



CALIFORNIA  
**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](#). 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](#) (Proposition 68, Prop 68) allocates funding to OPC for both competitive and discretionary grant programs. The competitive grant process is discussed in [Section 3 Grant Application Process](#) of these Guidelines, and the discretionary grant process is mentioned below under ‘Prop 68, Chapter 9.’

## 1.2 Proposition 68 Background

Prop 68 was approved by voters in June 2018, pursuant to Public Resources Code 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 below.

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;
- 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. OPC works collaboratively with other state and federal agencies, tribes, non-governmental organizations (NGOs) partners, scientists, and other partners to develop, fund, and implement projects that address critical needs for the state through both competitive and discretionary processes. Projects funded through OPC’s discretionary process are still subject to compliance with these Guidelines, where applicable.<sup>1</sup>

**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 a percentage of the funds provided to OPC from each chapter be allocated to projects that benefit severely disadvantaged communities (SDAC), disadvantaged communities (DAC), and specific types of community access projects, as follows:

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<sup>1</sup> Discretionary projects are not subject to the competitive grant application and solicitation processes described in Sections 3.1 through 3.5 of these Guidelines. OPC may evaluate discretionary projects using the evaluation criteria in Section 3.5 for efficacy and alignment with OPC’s funding priorities.

- At least 15 percent of funds must be allocated towards projects that benefit SDACs. SDAC is defined as a community with a median household income less than 60 percent of the statewide average.
- Up to 10 percent of funds are allowed to be used for technical assistance to DACs. DAC is defined as a community with a median household income less than 80 percent of the statewide average. Funds used for providing technical assistance to DACs may exceed 10 percent of the funds allocated if OPC determines there is a need for additional funding.
- Up to 5 percent of funds are allowed to be used for community access projects, to the extent permissible under [General Obligation Bond Law](#).<sup>2</sup> “Community access” is defined as 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.<sup>3</sup>

Applicants may include technical assistance and community access opportunities within projects. To learn more about the Prop 68 technical assistance and community access programs, see [Sections 2.5 Technical Assistance](#) and [2.6 Community Access](#). Definitions of key terms from Prop 68 are available in [Appendix B](#).

### 1.3 Prior and Upcoming Rounds of OPC Proposition 68 Funds

OPC expended Prop 68 Chapter 10 funding through competitive solicitations in 2021 and 2023 focused on coastal resilience, with an exclusive solicitation in 2022 focused on ocean acidification and hypoxia. The first round of Prop 68 Chapter 9 funding was expended through a competitive solicitation in 2023 for projects focused on the role of marine protected areas in promoting climate resilience. **Building on the successes of these previous solicitations, these revised Guidelines are intended to reflect OPC’s commitment to increase equitable access to OPC funds by emphasizing Priority Populations and Communities for funding, updating scoring criteria, and improving clarity and accessibility within the Guidelines themselves.**

### 1.4 OPC’s Priorities for Proposition 68 Funding

OPC’s priorities for Prop 68 funding are projects that contribute to healthy coast and ocean ecosystems, while also improving community resilience to climate change and adaptation. Prop 68 projects must be aligned with [OPC’s Strategic Plan to Protect California’s Coast and Ocean 2020-2025](#) (Strategic Plan) and address the specific needs identified in individual grant solicitations. Outlined

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<sup>2</sup> Public Resources Code § 80008, subd. (c).

<sup>3</sup> Public Resources Code § 80002, subd. (b).

below are overarching priorities around project types, communities, and additional project characteristics that should be considered for Prop 68 funding.

## Project Priorities and Types

The types of tools and projects that will be prioritized for funding through Prop 68 will include, but not be limited to: scientific research, 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 monitoring,<sup>4</sup> and/or implementation projects that advance climate adaptation and resiliency; and projects that provide access to the coast through infrastructure, community science opportunities, and education. OPC will provide more detailed information on specific funding priorities in individual grant solicitations. Examples of project priorities and types are listed below, but are not comprehensive and may vary based on the Prop 68 chapter funds allocated for the solicitation.

### *Climate Change Adaptation and Resiliency*

- Minimize the adverse impacts of climate change, such as sea level rise and ocean acidification, on California communities, ocean ecosystems, coast and shoreline
- Support community-informed efforts to plan for and adapt to climate change impacts at local, regional, and statewide scales
- Allow for increased public access to, and enjoyment of, ocean and coastal resources, consistent with sustainable, long-term resiliency of those resources

### *Coastal Ecosystems, Biodiversity, and Marine Protected Areas*

- Inform efforts to conserve 30% of California’s coastal waters by 2030, including adaptive management and local stewardship of California’s Marine Protected Area Network
- Promote the long-term health and sustainability of marine fisheries and the communities that rely upon them
- Promote the protection and restoration of California’s coastal and marine ecosystems
- Reduce the negative impacts of land-based activity, including pollution, contamination, and plastic litter, on coastal and marine ecosystems, communities, and the state’s coastal and ocean economy

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<sup>4</sup> Planning and monitoring are defined as activities necessary for the successful design, selection, and implementation of projects funded under this grant program.

## Priority Populations and Communities

Prop 68 is intended to promote diversity and inclusion, and thus, encourages OPC to prioritize projects that provide benefits to DAC, SDAC, and diverse populations, particularly minority, low-income, and disabled populations, federally recognized and non-federally recognized California Native American tribes, and tribal communities. Public Resources Code section 80008 subd. (a)(2) requires at least 15 percent of available funds for Chapter 9 and Chapter 10 be allocated for projects serving severely disadvantaged communities, defined as a community with a median household income less than 60 percent of the statewide average. 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](#). Grant applicants must provide a map and written description of the project(s)' geographical proximity to specific disadvantaged communities.

