



**San Francisco Bay
Restoration Authority**

Advisory Committee

MEETING AGENDA

May 12, 2017, 10:00 am – 12:30 pm

Doors Open at 9:30 am for Get-to-Know-Your-Colleagues Coffee Time

Bay Area Metro Center
375 Beale St., Yerba Buena Room, 1st Floor
San Francisco, CA 94105

Agenda and attachments available at:

www.sfbayrestore.org

1. Welcome and Introductions

Chair Luisa Valiela, U.S. Environmental Protection Agency

2. Meeting Procedures Refresher and Announcements (INFORMATION)

Chair Valiela

3. Public Comment

Each speaker is allowed three minutes.

4. Approval of Meeting Minutes of February 28, 2017 (ACTION)

Item 4: *Meeting Minutes for February 28, 2017*

5. Review of Draft Advisory Committee (AC) Charter (INFORMATION)

Erika Powell, Member of Ad Hoc Subcommittee on the AC Charter

Item 5: *Draft SFBRA Advisory Committee Charter*

6. Review of Timeline for AC Advisory Items for Governing Board (Grant Program Guidelines and Request for Proposals (RFP)) (INFORMATION)

Chair Valiela

Item 6: *Timeline for AC Consultation on Grant Program Guidelines and RFP*

7. Chair and Staff Report from March 10 and April 14 Governing Board Meetings (INFORMATION)

Chair Valiela and Jessica Davenport, Project Manager

Item 7: *Staff Memo to Board on Amending the Grant Program Guidelines*

Attachment 1: *Draft Amendment to Grant Program Guidelines (Clean Version)*

- 8. Proposal for Grant Program Guidelines Amendment on Definition of “Economically Disadvantaged Communities” (ACTION)**
Nahal Ghoghaie, Member of Ad Hoc Subcommittee on Grant Program Guidelines
Item 8: *Measure AA Guidelines Definition for “Economically Disadvantaged Communities”*
- 9. Discussion of Draft RFP (ACTION)**
Kelly Malinowski, Project Manager
Item 9: *Draft Measure AA 2017 Proposal Solicitation*
- 10. Project List Update (INFORMATION)**
Kelly Malinowski, Project Manager
- 11. Appointment of New Ad Hoc Subcommittees, As Needed (ACTION)**
Chair Valiela
- 12. Future Meetings the Advisory Committee Remaining 2017 Meeting Dates and Locations (INFORMATION)**

August 11, 2017: Harris State Office Building, 1515 Clay St, Oakland
October 13, 2017: Bay Area Metro Center, 375 Beale St., San Francisco
December 8, 2017: Harris State Office Building, 1515 Clay St, Oakland
- 13. Meeting Process Check-In: What’s Working, What’s Not**
Chair Valiela
- 14. Public Comment**
Each speaker is allowed three minutes.
- 15. Adjourn**



Advisory Committee

DRAFT MEETING MINUTES

February 28, 2017, 1:00 pm – 3:00 pm

Elihu Harris State Building
1515 Clay Street, 2nd Floor, Room 11
Oakland, CA 94612

1. Welcome and Introductions

Jessica Davenport, Project Manager, San Francisco Bay Restoration Authority (SFBRA), called the meeting to order. SFBRA Board Member Vinnie Bacon welcomed the Advisory Committee (AC) members and thanked them for their participation.

AC Member Attendance: Dr. Ana M. Alvarez, Brian Benn, Bruce Beyaert, Erika Castillo, Steve Chappell, Grant Davis, Francesca Demgen, Nahal Ghoghaie, Susan Gorin, Andrea Jones, Judy Kelly, Zahra Kelly, Roger Leventhal, Sally Lieber, Shelly Masur, Mike Mielke, Erika Powell, Marina Psaros, Ameer Raval, Diane Ross Leech, Ana Maria Ruiz, Gary Stern, Laura Tam, Laura Thompson, Luisa Valiela, Scott Wilson, Bruce Wolfe, Sarah Young

Governing Board Member Attendance: Councilmember Vinnie Bacon

Staff Attendance: Sam Schuchat, Amy Hutzler, Matt Gerhart, Caitlin Sweeney, Jessica Davenport, Karen McDowell, Anulika White

2. Public Comment

There was no public comment.

