC staff has discretion to decide when individual projects will be brought to the Council for consideration, based on project readiness. Any outstanding permitting or design issues must be resolved before a proposed award can be recommended by staff to the Council. It can take an average of nine to twelve months from full proposal submittal to Council approval and then an additional three months for execution of the award agreement. Staff recommendation for funding does not guarantee a project will be approved for funding.

3.6 Approval by Council of Competitive Awards

The Council must approve the disbursement of a competitive awards at a public meeting. The Council typically holds four public meetings per calendar year. The agenda for each public meeting will be published on OPC's website at least ten days in advance of the meeting. OPC staff will prepare a staff recommendation for each proposed award presented to the Council at a public meeting. The staff recommendation will describe the project and explain how the project is consistent with the Policy, OPC's enabling legislation, OPC's Strategic Plan, OPC's Prop 68 Grant Program Guidelines, and the evaluation criteria in these Prop 68 Grant Program Guidelines. In addition, the staff recommendation will assess project compliance with CEQA and all relevant permitting requirements, when appropriate.

All applicants will be informed that their projects are being recommended to the Council at least 14 days in advance of the Council meeting. To ensure transparency and an opportunity for public feedback on the recommended projects, a minimum of a 10-day public comment period will occur prior to the Council meeting.

Section 4. Discretionary Grant Application Process

4.1 Project Development and Proposal Process

Prop 68 funding for ocean, bay and coastal protection may be disbursed through discretionary funding processes. This section describes how OPC selects projects for discretionary funding and how discretionary grants are administered.

OPC works collaboratively with other state and federal agencies, Tribes, NGO partners, scientists, and other partners to build projects that address critical or time-sensitive needs for the state. OPC relies on key documents to guide its funding priorities, and unsolicited projects are more likely to move forward if they address specific needs or priorities called out in those documents. A list of key documents is available in Appendix C.

Proposals funded through the discretionary process must meet all the eligibility criteria in Sections 2.2 and 2.4, and must also be evaluated by the evaluation criteria in Section 5, although projects submitted to the discretionary program will not receive scores. Discretionary projects will be subject to the grant agreement requirements described in Section 6 and the additional requirements in Section 7.

Section 5. Evaluation Criteria

5.1 Evaluation Criteria and Scoring for Proposals

All projects will be evaluated by the following evaluation criteria, in addition to the relevant category-specific criteria starting on page 18; however, only competitive solicitations will be scored. Additional scoring criteria may be included in the solicitation. Scoring information on all proposals will remain confidential.

SCORING CRITERIA FOR PROPOSALS	
Criteria	Points
<p><u>Clarity and Articulation, Sound Approach</u> Includes complete, reasonable and well thought out proposal elements, including proposed scope of work (3 points), budget (3 points), and schedule (3 points).</p>	9
<p><u>Project Management and Readiness</u> Applicant demonstrates capacity to execute project, including</p> <ul style="list-style-type: none"> Applicant demonstrates appropriate and necessary partnerships to complete the project. The applicant shows that it can hire or contract with experienced scientific staff in an area of specialty that would improve the potential success of the underlying proposal. (2 points) Applicant has existing infrastructure or administrative capacity, either in-house or through partnerships, to develop, manage and implement the project successfully. (2 points) Applicant has identified any permits or CEQA review that may be necessary to complete the project, provides proof that those permits and CEQA documents are already obtained/complete, and lays out a clear and reasonable approach and timeline to receive permits and complete CEQA if they are not already acquired. If the project does not require permits or CEQA review, the applicant must provide sound reasoning to support the assertion that no permits are needed. (2 points) 	6
<p><u>Alignment with Prop 68</u></p> <ul style="list-style-type: none"> Applicant demonstrates how the project will advance the intent behind Prop 68, as described in the findings and declarations in PRC §80001(a), including, but not limited to how the project will connect Californians with natural coastal landscapes. 	8
<p><u>Alignment with California’s Climate Policies</u> Climate change is affecting the coast of California and has the potential to limit the success of projects funded by OPC, if not taken into consideration. Applicant describes how they have considered climate impacts and risks in the design or development of their project, and how their project is resilient to those impacts. For example, applicant identifies:</p> <ul style="list-style-type: none"> Specific adaptation strategies and specific actions to remedy identified climate-related vulnerabilities and impacts. How the project may provide or inform resilience benefits, or help ocean and coastal ecosystems to adapt to climate change, including which recommendations from the 2018 Safeguarding California Plan the project works to implement 	3