Generally, OPC considers projects that are within a ½ mile of a Priority Community to be "near" the community, and prefers projects located within California coastal watersheds. Projects located outside of the community's geographic area may be eligible if the project strongly demonstrates community benefits and environmental improvements that benefit ocean and coastal health in alignment with OPC's Prop 68 funding priorities.

OPC prioritizes funding within communities most burdened by environmental, socioeconomic, and health inequities, including projects that demonstrate significant benefits to environmental justice communities<sup>5</sup> and California communities who have been historically and/or systemically excluded from decision-making processes.

All project applicants are encouraged to demonstrate how the project will additionally benefit Priority Populations and/or Communities. Recommended tools to determine whether the project benefits a Priority Population and/or Community are provided below:

- [California Communities Environmental Health Screening Tool - CalEnviroScreen \(CES\) 4.0](#)
  - CalEnviroScreen is a mapping tool developed by California Office of Environmental Health Hazard Assessment (OEHHA) on behalf of CalEPA that analyzes data on environmental, public health and socioeconomic conditions in California's census tracts to provide a clear picture of cumulative pollution burdens and vulnerabilities in communities throughout the state.

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<sup>5</sup> Environmental Justice Communities, defined in the OPC's [Equity Plan](#), are communities that are disproportionately impacted by environmental injustices and social inequities, that are environmentally- and economically-stressed and experience environmental health inequities which contribute to persistent environmental health disparities.

- [CalEnviroScreen Senate Bill 535 Disadvantaged Communities](#) identifies:
  - Census tracts receiving the highest 25 percent of overall scores in CalEnviroScreen 4.0.
  - Census tracts lacking overall scores in CalEnviroScreen 4.0 due to data gaps, but receiving the highest 5 percent of CalEnviroScreen 4.0 cumulative pollution burden scores.
  - Census tracts identified in the 2017 DAC designation as disadvantaged, regardless of their scores in CalEnviroScreen 4.0.
  - Lands under the control of federally recognized Tribes.
- [California Climate Investments Priority Populations](#) via the California Air Resources Board
- [Climate and Economic Justice Screening Tool](#) (CEJST) via the White House Council on Environmental Quality

Applicants are encouraged to describe how the project meets the above state and/or federal criteria for benefitting a Priority Population and/or Community, identify which important community need(s) the project addresses, and describe how the community need(s) addressed were determined. Where applicable, grantees will need to report on how the project benefits address identified community needs and must be designed to avoid further burdens (e.g., displacement of low-income disadvantaged community residents and businesses or increased exposure to toxins or other health risks).

### **Alignment with OPC Equity Initiatives**

OPC seeks projects that support effective engagement and collaboration across ocean and coastal work, as outlined in OPC’s [Equity Plan](#) and [Tribal Engagement Strategy](#), such as but not limited to projects that are: community or tribally-led, co-stewarded, and/or integrate community-informed needs, decisions, cross-collaborative engagement and participation opportunities, capacity-building, technical assistance, access, workforce development, outreach and education. Additionally, projects are encouraged to expand the use of multilingual and culturally appropriate materials for public communications, and expand coordinated efforts to promote youth engagement and empowerment.

OPC will use its discretion to determine whether proposed projects meaningfully engage and provide benefits to Priority Communities and expects applicants to demonstrate how the proposed project provides direct benefits and opportunities to communities. To the extent practicable, projects receiving funds from Prop 68 may provide workforce education and training, job opportunities, and employ contractors from Priority Communities. To explore workforce development practices, see the State Coastal Conservancy’s Tips for [Equitable Workforce Development in Environmental Conservation Projects](#). For more information on specific criteria to demonstrate community benefits, please refer to [Section 3.5 Evaluation Criteria and Scoring for Proposals](#), and [Appendix E: Community Engagement Plan](#).



## Additional Project Characteristics

OPC requires all projects to include resilience to climate change and incorporate best available science whenever possible. Proposed projects must also include signage, acknowledgement, and/or other communication materials in accordance with [OPC's Signage and Communications Materials Guide](#). Additionally, Prop 68 funding is designed to prioritize projects that include the following characteristics, to the extent practicable:

- 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.
- Projects impacted by coastal sea level rise shall integrate the latest scientific research and knowledge, including use of the latest [State of California Sea Level Rise Guidance](#).
- Projects that leverage private, federal, or local match funding or produce the greatest public benefit will be ranked higher during scoring. Match funding is not required to receive Prop 68 funds and interested applicants are still encouraged to apply without match funding.
- Projects that have completed and/or demonstrated progress towards acquiring required permits, if applicable to the project type and scope. Note: Unless the scope of the proposed project requests grant funds for environmental assessments, technical studies, and/or permitting, certain projects (e.g. implementation and/or shovel-ready) are required to obtain the necessary permits to implement the project prior to disbursal of grant funds.
- 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. See [Section 4.7 Stormwater or Dry Weather Runoff Capture Projects](#) for associated requirements.
- Project applications that use the services of the California Conservation Corps or certified conservation corps to implement (see [Section 4.2 California Conservation Corps](#)).
- To the extent practicable, OPC will measure greenhouse gas emissions reductions and carbon sequestration associated with projects that receive funding, pursuant to Public Resources Code section 80001, subd. (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 [California Natural and Working Lands Carbon and Greenhouse Gas \(CALAND\) model](#) to calculate carbon sequestration and greenhouse gas reductions.

# 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 Prop 68 funding through both discretionary and competitive processes. These Guidelines identify the additional project requirements and evaluation processes applicable to Prop 68-funded projects. The Guidelines are adopted pursuant to Public Resources Code section 80010 and are updated periodically. Relevant Prop 68 language and key definitions can be found in [Appendix A](#) and [Appendix B](#).