3. Overview of Restoration Authority and Role of Advisory Committee

Sam Schuchat, SFBRA Executive Officer, provided background information about SFBRA activities prior to and including the passage of Measure AA, San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Program. He contrasted the role of the Advisory Committee prior to the passage of Measure AA, which was focused on developing the ballot measure and supporting its passage, to its role moving forward, which is to advise the Governing Board in the implementation of its grant program.

4. Ground Rules and Procedures

Jessica Davenport, Project Manager, facilitated the development of ground rules to ensure productive, efficient, respectful and enjoyable group discussions. She also reviewed key policies described in the SFBRA Advisory Committee Procedural document, including the attendance policy, stipend policy and conflict of interest information.

Decision: The Advisory Committee agreed on the following ground rules, which may be modified in the future, as needed:

- Every perspective deserves to be heard.
- Be honest and respectful.
- Take sidebar conversations out of the room.
- No need to repeat points.
- Step up, step back. (Speak up to make your point, but make sure not to dominate the conversation.)
- Have fun.

5. Proposed Decision-Making Process for the Advisory Committee

Matt Gerhart, Program Manager, led a discussion of the need for the AC to develop a charter to guide its operations and decision-making process. The charter also may describe the way that the AC will report to the board and seek increased participation by underrepresented communities.

Decision: The following AC members volunteered to work on developing a charter: Erika Powell, Sally Lieber, Zahra Kelly, Marina Psaros, and Sarah Young.

6. Anticipated Advisory Committee Activities in 2017

Jessica Davenport, Project Manager, presented a timeline (Attachment 1) showing what the AC already is required or expected to do:

- Comment on Grant Program Guidelines.
- Consult on the development of Requests for Proposals and Evaluation Guidelines, e.g., by making recommendations on expenditure priorities.
- Review and comment on SFBRA annual reports.

In addition, by invitation, individual AC members may serve as reviewers for grant applications.

The AC engaged in a brainstorming session about additional activities in which they would like to engage.

7. Recommendation of Advisory Committee Chair and Vice Chair (To Be Appointed by the Governing Board)

Amy Hutzel, Deputy Executive Officer, reviewed the duties of the Chair and Vice Chair of the AC. She notified the AC that SFBRA staff would be bringing a recommendation to the Governing Board at its March 10, 2017 meeting, to appoint Luisa Valiela, San Francisco Bay Program Manager, U.S. Environmental Protection Agency, as Chair and Dr. Ana M. Alvarez, Deputy General Manager, East Bay Regional Park District, as Vice Chair of the AC.

Decision: The AC voted to add its support to the staff recommendation by nominating Luisa Valiela to be Chair and Dr. Ana M. Alvarez to be Vice Chair of the AC.

8. Discussion of the Grant Guidelines

Jessica Davenport, Project Manager, noted that the Grant Program Guidelines are a high level framework based on the SFBRA enabling legislation and the Measure AA ballot language. These guidelines are intended to inform the development of the Request for Proposals. The AC engaged in a brainstorming session regarding issues to address in their comments on the Grant Program Guidelines.

Decision: The following AC members volunteered to work on drafting comments on the Grant Program Guidelines: Bruce Beyaert, Erika Castillo, Francesca Demgen, Nahal Ghoghaie, Roger Leventhal, Sally Lieber, Shelly Masur, Ameer Raval, and Luisa Valiela.

9. Future Meetings and Next Steps for the Advisory Committee

The AC discussed preferred days of the week for future meetings and expressed preference for Friday mornings.

Decisions: The AC supported extending the meeting length from 2 hours to 2.5 or 3 hours. The AC also supported adding an extra meeting in 2017.

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DRAFT Advisory Committee Charter

4/6/17

Introduction

The [San Francisco Bay Restoration Authority Act](#) (Restoration Act), established the San Francisco Bay Restoration Authority (Authority). The Restoration Act requires the formation of an Advisory Committee (AC) to assist and advise the Governing Board in carrying out its functions, and describes the AC's membership and responsibilities (California Government Code Section 66703.7). The San Francisco Bay Clean Water Pollution Prevention and Habitat Restoration Measure ([Measure AA](#)), passed by the voters of the nine Bay Area counties in June 2016, gives the Advisory Committee additional responsibilities. The Governing Board adopted an [Advisory Committee Procedural Document](#) (revised February 2017) to summarize the guidance provided by the Restoration Act and Measure AA and document additional policies approved by the Board. The AC has created this Charter to supplement the Procedural Document by providing additional principles and procedures to ensure that the group functions as intended.