<ul style="list-style-type: none"> How the project may generate GHG emission reductions or carbon sequestration benefits 	
<p>Multi-benefits</p> <p>Applicant demonstrates how the proposed project addresses multiple issues of priority to OPC, as described in Section 1.4. (6 points)</p>	6
<p>Informing Management</p> <p>Applicant identifies how any research or project proposed would inform or enable the state to better manage ocean and coastal ecosystems and resources, including whether the project would develop innovative technology and tools and/or provide needed monitoring or scientific data (6 points)</p>	6
<p>Disadvantaged Communities</p> <p>Applicant clearly explains how the project serves disadvantaged or severely disadvantaged communities, as described in Section 2.7. Applicant provides the distance between the project and a disadvantaged or severely disadvantaged community and describes and justifies how the community is served by the proposed project, including any opportunities the project provides for workforce education and training, or contractor or job opportunities (8 points max).</p> <ul style="list-style-type: none"> Project serves a disadvantaged community (6 points) Project serves a severely disadvantaged community (8 points) 	8
<p>Alignment with OPC's Technical Assistance Requirements</p> <p>Applicant demonstrates how the proposed project will provide a disadvantaged community with technical assistance as described in the solicitation, (3 points) which includes, but is not limited to:</p> <ul style="list-style-type: none"> Capacity building to complete OPC's Prop 68 grant applications; Technical expertise to support project planning and implementation; Education for disadvantaged communities consistent with the purposes of OPC's Prop 68 funding. 	3
<p>Effectiveness and Innovation</p> <ul style="list-style-type: none"> Has a clear and reasonable method for measuring and reporting project effectiveness (3 points) Employs innovative methods or technologies or improves upon proven methods or technologies to improve how the state manages ocean and coastal resources. (2 points) 	5
<p>Methodology</p> <p>Is consistent with best available science. Applicant demonstrates how relevant science used is up-to-date and appropriate for projects for the specific topic, as well as the feasibility of proposed work.</p> <ul style="list-style-type: none"> Contains technical/scientific merit (2 points) Project completion is feasible in the timeframe and with the budget requested (2 points) Determining project effectiveness is feasible and project has a high likelihood to fulfill its stated goals and objectives (2 points) 	6

<p><u>Community Support</u></p> <p>Has both local community support and greater than local interest.</p> <ul style="list-style-type: none"> • Project has local community support, as demonstrated by the submittal of letters of support with the application (2 points) • Project also has support from outside of the project area, as demonstrated by submittal of letters of support with the application (2 points) • Applicants submit a community engagement plan that includes how applicants and partner organizations have worked with community stakeholders to design the project, communicate about the project’s results, or ensure long-term maintenance of the project. The community engagement plan should provide the information described in section 2.12 (4 points) 	8
<p><u>Partnerships</u></p> <p>Applicant clearly identifies collaboration opportunities with government agencies, either in project implementation or to inform the state’s ocean management, including Tribal Governments, the California Conservation Corps or Local Conservation Corps. (2 points)</p> <p>Applicant clearly identifies collaboration opportunities with conservation, science, or fishing organizations, and other partners. (2 points)</p>	4
<p><u>Leverage</u></p> <p>Project leverages private, federal or local funding sources.¹²</p>	3
Total possible points	75

ADDITIONAL SCORING CRITERIA FOR MARINE ECOSYSTEM PROPOSALS (CHAPTER 9 FUNDING)	
Criteria	Points
<p><u>Alignment with OPC Priorities for Chapter 9 funding</u></p> <p>Applicant demonstrates how the proposed project advances OPC’s priorities for its Chapter 9 funding, as described in Section 1.4, and the specific priorities outlined in the solicitation. Applicants should include how the project conserves, protects, or restores marine wildlife and health ocean and coastal ecosystems with a focus on the states’ system of marine protected areas and sustainable fisheries. Proposals receive up to 18 points for the project’s direct relevance to the priorities of OPC program areas listed below, and the specific priorities outlined in the solicitation:</p> <ul style="list-style-type: none"> • Marine protected areas • Marine pollution • Sustainable fisheries 	18
<p><u>Alignment with OPC Program Key Documents</u></p> <p>Applicant demonstrates how the project aligns with the relevant key documents of the appropriate OPC program, as applicable. (7 points)</p> <p>A list of relevant key documents will be included in the solicitation.¹³</p>	7
Total Possible Points	25

¹² Funds for completing an environmental review process such as CEQA are not considered matching funds.

¹³ For potential applicants’ reference, a list of key documents with links is available in Appendix C of these grant guidelines.

ADDITIONAL SCORING CRITERIA FOR OCEAN CLIMATE PROPOSALS (CHAPTER 10 FUNDING)	
Criteria	Points
<p><u>Alignment with OPC Priorities for Chapter 10 funding</u></p> <p>Applicant demonstrates how the proposed project aligns with OPC’s priorities for its Chapter 10 funding, as described in PRC §80133(a), and the specific priorities outlined in the solicitation. Proposals receive up to 18 points for the project’s direct relevance to the priorities listed below, and the specific priorities outlined in the solicitation. Applicant demonstrates how the proposed project addresses at least one of the following:</p> <ul style="list-style-type: none"> • Assisting coastal communities, including communities reliant on commercial fisheries with adaptation to climate change. • Ocean Acidification, hypoxia, or oxygen-minimum zones, including interactions with local water quality. • Sea Level Rise, including the development of local, regional, or statewide adaptation planning, analyses and implementation. • Habitat Restoration and Protection to adapt to or mitigate climate change, including nature-based infrastructure. 	18
<p><u>Alignment with OPCs Climate Change Program’s Key Documents</u></p> <p>Applicant demonstrates that the project is aligned and consistent with OPC Climate Change Program’s key documents, and with local planning efforts, such as climate mitigation and adaptation plans, Local Coastal Programs, Local Hazard Mitigation Plans, or other related planning efforts, as applicable (7 points). A list of relevant key documents will be included for in the solicitation.¹³</p>	7
Total Possible Points	
25	