OPC complied with the requirements of Public Resources Code section 80010 in developing the original Prop 68 Grant Guidelines by holding public workshops throughout the state in 2019 for public review and comment.<sup>6</sup> The 2024 Guidelines revision will conduct public outreach virtually to solicit public feedback, including providing an informational webinar, hosting office hours, and using email to collect written and oral comments and questions.

## 2.2 Applicant Eligibility

Funds can be awarded to public agencies (including local, state, and federal), public or private universities, nonprofit organizations, including community-based organizations, NGOs, private entities, federally recognized and non-federally recognized California Native American tribes, and tribally-led entities located in California. 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

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<sup>6</sup> In 2019, OPC posted draft Grant Guidelines 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 those 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.

grant. The applicant should address the following organizational capacity and expertise elements, including but not limited to:

- Capacity to manage a state award, including fiscal system and staff dedicated to financial operations;
- Ability to address cash flow processing of reimbursement payments. Grantees implementing projects that benefit Priority Populations and/or Communities may be eligible for a small fund advancement. Please see “Advanced Payments” below for details. Aside from the “advanced payments” exception, OPC provides funds on a reimbursement basis, and withholds 10 percent 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. For more information, see [OPC’s Budget and Invoicing Guide](#);
- Proof of qualified staff or contractors to carry out the project activities;
- The applicant’s governance structure, operating procedures, and the commitment to see the project to completion.

Please refer to [Section 2.5 Technical Assistance](#) for applicant capacity and support for DAC, SDAC, tribes, and other Priority Populations and Communities.

## Advanced Payments

For grants awarded for projects that serve a DAC or SDAC, or otherwise benefit tribes or a [Priority Population and/or Community](#), OPC may provide advanced payments of up to 25 percent 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 benefitting a Priority Community as described in [Section 1.4 OPC’s Priorities for Proposition 68 funding](#), and must meet additional requirements regarding the use of advanced payments, as will be specified by OPC. Grantees must demonstrate the work was completed and provide supporting documentation that all funds were expended prior to requesting a subsequent advance payment. Advances cannot be used for in-house labor or personnel costs.

## California Native American Tribes

As mentioned in [Section 2.2](#) above, both federally-recognized and non-federally recognized California Native American tribes, as well as tribally-led entities located in California, are eligible to apply for

funding under Prop 68.<sup>7</sup> OPC encourages California Native American tribes and tribally led entities to submit eligible projects for consideration. Applications may be submitted on behalf of inter-tribal consortium, tribal conservation districts, or by a non-tribal entity that is partnering and co-developing the project in partnership with a California Native American tribe. Such applications must show a California Native American tribe(s) is actively partnering with and supporting the application through a signed letter or resolution from the tribe(s) and describe how the project will serve and/or benefit the supporting tribe(s) and community.

OPC will ask tribes to confirm in writing if the inter-tribal consortium, tribal conservation district, partnership, or non-tribal entity has been authorized to submit an application on behalf of the tribe(s).

Additionally, OPC prioritizes open, inclusive, and regular engagement with California Native American tribes. Applicants should conduct early and meaningful outreach and/or consultation, where applicable for government applicants, with local tribes while developing project proposals and should strive to include local tribal communities in project work. Depending on the nature of the project and potential impacts to tribes, formal government-to-government consultation may need to be pursued. Applicants are encouraged to review the [OPC Tribal Engagement Strategy](#) for additional context and guidance on tribal engagement.

## Conflict of Interest

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 grant 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. 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 section 1090 and Public Contract Code sections 10365.5, 10410, and 10411.

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<sup>7</sup> Federally recognized tribes must provide evidence of inclusion in the annually published federal register from the Secretary of the Interior pursuant to 25 Code of Federal Regulations, Part 83, Section 104 of the Federally Recognized Indian Tribe List Act of 1994. Non-federally recognized tribes must apply through a qualified 501(c)(3) organization and provide an IRS 501(c)(3) determination letter or printout from the IRS tax-exempt organization search tool on the official IRS website, see <https://apps.irs.gov/app/eos/>.

## 2.3 Project Eligibility and Timing

Prop 68 funds must be spent consistent with the General Obligation Bond Law, Government Code section 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 OPC’s Priorities for Proposition 68 funding](#) 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, and other vulnerable communities, 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. To be competitive, projects must demonstrate how the criteria listed in [Section 3.5 Evaluation Criteria and Scoring for Proposals](#) are met.

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.

## Project Budget Amounts

OPC will define project minimums and maximum amounts in individual grant 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.

## 2.4 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 that are not consistent with or do not directly address the grant solicitation 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; and
- Projects that do not inform or promote improved state management or protection of coastal and ocean resources.

## 2.5 Technical Assistance

OPC may use Prop 68 funds to support technical assistance to DAC, SDAC, California Native American tribes, and other Priority Populations and/or Communities, as described in [Section 1.4 OPC's Priorities for Proposition 68 funding](#), given needs are justified. OPC will consult with local community representatives, tribes, and other community members to obtain guidance on how to use technical assistance funds in the most impactful and effective way. Technical assistance to 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;
- Assistance to promote meaningful community 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; and
- Education for DAC, SDAC, tribes, and other Priority Populations and/or Communities consistent with the purposes of OPC's Prop 68 funding.

Additional information about applicable technical assistance projects will be provided in individual grant solicitations. Additionally, OPC staff will provide assistance to applicants during the solicitation process. For more information on the assistance provided by OPC staff, please see [Appendix C: Technical Assistance Resources](#).