Purposes and Responsibilities of the Advisory Committee

The Advisory Committee Procedural Document identifies the following key responsibilities of the AC:

1. Advise the Restoration Authority's Governing Board about implementation of Measure AA and all other aspects of the Restoration Authority's activities under Measure AA, to ensure maximum benefit, value, and transparency.
2. Make recommendations to the Governing Board regarding expenditure priorities under Measure AA.
3. Work with Restoration Authority staff to develop grant solicitations and procedures for evaluating grant proposals and reviewing and assessing projects.
4. Review and comment on annual written reports.

Membership

The Advisory Committee Procedural Document allows for a maximum of 34 AC members. Members are appointed by the Governing Board and together are intended to represent a broad array of interests from the nine Bay Area counties.

Governing Documents

In addition to the Advisory Committee Procedural Document, the AC is subject to the Ralph M. Brown Act (Government Code section 54950, et. seq.). This requires that all AC meetings are open to the public and all decisions, including recommendations to the Governing Board, are reviewed, discussed and approved by the AC at its open meetings.

Meeting Procedures

1. Frequency: The AC will generally meet quarterly to adequately fulfill its roles and responsibilities outlined in this charter. Meeting schedules for AC meetings will be set by the Authority staff with input from the AC members. Annually, up to two additional meetings can be added as determined by the Chair and Vice Chair.
2. Quorum: A quorum (50 percent of the members plus one) must be present to transact business.
3. Agendas: Agendas are developed by staff in consultation with the Chair and/or Vice Chair. As required by the Brown Act, agendas are publicly posted at least 72 hours before each

meeting They are also posted on the website and distributed via a public email list. AC members are encouraged to use their networks to ensure broad distribution of meeting notices.

4. Meeting Ground Rules: The AC shall strive for a constructive, collaborative process, with active participation of all members, in discussing issues and will conduct meetings according to the following ground rules:
 - Every perspective deserves to be heard.
 - Be honest and respectful.
 - Take sidebar conversations out of the room.
 - No need to repeat points.
 - Step up, step back. (Speak up to make your point, but make sure not to dominate the conversation.)
 - Have fun
5. Recognition of Members During a Discussion: AC members may speak at committee meetings after being recognized by the Chair.
6. Public Participation: Non-members may speak during the public comment period or outside the public comment period if recognized by the Chair. A handout with rules for public participation will be made available at all meetings.
7. Motions: If a vote is needed, motions may be made by any member of the committee. All motions must be seconded by a different member of the committee.
8. Attendance: AC members agree to make a good faith effort to attend all scheduled meetings and activities. Members who are unable to attend a particular meeting but would like to share their views on agenda topics have three options:
 - They can submit written comments to Authority staff one week before the meeting to be shared with AC members as part of the meeting packet;
 - They can ask another AC member to make comments on their behalf; or
 - They can ask a colleague from their own entity to make remarks on their behalf during the public comment period.
9. Meeting Minutes: The Authority staff records minutes, which will include recommendations made by the AC. Agendas. Minutes from AC meetings are approved at the following meeting of the AC, transmitted to the Board, and made available on the Authority website.

Decision Making Process

The AC shall strive for making decisions and recommendations through a consensus-based process, as described below. Meetings will be run by the Chair, or, in the absence of the Chair, by the Vice Chair, and these operating procedures and general rules of professional courtesy apply. If consensus cannot be reached and/or a formal vote is necessary, the Chair has the responsibility to ensure that the interaction remains orderly. Should a formal process be needed, the Chair shall run the meeting according to Robert's Rules of Order. (At the same time, as stated in the Rules there should always be flexibility as to the strictness of application of the rules, dependent on the particular situation and the members' knowledge of parliamentary procedure.)

1. Procedure for Seeking Consensus: As noted above, the AC shall strive for full member participation in discussing issues in order to make decisions through a consensus-based process. Consensus is defined as general agreement by all members of the AC present at the meeting when a decision item is on the meeting agenda.

If needed to test the level of support for a proposal or recommendation, the Committee will employ a tool called the Gradients of Agreement. This tool is a mechanism for testing the level of agreement on a proposal that expands on the traditional “yes” or “no” voting.