ADDITIONAL SCORING CRITERIA FOR COMMUNITY ACCESS PROPOSALS (CHAPTERS 9 & 10 FUNDING)	
Criteria	Points
<p><u>Alignment with OPC Priorities for Community Access funding</u></p> <p>Applicant demonstrates how the proposed project will provide access to the ocean for California communities, and how the project aligns with the specific priorities outlined in the solicitation. Proposals receive up to 18 points for the project’s direct relevance to the specific priorities outlined in the solicitation. Examples of community access projects include, but are not limited to, construction of infrastructure to make the coast accessible, ensuring recreation sites can adapt to climate change, and developing curriculum or purchasing equipment needed for citizen science experiences.</p>	18
<p><u>Alignment with General Obligation Bond Law</u></p> <p>Applicant demonstrates how the proposed project meets the requirements of General Obligation Bond Law, Government Code §16727. Specifically, how the project will provide capital assets with a useful life of 10 years or more.</p>	7
Total Possible Points	
25	

Section 6. Grant Agreement

6.1 Grant Agreement Overview

Once the Council has approved a grant at a public meeting, OPC staff will prepare a grant agreement setting forth the terms and conditions of the grant. The grantee must sign the grant agreement and comply with the conditions therein to receive funds. Execution of the award agreement may take up to three months after approval of the award by the Council.

All funding is contingent upon appropriation, and applicants acknowledge through the submission of an application that no vested right or other entitlement, either implied or express, is created as a result of execution of the grant agreement or any amendment thereto. Prior to the completion of project construction (or project completion as described in a fully executed agreement), either party may terminate the Grant Agreement by providing the other party with thirty (30) days written notice of such termination. The State may also terminate the Grant Agreement for any reason at any time if it learns of or otherwise discovers that there are allegations supported by some reasonable evidence that a violation of any state or federal law or policy by the Grantee or the grantees have performed unsatisfactorily which affects performance of this or any other Grant Agreement or contract entered into with the State. Grant agreements are not executed until signed by both the authorized representative of the grant recipient and OPC. Work performed prior to an executed grant agreement will not be reimbursed.

6.2 Typical Grant Agreement Conditions

Following Council's approval of a grant, staff will prepare a grant agreement with detailed conditions specific to the project. The grant agreement must be signed by the grantee before funds will be disbursed. Several typical grant agreement provisions may include:

- Actual awards are conditional upon funds being available from the state.
- Grantees must submit a detailed project work program and budget.
- Grant funds will only be paid in arrears on a reimbursement basis (the grantee pays for services, products or supplies, submits and invoice that must be approved by the grant manager, and is then reimbursed by OPC), unless grantees qualify for advanced payments as described in Section 2.8.
- Generally, OPC will only allow total grant administration costs (including indirect costs and overhead) up to 15 percent of the whole grant amount.¹⁴
- Grantees may be required to reimburse OPC for some or all of the disbursed grant funds if the project is not completed.
- Grantees must have liability insurance.
- Typically, 10 percent of each invoice will be withheld to ensure timely completion of all grant deliverables. The last remaining 10 percent will be paid upon confirmed receipt of all grant deliverables.
- Grantees are typically responsible for operation, maintenance and monitoring of completed projects for at least 10 years, more often 20-30 years. Term will be specified in project grant agreement.

All OPC grantees should expect to be audited by the State of California. It is the grantee's responsibility to maintain all necessary records to substantiate and document all payments made pursuant to an OPC grant

¹⁴ See the OPC Prop 68 webpage (<http://www.opc.ca.gov/prop-68-funding/>) for OPC General Conditions and Budget Guidelines for Grantees, which are incorporated by reference into these grant guidelines.

(see Appendix E). If a grantee cannot provide adequate records when it is audited, the grantee may be required to repay grant funds. See Appendix E for additional state auditing requirements (refer to CWC §79708(b-c)). The Grant Agreement describes these and other requirements in greater detail and will be the project's controlling document. If there are any questions about the Grant Agreement, discuss them with the OPC Project Manager. Close review of and compliance with the Grant Agreement is essential and is the grantee's responsibility.

6.3 Waiver of Sovereign Immunity

For the limited purpose of enforcing any grant agreement developed pursuant to these guidelines, the governing entity of the Tribal government that has the authority to expressly waive immunity will be asked to approve a Waiver of Sovereign Immunity acceptable to OPC before entering into a grant agreement.