## 2.6 Community Access

OPC may use funding from Prop 68 on community access projects. Applicants applying for Prop 68 funding for community access should develop multi-benefit projects that enhance community access. Community access projects include: equitable access to the ocean coast and shoreline, coastal trails, transportation, physical activity programming, resource interpretation, education, multilingual translation, and communication related to water, parks, climate, coastal protection, and other outdoor pursuits. 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 community science and recreational experiences; and

- Developing curriculum for environmental education that will be used for at least 10 years.

## 2.7 Planning and Evaluation<sup>8</sup>

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. 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. Planning activities must be associated with or lead to capital assets and/or outlay, which typically means on-the-ground work, and include examples such as: feasibility and technical studies, environmental permitting, CEQA, and design/engineering plans.

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<sup>8</sup> In Prop 68, these funds are called out for “planning and monitoring.” To clarify this section, OPC is using the term “evaluation” instead of “monitoring” to avoid confusion with scientific monitoring of natural resources. Evaluation refers to information collection to determine the success of the project.

## Section 3. Grant Application Process

### 3.1 Project Solicitation and Proposal Timing

Solicitation periods for Prop 68 competitive grants will be posted on the [OPC website](#) and announced via social media and OPC's email listserv, which has more than 3,000 subscribers. OPC may elect to solicit targeted proposals for specific types of projects in individual grant solicitations, and may release multiple solicitations on focused priorities around the same time. Grant schedules will be found within the individual grant solicitations.

The timing of grant rounds or solicitation periods will also depend on budget allocations. Grant applications for the competitive grant program may be submitted during the solicitation periods only. Specific dates and deadlines will be provided when grant round solicitations are announced and circulated.

### 3.2 Overview of 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 the line items below. Grant 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.

- **Potential applicants research, obtain relevant permits as required, 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.
  - Potential applicants ensure that CEQA is completed (if required for the project) and that all required permits are obtained before the Council considers the project for funding at its meeting.
  - Applicants consult with OPC staff and seek matching funding (if needed).
- **Submittal of letter of intent (Only if required by individual grant solicitation)**
  - If required in the solicitation, applicants prepare and submit a letter of intent by the deadline provided in the solicitation. OPC and the review committee will use the letter of intent to determine project eligibility, as described in [Section 2. Program Purposes and Eligibility Requirements](#), 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/summary of the proposed project. Typically, OPC requests that it be no more than 5 to 8 pages of text, but specific page count will be determined in the grant solicitation. If the solicitation requires a letter of intent, the



solicitation will include a template letter of intent and instructions for potential applicants to use.

- **Preparation and submittal of full proposals**
  - If a letter of intent process was required for a solicitation, then only invited applicants will be asked to submit a full proposal.
  - Applicants must submit a complete proposal by the deadline identified in the solicitation or they will not be evaluated for funding. The solicitation will include a template proposal for applicants to use. Instructions for submitting a full proposal will be provided in the grant solicitation, and proposal submission is done electronically, typically by email. If email is infeasible, please contact OPC staff to arrange for other methods of electronic file transfer. No hard copies are required.
  - Proposals must contain a detailed work program, schedule, and budget for the project. See [Section 3.3 Submittal of proposals and required grant proposal elements](#) below for additional details on full proposal requirements.
- **Evaluation of proposals**
  - Proposals are reviewed by OPC staff and, where applicable, a review panel composed of technical experts, using the [Eligibility Criteria and the Evaluation Criteria from Section 3.5](#). 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.
- **Project recommendation to the OPC**
  - OPC 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.

All competitive proposals will be reviewed and scored in accordance with the final solicitation criteria and project priorities. OPC staff will determine the qualified proposals to recommend to the Council for funding and the amount of funding, taking into account the project's score relative to other eligible projects, the total amount of funding available for Prop 68 projects, the urgency of the project relative to the other eligible projects, OPC's specific solicitation priorities for Prop 68 funding, and OPC's Strategic Plan.

The State reserves the right to reject an applicant during the grant review period that is in violation of law or policy at any other public agency. Potential violations include, but 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 bring discredit to

the State, or failing to have all required licenses to perform the State functions. The State further reserves the right to reject any applicant who has a history of performance issues with past grants or other agreements with any public entity, including grantor.

### 3.3 Submittal of proposals and required grant proposal elements

More detail about grant proposal requirements will be provided in the individual grant solicitations that will be released following the adoption of these updated Guidelines.

Applicants must prepare to submit a thorough, **full proposal** including a detailed scope of work, schedule, and budget for the project in response to the grant solicitation. 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 subcontractors;
- Resumes or Curriculum Vitae of principal investigators or contractors, including previous projects that reflect sufficient aptitude in the project's focal area;
- If applicable, review of all environmental compliance and permitting requirements, and evidence that permitting is complete and/or in progress, dependent on the scope of the project ([Section 4.4 Environmental Documents and Permitting](#));
- Plans for monitoring and reporting the project consistent with [Section 4.5 Project Monitoring and Reporting](#);
- 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;
- If applicable, a community engagement plan that includes how applicants and partner organizations will work collaboratively and meaningfully with local tribes and/or community partners to design the project, communicate about the project's results, and/or ensure long-term maintenance of the project (see [Appendix E: Community Engagement Plan](#));
- Plans to 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. See [OPC's Signage and Communications Materials Guide](#) for guidance; and
- Consistency with, and a description of, how the proposed project supports implementation of relevant key policies and documents, including [web accessibility](#) requirements.

### 3.4 Evaluation of Proposals

Proposals will be reviewed and scored by a minimum of three professionals with relevant expertise. Reviewers may include state and federal agency staff and others with relevant expertise, including consultants, community partners/experts, and academic professionals. All reviewers other than OPC staff will be required to document that they do not have a conflict of interest in reviewing any proposals. Members of the review committee will be selected based on their knowledge of the priority topic areas described in the individual grant solicitation.