The Gradients of Agreement are typically described as follows:

1. Strong opposition: no amending of the proposal will be acceptable to the member
2. Oppose unless amended. Member will oppose unless the proposal is amended, member clarifies what needs to be amended.
3. Stand aside or Neutral. Member notes disagreement, but will stand aside to allow the group to reach consensus without them. Or, the proposal doesn’t affect the member or their interest.
4. Live with it/workable. Member doesn’t love the proposal but can live with it
5. Strong support

1	2	3	4	5
<i>Strong Opposition</i>	<i>Oppose Unless Amended</i>	<i>Stand Aside or Neutral</i>	<i>Can Live With</i>	<i>Strong Support</i>

2. Decision Rule: An AC or ad hoc subcommittee recommendation will be considered a consensus decision if all members register 3-5 on the Gradients of Agreement. If after reasonable efforts the AC or ad hoc subcommittee are unable to reach consensus on a specific issue or recommendation, resolution will proceed through the conflict resolution procedures described below:
3. Conflict Resolution: Failing consensus, a vote shall be taken, with a simple majority (51%) needed for a motion to pass. The AC will be providing advice to the Governing Board. If, after a vote is taken, a minority group or an individual wishes to provide a dissenting opinion to the Board, they may do so, but must acknowledge the majority opinion and identify their minority opinion as such.
4. Voting: When a vote is taken, only the decision will be recorded. The meeting minutes will not record how each individual voted. An actual vote count will be used only when the decision is close. AC members must recuse themselves from votes as necessary to comply with the conflict of interest policy.

Conflict of Interest

Each AC member signs a conflict of interest form that indicates that he/she shall not participate in a vote of the AC concerning specific grant applications if the vote would affect a grant application submitted by a member’s employer. A member who is aware of a future grant application that their employer is considering submitting should disclose this information when participating in discussions of Authority priorities. Additional details regarding the conflict of interest policy for AC members can be found in the Advisory Committee Procedural Document and the Conflict of Interest Form itself.

For federal agency AC members who are precluded from signing and submitting the conflict of interest form, separate documentation will be signed and submitted documenting the U.S. Government’s Standards of Ethical Conduct to which they are bound.

Communication to the Governing Board

AC Chair or Vice Chair are responsible for communicating AC recommendations (including dissenting opinions) to the Governing Board through established processes. AC members should not contact the Board outside the established process. In the case of AC members who serve as staff in the jurisdiction of a Board member, they may interact with their Board member in their staff capacity.

Appointment of Chair and Vice Chair

The Governing Board of the Authority will appoint a Chair and Vice Chair. The length of their terms will be determined by the Board.

Facilitation

If deemed advantageous for a particular purpose, the AC Chair may request, on behalf of the AC, the services of a facilitator.

Legal Counsel

If necessary, the AC Chair may request, on behalf of the AC, the services of the Authority's legal counsel to ensure proper procedures are followed.

AC Member Resignation and Substitution

If an AC member steps down from the committee, his or her entity may make a request to the Governing Board in writing for the designation of a new appointee to represent that entity. All appointments to the AC are made by the Governing Board. (See Advisory Committee Procedural Document.)

Statements to the Media

AC members can express only their own viewpoints to the media. AC members agree not to characterize the viewpoints of other AC members when contacted by media representatives about business related to the Authority, nor to use the media as means to unilaterally influence any process related to the Authority.

Ad Hoc Subcommittees

The AC Chair can solicit members to serve on ad hoc subcommittees, as needed for a discrete task and for a discrete amount of time. Ad hoc subcommittees can be coordinated by a Restoration Authority staff member unless an AC member volunteers to serve as the lead. Subcommittee recommendations need to be reviewed, discussed and approved at a formal AC meeting for decision making. An ad hoc subcommittee may not consult with the full AC outside a publicly noticed meeting, e.g., via email, because that would constitute a serial meeting of the full AC. AC members who assist in grant evaluation through ad hoc subcommittees should not discuss grant evaluations outside the established processes.

Update of this Charter: As needed, but at least every three years, this charter will be reviewed to assure that it meets current needs.