6.4 Land Tenure and Site Control

The State recognizes that specific activities may change over time; however, all uses on the project property must remain compatible with the OPC Prop 68 Grant Program in accordance with the following requirements below.

Acquisition Projects

The grantee or grantee's successor in interest shall hold the real property in perpetuity only for the purpose for which the grant was made and make no other use or sale or other disposition of the property without the written permission of the State.

Development projects

The grantee shall be required to maintain and operate the property developed pursuant to this grant for a period of:

- a. Up to 10 years for grants up to \$100,000
- b. At least 20 years for grants up to \$1 million
- c. At least 25 years for grants over \$1 million

All projects

- A document must be recorded against the real property that defines the State's interest in the property whether the grantee owns the property or not. Exceptions may be granted as appropriate and at the sole discretion of the State. A copy of the full grant terms and conditions may be obtained by contacting our office.
- The grantee shall not use or allow the use of any portion of the real property for mitigation (i.e., to compensate for adverse changes to the environment elsewhere) without the written permission of the State.
- The grantee shall not use or allow the use of any portion of the real property as security for any debt.
- With the approval of the State, the grantee or the grantee's successor in interest in the property may enter into an agreement with another party to maintain and operate the property in accordance with this program. At a minimum, the agreement must do the following:
 1. Clearly spell out the roles of each party in detail;
 2. Be signed by both parties signifying their acceptance;
 3. Not terminate prior to the length of site control/land tenure required by the grant agreement (only agreements that allow early termination for cause or by mutual consent will be acceptable);and

4. Include language that the grantee would resume responsibility for ongoing operations and maintenance in the event of cancellation.

- Grantee may be excused from its obligations for operation and maintenance of the project site only upon the written approval of the State for good cause. "Good cause" includes, but is not limited to, natural disasters that destroy the project improvements and render the project obsolete or impracticable to rebuild.

Applicants for projects conducting on-the-ground work must submit documentation showing that they have adequate tenure to, and site control of, the properties to be improved or restored.

Proof of adequate land tenure includes, but is not necessarily limited to:

- Fee title ownership.
- An easement or license agreement.
- Other legally enforceable license and agreement between the applicant and the fee title owner, or the owner of an easement in the property, sufficient to give the applicant adequate site control for the purposes of developing the project and long-term management.
- For projects involving multiple landowners, all landowners or an appointed designee must provide written permission to complete the project.

When an applicant does not have tenure at the time of proposal submission, but intends to establish tenure via an agreement that will be signed upon grant authorization, the applicant must submit a template copy of the proposed agreement, memorandum of understanding (MOU), or permission form at the time of proposal submission. Once a project has been awarded, the applicant must submit documentation of land tenure before a complete grant agreement can be executed and any funding can be expended.

OPC shall have access to the project site at least once every twelve months from the start date of the grant for the appropriate term negotiated prior to grant execution (see Section 6.4 above on Land Tenure and Site Control). This includes a final inspection of the project where OPC will determine if the work is consistent with the approved project scope and ensure compliance with the signage requirements.

Section 7. Additional Requirements

7.1 Additional Information

OPC understands that some projects will inherently have associated adverse environmental impacts (in particular, during a construction phase). However, projects are expected, to the extent feasible, to reduce greenhouse gas emissions as well as any other negative environmental impacts from the project itself. Although this is not a scored category, it is a **high priority** for OPC.

7.2 California Conservation Corps

Division 45 of the Public Resources Code, Chapter 1, §80016 states that: “To the extent feasible, a project whose application includes the use of services of the California Conservation Corps or certified community conservation corps, as defined in Section 14507.5, shall be given preference for receipt of a grant under this division.” OPC encourages the use of Conservation Corps or certified community conservation corps (collectively, “the Corps”) whenever feasible when implementing restoration and ecosystem protection projects. Applicants should consult with CCC when preparing their application and may use the Proposition 68 process to engage CCC consultation. See the OPC Prop 68 webpage for the appropriate consultation forms.¹⁵

7.3 Signage

To the extent practicable, projects funded by Prop 68 should include signage informing the public that the project received funds from OPC and from the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018 and should display the official Prop 68 logo as well as the official OPC logo (PRC § 80001(b)(3)). All Signage must be compliant with CEQA as well as all relevant environmental laws. These requirements will be addressed in the grant agreement. See the OPC Prop 68 webpage for additional guidance about signage.¹⁵

7.4 Project Monitoring and Reporting

All grant applications must include a monitoring and reporting component that explains how the effectiveness of the project will be measured and reported. The plan should include a list of project specific performance measures that will be used to assess project outcomes/trajectories, and should provide sufficient detail of how these performance measures will be quantified and assessed to allow an evaluation of the effectiveness of the proposed action(s) at achieving the stated objectives. Each proposal must also include a description of the processes through which data will be collected, stored, managed in the long term if applicable, and disseminated to participants, stakeholders, public, and the State. Data may include, but are not limited to, technical information such as designs, feasibility studies, reports, and information gathered for a specific project in any phase of development including the planning, design, construction, operation, and monitoring of a project.