When evaluating project proposals, scores will be used to determine initial rankings and facilitate discussion among the review committee. To ensure a fair distribution of funds, the State may also consider factors such as geographic distribution of funds, previous grant performance, the likelihood of successful project implementation, and feasibility to accept partial funding.

Proposals will be evaluated and scored using the evaluation criteria in Section 3.5 below. Additional scoring criteria may be included in individual grant solicitations. After scores are collected, the review panel will meet to make their final recommendations. Only competitive solicitations will be scored.<sup>9</sup> Scoring information on all proposals will remain confidential. OPC retains full discretion in approving or disapproving projects and retains all rights to adjust these Guidelines at any point in time.

### 3.5 Evaluation Criteria and Scoring for Proposals

<b>SCORING CRITERIA FOR PROPOSALS</b>	<b>Points</b>
Alignment with Prop 68, OPC Priorities, and Key Policy Priorities in the Solicitation	30
Priority Community Benefits, Access, and/or Partnerships	25
Project Proposal Scope, Readiness, and Applicant Capacity	20
Project Methodology, Innovation, and Effectiveness	20
Leveraging of Funding Sources	5
<b>Total possible points</b>	<b>100</b>

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<sup>9</sup> OPC may evaluate discretionary projects using the evaluation criteria in Section 3.5 of these Guidelines for efficacy and alignment with OPC’s funding priorities.

## Alignment with Prop 68, OPC Priorities, and Key Policies Priorities in the Solicitation

Applicants are asked to characterize the problem as part of the project's need and provide a high-level description of the project itself. The problem characterization should include identifying and providing evidence of the problem or need for the project. Examples include providing evidence and description of a climate change resilience problem, or habitat and/or ecosystem degradation problem. The project description should identify how the project will address the needs or problems identified in the problem characterization. Additionally, the project description should identify what the project would accomplish, how it aligns with specific **OPC Priorities for Prop 68 funding**, relevant **key policies**, and any **multi-benefits** provided.

- OPC Priorities for Prop 68 funding are those described above in [Section 1.4 OPC's Priorities for Proposition 68 funding](#), and will be further elaborated in the specific grant solicitation. Refer to the grant solicitation priorities for details, as this may include explicit priorities designated for Chapter 9 and/or Chapter 10 funds.
- Key Policies, including the [OPC Strategic Plan](#), and other relevant key documents will be included in the grant solicitation. This may include, but not limited to, alignment with California's climate policies, adaptation strategies and actions, such as the latest [State of California Sea Level Rise Guidance](#), biodiversity initiatives, such as [30x30](#), and other policies related to ocean and coastal ecosystem health, including marine protected areas and sustainable fisheries.
- Multi-benefits may include, but are not limited to: how the project may generate greenhouse gas emission reductions or carbon sequestration benefits, improve ocean and coastal water quality, enhance coastal access and recreation, and provide training and local workforce opportunities. The applicant may also demonstrate how the proposed project addresses multiple issues of priority to OPC, as described in [Section 1.4 OPC's Priorities for Proposition 68 funding](#). To the extent practicable, OPC will require applicants to measure greenhouse gas emissions reductions and carbon sequestrations associated with the project.

## Priority Community Benefits, Access and/or Partnerships

Applicant clearly explains how the project directly benefits and meaningfully engages a **Priority Population and/or Community**, as described and using the criteria in [Section 1.4 OPC's Priorities for Proposition 68 funding](#). The project proposal should demonstrate how the project provides direct benefits, addresses community-informed needs, includes partnership opportunities, as well as identify and describe alignment with key equity initiatives, such as those outlined in OPC's [Equity Plan](#) and [Tribal Engagement Strategy](#). Where applicable, community benefits must be community-informed, intentional, and sustained.

Applicants shall identify which important significant need(s) the project addresses and describe how the community need(s) addressed were determined. Applicants will need to provide a map showing the distance and/or proximity to a DAC or SDAC using the [California State Parks Community FactFinder map viewer](#) and provide a written description of the project(s)' geographical proximity to specific disadvantaged communities. Applicants may identify additional Priority Communities using one or more of the online mapping tools described in the [Priority Populations and Communities](#) section of these Guidelines, and describe how the project meets the state/federal criteria for benefitting a Priority Population and/or Community.

**Priority Community Benefits:** Applicants shall identify and explain how the project provides direct benefits to Priority Populations and/or Communities, including but not limited to: improved health outcomes by reducing environmental pollution, burdens and/or harms, and addressing disparities; resilience to climate change impacts; biodiversity and ecosystem health; enhanced quality of life; removing hazards to create safer living conditions; improving access to nature, open space, including coastal access; economic vitality, such as local workforce development, training, job creation, career pathways, and other socio-economic benefits; and recreational educational opportunities and training, including youth development and community empowerment. Project proposals shall describe how benefits and opportunities are embedded within the project.

Prop 68 prioritizes projects that provide access to the ocean for California communities. Examples of **community access** projects include, but are not limited to, engagement programs, construction of infrastructure to make the coast or other natural or cultural resources accessible, ensuring recreation sites can adapt to climate change, and developing curriculum or purchasing equipment needed for community science experiences. For more information, see [Section 2.6 Community Access](#).

**Meaningful Engagement, Partnerships and Collaboration:** OPC seeks projects that support effective engagement, outreach, and collaboration approaches across ocean and coastal work, including creative approaches integrated within projects. **OPC encourages applicants to demonstrate collaboration across a broad range of partners, not limited to Priority Populations and/or Communities.** The applicant should clearly identify collaboration opportunities, where applicable, with government agencies and/or private entities, either in project research and/or implementation, or to inform the state's ocean management. Government agencies may include tribes, the California Conservation Corps or Local Conservation Corps. The applicant should also clearly identify collaboration opportunities with community, conservation, science, and/or fishing organizations, and other partners, as applicable. Private entities may include contractors, non-governmental organizations, community-based organizations, and local businesses.