Timeline for Advisory Committee Consultation on Grant Program Guidelines and Request for Proposals

Background

In early 2017, the Governing Board directed the staff to solicit input on the Grant Program Guidelines from the Advisory Committee (AC) and the public, and to propose amendments to the Grant Guidelines. Given the short time frame, the AC was only able to provide comments via an ad hoc subcommittee formed for that purpose. AC Chair Luisa Valiela, as Governing Board liaison, presented the AC subcommittee’s comments to the Board at the April 14, 2017, meeting. These comments informed the staff recommendation to the Board on the Grant Guidelines. Also at the April 14 Board Meeting, staff presented memo providing an overview of proposed principles for the Request for Proposals (RFP). The memo was based on a review of all the comments on the Grant Program Guidelines that were relevant to the development of the RFP. The Board and staff will be seeking additional input from the AC on the Grant Program Guidelines and RFP over the next several months.

Timeline

May 12, 2017	AC Meeting	AC develops a definition of “benefits to economically disadvantaged communities” for the Grant Program Guidelines to recommend to the Board. Staff consults with AC on draft RFP and incorporates input.
June 9, 2017	Board Meeting	AC Chair Reports to Board on AC discussion of remaining Grant Program Guidelines issues and draft RFP. Expected Board Action: Board votes on amendment to Grant Program Guidelines. Staff presents revised draft RFP to Board. Board reviews draft RFP and provides direction to staff and AC.
June-July, 2017 (Dates To Be Determined)	Optional: Ad Hoc Subcommittee Meetings	Optional: Ad Hoc Subcommittee develops recommendations on RFP for full AC consideration at August 11, 2017 meeting. Any proposed recommendations are due to staff on July 31, 2017, for inclusion in AC Meeting packet.

<p>August 11, 2017</p>	<p>AC Meeting</p>	<p>Possible AC Actions: AC considers any ad hoc subcommittee proposals regarding RFP and decides to recommend changes, endorse the draft RFP, or take no action.</p> <p>Any additional comments from individual AC members are also due on this date.</p> <p>If the full AC or individual AC members recommend changes, staff incorporates input prior to September 8 Board meeting.</p>
<p>September 8, 2017</p>	<p>Board Meeting</p>	<p>AC Chair Reports to Board on AC Recommendation Re: RFP.</p> <p>Staff presents proposed final RFP.</p> <p>Expected Board Action: Board votes on RFP.</p>
<p>Late September 2017</p>		<p>RFP is released.</p>



c/o State Coastal Conservancy
1515 Clay Street, 10th Floor
Oakland, CA 94612

(510) 286-7193

sfbayrestore.org
info@sfbayrestore.org

MEMORANDUM

DATE: April 7, 2017

TO: Governing Board
San Francisco Bay Restoration Authority

FROM: Sam Schuchat, Executive Officer; Matt Gerhart, Program Manager; Jessica Davenport, Project Manager
San Francisco Bay Restoration Authority

SUBJECT: Amendments to the Grant Program Guidelines

Staff requests feedback from the Governing Board on proposed amendments to the Grant Program Guidelines.

Background

The San Francisco Bay Restoration Authority (Authority) adopted the Grant Program Guidelines (Grant Guidelines) in April 2016 in anticipation of the June 2016 vote on The San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure (Measure AA). The Guidelines were a summary of the requirements of the San Francisco Bay Restoration Authority Act (Restoration Act) and the proposed Measure AA, as well as some explanation of how the Authority will apply them.

Since that time, Measure AA passed, a new Advisory Committee (AC) was appointed, and several new Authority Governing Board members were appointed. In addition, the Authority signed a joint powers agreement with the State Coastal Conservancy and the Association of Bay Area Governments to obtain staff services, including support in administering the grant program. The Authority has received many questions from the public that are not answered by the Grant Guidelines, including about project eligibility criteria, prioritization factors, and success criteria.

The Governing Board directed the staff to solicit input from the AC and the public, and to propose amendments to the Grant Guidelines. Given the short time frame, the AC was only able to provide comments via an ad hoc subcommittee formed for that purpose (see Item 9A), but other members of the AC also provided individual comments. In addition, several members of the public provided comments. The comment letters are included in Attachment 1.