Data and Metadata

All project applicants should identify in their proposal any statewide data management system(s) their data may be integrated into and through what mechanisms that will occur. Data and associated metadata must

¹⁵ The applicant resources included on the OPC Prop 68 webpage (<http://www.opc.ca.gov/prop-68-funding/>) are incorporated by reference into these grant guidelines; applicants are required to use these resources when preparing their applications.

be delivered to OPC before or as part of completion of the project.¹⁶ The California Natural Resource Agency (CNRA) open data platform¹⁷ will serve as the formal vehicle for delivery of all data associated with funded projects. OPC retains the right to request that grantees upload their data and metadata to other open data systems, as appropriate. Final project payment will not be made until data and metadata have been received. If alternate methods are going to be used that do not allow the integration of data into existing statewide systems, a thorough explanation of the reason for this should be provided. Additional specifications concerning data management and quality assurance/quality control may be stipulated within each solicitation.

All projects should employ a standardized reporting protocol, which will be developed following project selection with awarded applicants, and with guidance from OPC. Data deliverables may include still or video images, text reports, databases, spreadsheets, maps, and GIS layers. We anticipate that projects may develop multiple data deliverables, and each should be clearly identified in the proposal. Sufficient metadata should also be provided to fully describe the data, collection methods, and reporting structure. At minimum, all Grantees will be required to provide periodic progress reports and a final report. Specific guidance on performance measures, data management, reporting and monitoring requirements desired by OPC or required by law will be provided in each solicitation or the grant agreement. The monitoring and reporting component will vary depending on the nature of the project. The grant application evaluation will assess the robustness of the proposed monitoring program. In addition, OPC staff will work with grantees to develop appropriate monitoring and reporting templates and procedures.

Upon delivery to OPC and thereafter, all data and metadata will be available to the public and other researchers in accordance with confidentiality and sensitive information protection practices described below. Investigators, however, will retain the right to publish results before and after project completion. Project data may be used to support additional analyses of other concurrent projects, and may be included or summarized in subsequent reports and other materials, in print and/or electronically.

Confidentiality

Where privacy issues or other sensitivities will or may arise, these must be noted explicitly in project proposals, along with a proposed remedy to enable delivery of data with appropriate accommodations to account for the sensitivity. This may include, for example, delivering data only to OPC and under protection of a signed nondisclosure agreement, or developing a protocol to anonymize observations as needed to enable sharing collected data with researchers and government agencies. Confidentiality is especially important to consider when working with socioeconomic information (i.e., produced through interviews with fishermen), locations of Native American cultural places (i.e., gathered through traditional ecological knowledge), and locations of populations of protected or sensitive organisms (i.e., noted during field surveys). Applicants should include a description of their anticipated method for protecting confidential and/or sensitive information, if relevant to their proposed project.

¹⁶ OPC's current data and metadata standards are available here:

http://www.opc.ca.gov/webmaster/_media_library/2017/04/DataMetadataStandards_Jan2017-1.pdf, these standards are currently being updated to align with the CNRA open data platform. OPC staff will provide Grantees with the most current data and metadata standards.

¹⁷ Available at <https://data.cnra.ca.gov>.

7.5 Carbon Offset Projects on Acquired or Restored Lands

Assuming there is some right or interest associated with the absorption by plants of carbon dioxide or other greenhouse gas emissions from the atmosphere, and its conversion to carbon stored in trees, sediment, water, and other vegetation and associated roots, surface duff, and organic elements in the soil, such rights or interest shall remain with the Property being restored or acquired through this program, (hereafter "Reserved Rights/ Interests"). OPC prefers and shall assume in the absence of information in a competitive application that Grantee shall take title to or otherwise acquire such rights or interests, and will then immediately retire all such Reserved Rights or Interests associated with or connected to Property or Restoration Project. However if they have stated such an intent in their original application, Grantees or any authorized successor in interest, may, during development of a written grant agreement, seek written permission from the Executive Director to create, own, hold, sell, exchange, transfer, trade, or gift any or all of the rights to carbon offset credits or Climate Reserve Tonnes (CRTs) issued by a third party entity such as the Climate Action Reserve, the Air Resources Board, or any other ecosystem service provider, or any or all similar rights that may exist now or in the future, that are appurtenant to or associated with the Property and attributable to the Reserved Rights ("Carbon Credits").