Projects can demonstrate how effective engagement practices will improve project development and outcomes through collaborative partnerships, such as but not limited to: community-based organizations, colleges and universities, research organizations, including community science groups,

and local stakeholders, to include Traditional Ecological Knowledges, tribal expertise, local knowledge, social science, historical context, and lived experiences into ocean and coastal science, and research. Examples of effective engagement include but are not limited to: meaningful engagement and collaboration to inform the design of a project or research questions, direct support throughout the project, including technical assistance and capacity building, and other opportunities the project provides, such as participation and/or access to ocean/coastal planning, research, policy, programs, and decision-making.

The [Strategic Framework for Oceans and Human Health Community Outreach and Engagement](#) is a helpful framework that supports project proponents, including researchers, in defining levels of community engagement and in aligning partners, purpose, activities, and approaches intentionally in their engagement efforts.<sup>10</sup>

Grant solicitations will specify whether applicants are required to submit a detailed community engagement plan<sup>11</sup> within the **full proposal** that describes how applicants and partner organizations have collaborated with community partners to design/develop the project or research questions, how the project intends to communicate project information, findings, and results, and/or ensure long-term maintenance of the project. To help applicants understand what elements to consider for effective community engagement and determine alignment with key equity initiatives, refer to OPC's [Equity Plan](#), [Tribal Engagement Strategy](#), and [Appendix E: Community Engagement Plan](#), which serves as a template that OPC may use for a grant solicitation. For additional resources and best practices, see the State Coastal Conservancy [Tips for Meaningful Community Engagement](#) and the California Air Resources Board (CARB) [Community Engagement Resources webpage](#), which provides specific strategies for research-based projects. Individual grant solicitations will detail the community engagement plan requirements to be submitted with the full proposal, if/as applicable to the solicitation (e.g., length, elements of the plan).

## Project Proposal Scope, Readiness, and Applicant Capacity

The applicant shall include the following in the full project proposal:

- A detailed scope of work, budget, and schedule for the project, using the provided templates.

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10 Carson MA, Doberneck DM, Hart Z, Kelsey H, Pierce JY, Porter DE, Richlen ML, Schandera L, Triezenberg HA. [A Strategic Framework for Community Engagement in Oceans and Human Health](#). Community Sci. 2022.

11 Discretionary projects will be encouraged to consider community engagement approaches applicable to the project's scope, however OPC may not require a detailed community engagement plan for discretionary projects.

- A brief description of project readiness, including commitments from project partners, a status and timeline for design plans, CEQA compliance (if required), permitting, land access and tenure agreements, and property restrictions or encumbrances. Applicants should address the feasibility, or any limitations, of completing the project in the timeframe and with the budget requested.
  - The description of project readiness should include possible factors which could significantly delay the implementation and/or completion of the project and how these factors will be addressed (e.g., permitting delays, habitat seasonal restrictions, etc.).
- A description of the applicant’s capacity and the applicant or project team’s qualifications to complete the project.

### Project Methodology, Innovation, and Measuring Effectiveness

The applicant shall provide a description of the project methodology, innovative approaches, and how effectiveness will be measured. The applicant demonstrates how the project’s methods address multiple issues of priority to OPC, as described in [Section 1.4 OPC’s Priorities for Proposition 68 funding](#), and fulfill its stated goals and objectives in alignment with relevant state policies. Project proposals should address:

- How best available science or practices would be used as part of the project, including best available science on climate change and state climate change documents, such as the latest [State of California Sea Level Rise Guidance](#).
- How the project would inform and/or enable the state to better manage ocean and coastal ecosystems and resources.
- How project effectiveness will be measured or determined and reported over both the project implementation time period and over the long-term (up to 30 years).
- Any long-term plans for operations and maintenance, if applicable, including who will maintain the project, and how ongoing maintenance will be funded.

### Leveraging of Funding Sources

Leveraging of funding sources is not required to receive OPC Prop 68 funding, however priority will be given to projects that leverage private, federal, or local funding, or produce the greatest public benefit.

Applicants shall identify in-kind resources or leveraged funding being provided as match or leverage for the project. Local, federal, private funds or in-kind resources will be prioritized for match or leverage. Applicants should indicate whether these funds are already committed or are being pursued within the proposal.



### 3.6 Staff Recommendations

To fund as many high-ranking projects as possible, OPC staff may contact applicants to inquire about modifying project scope and budget. In concert with the professional review panel, OPC staff will determine which qualified proposals 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.

In addition, OPC staff has discretion to decide when individual projects will be brought to the Council for consideration, based on project readiness and alignment with Prop 68 and OPC's strategic priorities. Even projects that are likely to be brought forward with a positive staff recommendation for Council consideration may have outstanding permitting or design issues that must be resolved before a proposed grant can be recommended by staff to the Council.

It may take an average of six to nine months from full proposal submittal to Council approval and then an additional three months for execution of the award agreement.

### 3.7 Approval by Council

No grant shall be awarded unless the Council has approved the issuance of a grant at a public meeting in response to a staff recommendation for a grant. The Council typically holds four public meetings per calendar year. The meeting schedule will be published on [OPC's website](#). 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 grant award presented to the Council at a public meeting. The staff recommendation will describe the project and explain how the project is consistent with 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, if/when applicable to the proposed project.

### 3.8 Grant Agreement

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.

## Typical Grant Agreement Conditions

Following the 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 an invoice that must be approved by the grant manager, and is then reimbursed by OPC), unless grantees qualify for [advanced payments](#) as described above within [Section 2.2 Applicant Eligibility](#).
- Generally, OPC will only allow total grant administration costs (including indirect costs and overhead) up to 15 percent of the whole grant amount. There are exceptions for specific entities, such as the University of California or the California State University systems. For more information, see [OPC's Budget and Invoicing Guide](#).
- 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. The term will be specified in the project's grant agreement.
- All projects funded from Prop 68 will require using an OPC grant agreement template or California Model Agreement or AB20 form for California State University or University of California awardees. These Grant Guidelines will be incorporated into any projects using AB20 forms in 'Exhibit D' and will take precedence over AB20 and any other associated terms and conditions.

All OPC grantees should expect to be audited by the State of California. It is the grantee's responsibility to maintain all necessary records, including leveraged outside match funding, to substantiate and document all payments made pursuant to an OPC grant. If a grantee cannot provide adequate records when it is audited, the grantee may be required to repay grant funds. See [Appendix D](#) for additional state auditing requirements (refer to CWC section 79708, subd. (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.

## Waiver of Sovereign Immunity

Projects may require limited waivers of sovereign immunity and post project monitoring and reporting, which will be determined on a case-by-case basis and dependent on the type and scope of the project. OPC will strive to notify applicants early in the grant application review process if it is anticipated a limited waiver of sovereign immunity will be necessary. OPC is committed to working collaboratively with California Native American tribes on tailoring limited waiver of sovereign immunity terms and deed restrictions to support tribal priorities while also meeting the state's legal obligations.

## 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 OPC's 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:

- Up to 10 years for grants up to \$100,000
- At least 20 years for grants up to \$1 million
- 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 above on Land Tenure and Site Control). OPC may request a final inspection of the project to determine if the work is consistent with the approved project scope and ensure compliance with the signage requirements.

## Section 4. Additional Requirements

### 4.1 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.

### 4.2 California Conservation Corps

Division 45 of the Public Resources Code, Chapter 1, section 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 of 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 Prop 68 process to engage CCC consultation. If applicable, projects shall include collaboration opportunities with the Corps when describing project partnerships and collaboration. See the [OPC Prop 68 webpage](#) for the appropriate consultation forms required for proposal applications.

### 4.3 Signage, Accessibility, and Communications Materials

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 (Public Resources Code section 80001(b)(3)). All Signage must be compliant with CEQA, the Americans with Disabilities Act, as well as all relevant environmental laws. These requirements will be addressed in the grant agreement. Please refer to the [OPC’s Signage and Communications Materials Guide](#) for guidance about signage, accessibility compliance, acknowledgements, and other communications materials.

### 4.4 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 analysis and/or document, such as an environmental impact report, negative declaration, initial study, or whether a CEQA exemption applies. If applicable to the project type and scope, 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. OPC recognizes that depending on the project type and scope, such as for planning and/or research projects, projects may not require permitting or may be exempt. Documentation for such exemptions is still required to be provided in the application. The applicant is solely responsible for receiving and fulfilling all permitting requirements for project compliance, and proposals may include in their budgets the funding necessary for compliance-related tasks.

OPC staff will assess project status and readiness prior to bringing forth any recommendations for Council approval. Typically, projects that have fulfilled applicable and necessary environmental permitting, such as CEQA, or have provided necessary documentation of exemption, and/or progress towards meeting compliance, may be considered by OPC at a public meeting. However, OPC reserves the right to modify the design of the proposed project, require additional mitigation, and to ultimately find the project may not be consistent with Prop 68, and therefore remove it from the list of potentially eligible proposals for funding, should environmental permitting and/or documentation be incomplete or insufficient. Projects that are in the process of environmental permitting or request funding for compliance-related tasks, may apply, however, certain projects based on the type and scope (e.g. implementation and/or shovel-ready) are required to obtain the necessary permits to implement the project prior to disbursement of grant funds.

## 4.5 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 proposed project should include 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. If applicable, project proposals must also include a description of the processes through which relevant data will be collected, stored, managed in the long term, and disseminated to participants, partners, 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, including research-driven data, in any phase of development including the planning, scoping, design, and/or construction, operation, and monitoring of a physical or research-based project. Monitoring and reporting components are meant to support evaluation and effectiveness to determine the success of the project.

### Data and Metadata

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

associated metadata must be delivered to OPC during or as part of completion of the project.<sup>12</sup> OPC's [DataOne](http://opc.dataone.org) repository (opc.dataone.org) 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. If previously established data will be used during the project duration, all project applicants will establish and follow data sharing agreement requirements with an original entity, organization, or institution. 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. All awarded projects will follow the [OPC Budget and Invoicing Guide](#) to inform successful project implementation, following OPC grant requirements. Data deliverables may include still or video images, text reports, databases, spreadsheets, maps, and Geographic Information Systems (GIS) layers. 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 quarterly 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, where applicable. 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 digital.

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12 Grantees shall refer to OPC's [current data and metadata standards](#) for general information, guidelines, and best practices for submitting data packages to OPC's [DataOne](#) repository.

## 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.

All projects and planning documents must protect the confidentiality of tribal data and information concerning specific identify, location, character, and use of those places, features, and objects. Confidentiality is especially important to consider when working with socioeconomic information (i.e., produced through interviews with fishermen), locations of culturally sensitive places, habitats, or species, traditional knowledges, 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, and must outline measures to protect confidentiality of tribal data or knowledge if relevant to their proposed project.

### 4.6 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 Prop 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.

#### 4.7 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. Visit the [State Water Resources Control Board's web page](#) to review the approved SWRPs and SWRP Guidelines. 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.