The exchange of Carbon Credits creates issues of additionality, as well as the potential for private gain from publicly funded grant projects, among other things. OPC anticipates granting funds to acquire property or develop projects that include carbon sequestration benefits as one co-benefit, hence the requirement that any such potential rights or interests be obtained with site control and retired thereafter. Accordingly, the Executive Director reserves the right to approve carbon projects on lands funded or improved with Proposition 68 funds, and reserves the right to condition the use of revenue from those projects by grantee or grantee's successors in interest for the ongoing management and operation of the Property or the Project funded by OPC. Such carbon projects, and the requirements that the funds go back into the management of the Property or Project, will be expressly stated in conservation easement or other appropriate instrument, and is only allowable where to do so would not otherwise hinder the overall Project's or Acquisition's competitive standing, and where such rights or interests are not part of the underlying program's anticipated conservation activity. In such cases the Executive Director reserves the right to direct that revenues generated by the sale or transfer of Carbon Credits must be deposited back into a non-wasting trust for the benefit of ongoing management and operation of the Property being acquired or restored with grant dollars, and for any other exchange of value, the Executive Director will be required to certify that the Reserved Rights have been exchanged in proportional benefit to the Property or Project, and acceptable documentation must be provided that illustrates how the development of Carbon Credits for offsets is a result of management additional to the conservation planned for and underlying the benefit of the grant. Where appropriate, the Executive Director may, in addition to seeking a non-wasting trust for ongoing operation and management, request that the Grantee or its successor in interest, repay the grant at the legal rate of interest as dictated by the Office of the Treasurer. This repayment shall not result in abandonment or quitclaim of any associated conservation easement acquired through the OPC program. In such instances where permission has been obtained for the sale of Carbon Credits, Grantee or its successor in interest shall ensure that the terms and conditions of all conservation easements incorporate the requirement for such potential proceeds to benefit the Property, and articulate that Reserved Rights/Interests that have been converted into Carbon Credits are encumbered by the easement.

7.6 Stormwater or Dry Weather Runoff Capture Projects

[SB 985](#), the Storm Water Management Planning Act of 2014, requires that a project be included in a Stormwater Resource Plan (SWRP) as a condition of receiving grant funds for stormwater or dry weather runoff capture projects. Applicants requesting Prop 68 funding for a stormwater or dry weather runoff

capture project should identify which SWRP covers the project and provide a SWRP concurrence letter from the State Water Resources Control Board. The State Water Resources Control Board's web page with approved SWRPs and SWRP Guidelines is available here:

https://www.waterboards.ca.gov/water_issues/programs/grants_loans/swrp/. These requirements do not apply to disadvantaged communities that meet the condition in [Water Code section 10563\(c\)\(2\)\(B\)](#).

Appendices

Appendix A: OPC Proposition 68 language from Chapters 9 and 10

CHAPTER 9. Ocean, Bay, and Coastal Protection

80120.

The sum of one hundred seventy-five million dollars (\$175,000,000) shall be available, upon appropriation by the Legislature, to fund projects that enhance and protect coastal and ocean resources, as follows:

(a) The sum of thirty-five million dollars (\$35,000,000) shall be available for deposit into the California Ocean Protection Trust Fund for grants consistent with section 35650. Priority shall be given to projects that conserve, protect, and restore marine wildlife and healthy ocean and coastal ecosystems with a focus on the state's system of marine protected areas and sustainable fisheries.

CHAPTER 10. Climate Preparedness, Habitat Resiliency, Resource Enhancement, and Innovation

80130.

The sum of four hundred forty-three million dollars (\$443,000,000) shall be available, upon appropriation by the Legislature, as competitive grants for projects that plan, develop, and implement climate adaptation and resiliency projects. Eligible projects shall improve a community's ability to adapt to the unavoidable impacts of climate change, improve and protect coastal and rural economies, agricultural viability, wildlife corridors, or habitat, develop future recreational opportunities, or enhance drought tolerance, landscape resilience, and water retention.

80131.

In implementing section 80130, special consideration may be given to the acquisition of lands that are in deferred certification areas of local coastal plans.

80133.

(a) Of the amount made available pursuant to section 80130, forty million dollars (\$40,000,000) shall be available for deposit into the California Ocean Protection Trust Fund, established pursuant to section 35650, for projects that assist coastal communities, including those reliant on commercial fisheries, with adaptation to climate change, including projects that address ocean acidification, sea level rise, or habitat restoration and protection, including, but not limited to, the protection of coastal habitat associated with the Pacific Flyway.

(b) Thirty-five percent of the amount available pursuant to this section shall be available to the San Francisco Bay Area Conservancy Program (Chapter 4.5 (commencing with Section 31160) of Division 21).

(c) Twelve percent of the amount available pursuant to this section shall be available to the State Coastal Conservancy to fund a conservation program at West Coyote Hills.

(d) The remainder of the amount available pursuant to this section shall be available pursuant to section 31113.¹⁸

¹⁸ Section 80133(d) defines the amount available to OPC.

Appendix B: Chapter 1 of Proposition 68 – Relevant Definitions (PRC §80002)

“Community access” means 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.

“Interpretation” includes, but is not limited to, a visitor-serving amenity that enhances the ability to understand and appreciate the significance and value of natural, historical, and cultural resources and that may utilize educational materials in multiple languages, digital information, and the expertise of a naturalist or other skilled specialist.

“Disadvantaged community” means a community with a median household income less than 80 percent of the statewide average.

“Protection” means those actions necessary to prevent harm or damage to persons, property, or natural, cultural, and historic resources, actions to improve access to public open-space areas, or actions to allow the continued use and enjoyment of property or natural, cultural, and historic resources, and includes site monitoring, acquisition, development, restoration, preservation, and interpretation.

“Restoration” means the improvement of physical structures or facilities and, in the case of natural systems and landscape features, includes, but is not limited to, projects for the control of erosion, stormwater capture and storage or to otherwise reduce stormwater pollution, the control and elimination of invasive species, the planting of native species, the removal of waste and debris, prescribed burning, fuel hazard reduction, fencing out threats to existing or restored natural resources, road elimination, improving instream, riparian, or managed wetland habitat conditions, and other plant and wildlife habitat improvement to increase the natural system value of the property or coastal or ocean resource. Restoration also includes activities described in subdivision (b) of section 79737 of the Water Code. Restoration projects shall include the planning, monitoring, and reporting necessary to ensure successful implementation of the project objectives.

“Severely disadvantaged community” means a community with a median household income less than 60 percent of the statewide average.

Appendix C: Links to OPC Key Documents and Other Useful Web Links

OPC Key Documents

Please note that the key documents below are provided as a reference in this appendix. OPC will provide access to key documents that are guiding its funding decisions for specific topic areas in the solicitations released under Prop 68.

2016 Master Plan for MPAs: <https://www.wildlife.ca.gov/Conservation/Marine/MPAs/Master-Plan>

2018 California Ocean Litter Prevention Strategy:

http://www.opc.ca.gov/webmaster/_media_library/2018/06/2018_CA_OceanLitterStrategy.pdf

2018 Marine Life Management Act Master Plan for Fisheries:

<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=159222&inline>

California Collaborative Approach: MPA Partnership Plan:

http://www.opc.ca.gov/webmaster/ftp/pdf/docs/mpa/APPROVED_FINAL_MPA_Partnership_Plan_12022014.pdf

California Ocean Protection Act: <http://www.opc.ca.gov/california-ocean-protection-act/>

California OPC Strategic Plan: <http://www.opc.ca.gov/about/>

California's 2017 Climate Change Scoping Plan:

https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf

California's Fourth Climate Change Assessment Coast and Ocean Summary Report:

<http://www.climateassessment.ca.gov/state/docs/20180827-OceanCoastSummary.PDF>

Coastal Sediment Management Key Documents: <http://www.dbw.ca.gov/csmw/>

Conserving California's Coastal Habitats: A Legacy and a Future with Sea Level Rise:

<http://coastalresilience.org/project/conservation-assessment/>

Executive Order B-30-15 on greenhouse gas reductions: <https://www.gov.ca.gov/news.php?id=18938>

Exploring Aquatic Vegetation as an Ocean Acidification Management Tool in California:

<http://www.oceansciencetrust.org/wp-content/uploads/2018/01/OA-SAV-emerging-findings-report-1.30.18.pdf>

Harmful Algal Blooms and California Fisheries: <http://www.oceansciencetrust.org/wp-content/uploads/2016/11/HABs-and-CA-Fisheries-Science-Guidance-10.25.16.pdf>

http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB1263

Marine Life Management Act: http://www.opc.ca.gov/webmaster/_media_library/2018/01/Marine-Life-Management-Act-MLMA-as-Amended-to-July-2004.pdf

Marine Life Protection Act: <https://www.dfg.ca.gov/marine/pdfs/revisedmp0108a.pdf>

MOU For Implementation of the California Marine Life Protection Act:

http://www.opc.ca.gov/webmaster/_media_library/2016/08/151104-FINAL-MPA-implementation-MOU_scannedsig.pdf

MPA Collaborative and State of California Partnership Charge 2018:

http://www.opc.ca.gov/webmaster/_media_library/2018/04/MPA-Partnership-Charge-2018-00395527xA1C15.pdf

MPA Statewide Leadership Team Work Plan:

http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20150922/Item5_Attach2_MPALeadershipTeam_Workplan_FINALv2.pdf

Ocean-Climate Action Agenda: https://www.oceanclimateaction.org/wp-content/uploads/Ocean-Climate-Action-Agenda_FINAL_8.16.18-2.pdf

Readying California Fisheries for Climate Change: http://www.oceansciencetrust.org/wp-content/uploads/2016/06/Climate-and-Fisheries_GuidanceDoc.pdf

Safeguarding California Plan: <http://resources.ca.gov/climate/safeguarding/>

Senate Bill 1263: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1263

Senate Bill 379: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB379

State of California Ocean Acidification Action Plan: <http://www.opc.ca.gov/oa-action-plan/>

State of California Sea-level Rise Guidance:

http://www.opc.ca.gov/webmaster/ftp/pdf/agenda_items/20180314/Item3_Exhibit-A_OPC_SLR_Guidance-rd3.pdf

West Coast Ocean Acidification and Hypoxia Science Panel: <http://westcoastoah.org/wp-content/uploads/2016/04/OAH-Panel-Key-Findings-Recommendations-and-Actions-4.4.16-FINAL.pdf>

Other Useful Web Links

The links below provide tools and resources that may assist with project development.