80121. In implementing Section 80120, the administering entity may give special consideration to the acquisition of lands that are in deferred certification areas of local coastal plans or that complement natural community conservation plans.

### 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.<sup>13</sup>

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<sup>13</sup> Section 80133(d) defines the amount available to OPC.

## Appendix B: Chapter 1 of Proposition 68 – Relevant Definitions (Public Resources Code Section 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: Technical Assistance Resources

This page summarizes OPC staff technical assistance available to applicants. OPC aims to provide applicants with accurate and consistent guidance to ensure an equitable process throughout the grant solicitation. Applicants are encouraged to access the following:

### Informational Webinars by OPC staff

For each round of funding, OPC staff will offer at least one webinar to give a detailed 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 reach out to the on-point staff contact, typically via email, or schedule in-person and/or virtual meetings when guidance is needed. OPC staff may also offer ‘Office Hours’ and provide a Frequently Asked Questions (FAQ) document to further assist applicants during the solicitation process and provide opportunities to address questions. Contact information for OPC staff for each solicitation and/or general solicitation e-mail will be available on the Prop 68 webpage and will be included in the grant 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 may 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 Resources

Applicants who receive a grant award will receive grant administration resources to help provide guidance and support throughout the grant administration and execution process. OPC staff, including

assigned grant managers, will directly assist grantees to resolve questions regarding grant administration requirements and explain forms, and other necessary documentation for reimbursement and/or grant reporting. OPC staff are also available to answer relevant grant administrative questions during the solicitation process and through project completion.

## Appendix D: 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](#).

### 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.



## Appendix E: Community Engagement Plan

This appendix is intended to serve as a template for a Community Engagement Plan that OPC may require as part of a **full proposal** for a competitive grant solicitation. The individual grant solicitation will specify if a detailed Community Engagement Plan will be required to be submitted with the full proposal, and include details regarding the Community Engagement Plan requirements (e.g., length, elements of the plan).

The Community Engagement Plan should demonstrate **how** applicants and partner organizations have worked, or plan to work with local tribes and/or community partners to develop engagement strategies for the project, including how they will be executed and tracked for success. The Community Engagement Plan should emphasize the depth and quality of engagement and serve as a roadmap for outreach and engagement decisions over the short-term and long-term of the project. Applicants may be asked to respond to the prompts below to describe their project's engagement strategies. The maximum page limit for the Community Engagement Plan included in a full proposal is anticipated to be up to 2 pages, however, these requirements will be specified in the grant solicitation instructions.

**As a best practice, project applicants should ensure genuine, relationship-based partnerships with community members, groups, and/or partners that are built on mutual trust, transparency and authenticity, and avoid engagement practices that could lead to over-commitment or extractive collaborations.**

### Defining the Community and Community-Informed Needs

In relation to the project, identify and briefly define the [Priority Population and/or Community](#) (where applicable), their geographic extent, the community-informed needs and how the community has shaped the development of the project proposal and/or research, and who the key community partners are. Describe the community demographics and scale in relation to the proposed project. Questions to consider include, but are not limited to:

- What does the project seek to do for the Priority Population or Community? Identify community-based needs and desired goals.
- Is the project led by community members or partners, such as but not limited to, community-based organizations (CBOs), colleges and universities, students, research organizations, and/or community science groups?
- Are the project goals or research questions informed by community members or community partners?

- Which specific community members/groups will be most impacted by the project and/or proposed research? Consider environmental implications that may impact the community. Have those groups been engaged?
- Which partners and organizations should you collaborate with for your community engagement efforts to be successful?

### Proposed Community Engagement & Outreach (short-term actions)

Please provide engagement strategies and opportunities that demonstrate how the applicant and community partners have engaged, or will engage, residents or stakeholders to design and/or co-develop the project and/or research, and how the quality of engagement will be measured. Please also emphasize opportunities for building community capacity, workforce employment, including employment for students. Questions to consider:

- Will the community be engaged in every phase of the project? If not, what portions of the project will include engagement and when.
- How will engagement occur?
- Will meetings and/or convenings take place? If so, how many meetings/convenings occurred or will occur with community partners and how will these be structured (in person or virtual)?
- What type of communication platforms will be accessible for community members; will any digital platforms be used as engagement tools? How will project progress and results be communicated?
- What additional outreach, if any, will occur to ensure a broad selection of community members or partners are reached and included in the development and decision-making process of the project?
- Is there an established dedicated engagement budget to support meaningful engagement with community members/partners? If so, what types of activities and/or benefits does the allocated budget provide for community members/partners?
- How does the project plan on measuring the quality of community participation and engagement?

### Ensuring Sense of Ownership in the Community (long-term actions and benefits)

Please describe how the project team, alongside community partners, are strengthening community ownership and/or stewardship in relation to the project, its findings or design, and/or solutions, and any approaches to institutionalize engagement for long-term community involvement and durable benefits. Identify how the project will benefit the community, including but not limited to improved environmental quality, improved resource health, and/or improved community access to a resource or location. Identify any wealth-generating pathways, such as long-term workforce employment, equitable community investments, or other economic benefits to help sustain community resilience

as a result of the project, where applicable. Also identify how/if the project will be maintained and monitored in the long term and whether funding is secured. Questions to consider:

- Are there portions of the project that provide opportunities for community empowerment and leadership? Outline any structural steps for delegating power and responsibility in the most effective way.
- How are project benefits informed by the community?
- How will long-term and sustainable engagement be achieved?
- Are there gaps that can be filled by local groups and/or partners to complement the process to ensure community inclusion and desired goals are sustained?
- Are there project deliverables documenting the community engagement process?
- Will there be long-term data collection conducted by the community? Describe partner commitments to periodic reviews, evaluation, maintenance, and/or operations, where applicable, where applicable.