System for Online Application Review (SOAR): <https://soar.resources.ca.gov/>

SOAR FAQs: <http://resources.ca.gov/grants/wp-content/uploads/2017/01/SOARFAQs.pdf>

SOAR User Manual: http://resources.ca.gov/grants/wp-content/uploads/2017/01/SOAR_UserManual.pdf

Tribal Consultation: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB52
and http://resources.ca.gov/docs/tribal_policy/Final_Tribal_Policy.pdf

Online Tool for Identifying Disadvantaged and Severely Disadvantaged Communities:

<http://www.parksforcalifornia.org/communities>

Appendix D: Technical Assistance Resources

This page summarizes OPC staff technical assistance available to applicants.

To ensure a fair process, OPC staff will provide all applicants with correct and consistent guidance. All applicants are encouraged to access the following:

Application Webinars by OPC staff

For each round of funding, OPC staff will offer at least one webinar to give a page-by-page review of the solicitation and the requirements for applicants. Questions are encouraged to promote the exchange of ideas.

Access to Program Experts

OPC staff will strive to provide outstanding customer service to all applicants. Applicants are encouraged to call, email, or schedule in-person meetings when guidance is needed. A list of OPC staff on-point for each solicitation will be available on the Prop 68 webpage and will be included in the solicitation itself.

Assistance with Incomplete Application Documents

OPC staff may contact applicants to explain what corrections are needed to application materials and will provide a 7-day grace period to make corrections.

Strengths and Weaknesses

For projects that align well with the purposes of OPC's Prop 68 solicitation, but are not sufficiently developed to be awarded funding, OPC staff may provide technical assistance to assist applicants in further developing their project concepts. This type of assistance will be prioritized for projects that serve disadvantaged communities and severely disadvantaged communities.

Applicants that do not receive a grant award can also get "strengths and weaknesses" feedback based on the project selection criteria at the end of the round. This feedback may be useful to applicants if another round of funding is available in the future.

Grant Administration Workshop

Applicants who receive a grant award will attend a mandatory grant administration webinar. During the webinar, OPC staff will provide an in-depth review of OPC's grant administration requirements and will explain the forms necessary for reimbursement. OPC staff are also available to answer administrative questions through project completion.

Appendix E: State Auditing Requirements

The list below details the documents or records that State Auditors may need to review in the event of a grant agreement being audited. Grant recipients should ensure that such records are maintained for each State funded project. For additional details including specific audit tasks performed during a bond audit, see the California Department of Finance [Bond Accountability and Audits Guide](#) and the Bond Audit Bulletins.¹⁹

State Audit Document Requirements Internal Controls:

1. Organization chart (e.g. grant recipient's overall organization chart and organization chart for the State funded project)
2. Written internal procedures and flowcharts for the following:
 - a. Receipts and deposits
 - b. Disbursements
 - c. State reimbursement requests
 - d. State funding expenditure tracking - guidelines, policies, and procedures on state funded projects
3. Audit reports of the Grant recipient's internal control structure and financial statements within last two years
4. Prior audit reports on State funded projects

State Funding:

1. Original grant agreement, any amendment(s) and budget modification documents
2. A list of all bond-funded grants, loans or subventions received from the State
3. A list of all other funding sources for each project

Agreements:

1. All subcontractor and consultant contracts and related documents, if applicable.
2. Agreements between the grant recipient, member agencies, and project partners as related to the State funded project.

Invoices:

1. Invoices from vendors and subcontractors for expenditures submitted to the State for payments under the grant agreement
2. Documentation linking subcontractor invoices to State reimbursement requests and related grant agreement budget line items
3. Reimbursement requests submitted to the State for the grant agreement

Cash Documents:

1. Receipts (copies of warrants) showing payments received from the State
2. Deposit slips or bank statements showing deposit of the payments received from the State
3. Cancelled checks or disbursement documents showing payments made to vendors, subcontractors, consultants, or agents under the grant agreement

Accounting Records:

1. Ledgers showing receipts and cash disbursement entries for State funding
2. Ledgers showing receipts and cash disbursement entries of other funding sources
3. Bridging documents that tie the general ledger to reimbursement requests submitted to the State for the grant agreement

Administration Costs:

1. Supporting documents showing the calculation of administration costs

Personnel:

1. List of all contractors and grant recipient staff that worked on the State funded project
2. Payroll records including timesheets for contractor staff and the grant recipients

Project Files:

1. All supporting documentation maintained in the files
2. All grant agreement related correspondence.

¹⁹ http://www.dof.ca.gov/Programs/OSAE/Prior_Bond_Audits/