Proposed Approach to the Amendments

Staff has prepared amendments to the Grant Guidelines based on the comments. Many of the comments received were suggested edits and additions to the eligibility and prioritization criteria. Changing or adding to these criteria to the Grant Guidelines could be considered improperly amending the Restoration Act or Measure AA. The fact that eligibility criteria and prioritization factors were included in a close-to-verbatim form, but were not explicitly cited as quotations from Restoration Act and Measure AA may have led to this misunderstanding. Therefore, in the proposed Grant Guidelines amendments, we have provided the relevant citations of the Restoration Act and Measure AA, along with explanations of how these requirements will be applied, based on information from scientific reports, regional plans, and best professional judgment. The following section presents the five most critical categories of comments and staff's proposed responses.

Key Issues

Comments received covered a wide range of issues. Some of the most critical include:

- Lack of clarity regarding eligible project locations;
- Environmental justice;
- The priority given to implementation projects versus planning projects;
- The appropriate use of the project list;
- The need for success criteria, monitoring and evaluation.

Staff proposes to address these issue as described below.

1. Eligible Project Locations

The AC subcommittee and several commenters requested a definition of the “Bay shoreline” and “natural habitats” as a means of clarifying which areas near the Bay are eligible locations for funding. In response to these comments, the proposed amendment to the Grant Guidelines clarifies eligible project locations.

According to Measure AA, to be eligible for funding, projects must be located “along the Bay shorelines” within one of the nine Bay Area counties. In addition, Measure AA states, “The shorelines include the shorelines of San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, and most of the Northern Contra Costa County Shoreline to the edge of the Delta Primary Zone.” Thus, the geographic extent of the shoreline is clear.

The question is how far from the shoreline a project may be located. The AC subcommittee recommended stating that eligible projects are those located “within the baylands or within creeks or rivers subject to tidal flow (head of tide).” “Baylands” is the technical term adopted by the science community within *Baylands Ecosystem Habitat Goals* (1999) to refer to the areas adjacent to the Bay that are of primary ecological importance to it. The *Goals Report* defines these as “the lands that lie between the maximum and minimum elevations of the tides over multiyear cycles, including those areas that would be covered by the tides in the absence of levees or other unnatural structures.” Additionally, the 2015 science update to the goals report

(*Baylands Ecosystem Habitat Goals Update, or BEHGU*) recognizes the importance of transition zones moving inland above the extent of high tide, as well as the need to plan ahead for the effects of sea level rise. The explanation of “along the Bay shorelines” in the proposed amendment to the Grant Guidelines uses the definitions from the *Goals Report* and the *BEHGU* and includes these important lands adjacent to the Bay.

The AC subcommittee and other commenters requested greater clarity as to which “natural habitat” restoration, protection or enhancement projects would qualify for the grant program. (The Restoration Act calls for funding projects that “restore, protect, or enhance tidal wetlands, managed ponds, or natural habitats” (Section 66704(b)).) The proposed amendment to the Grant Guidelines defines “natural habitats” as those consistent with existing guidance on baylands, riparian and subtidal habitats, such as the *BEHGU* and *San Francisco Subtidal Habitat Goals Report* (2010); these can include habitats that have been modified by human activity but still provide tangible wildlife support and/or ecological value.

In conclusion, in Appendix B: Definitions and Clarifications of Eligibility Criteria, Section 1C, staff recommends adding the following statement:

“To be eligible, projects must be located within the nine Bay Area counties along the shorelines of San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, and most of the Northern Contra Costa County Shoreline to the edge of, but not including, the Delta Primary Zone, that are in areas consistent with guidance provided in the *Baylands Goals Science Update* (2015) and *Subtidal Habitat Goals Report* (2010), including:

- In subtidal areas (lying below mean low tide), within a reasonable distance of the shoreline;
- In baylands, i.e., areas that lie between the maximum and minimum elevations of the tides over multiyear cycles, including those areas that would be covered by the tides in the absence of levees or other unnatural structures, including the portion of creeks or rivers located below the head of tide; or
- On uplands adjacent to potential or actual tidal wetlands that can provide transitional habitat and/or marsh migration space, as well as areas that are needed to enhance the project’s resilience to projected sea level rise.

2. Environmental Justice

The AC subcommittee provided several comments related to environment justice. California’s environmental justice statute (California Government Code Section 65040.12) defines the term “environmental justice” to mean “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.”

Measure AA provides that the Authority will give priority to projects that meet eleven criteria, including the criterion that a project “benefit economically disadvantaged communities.” The AC subcommittee suggested including additional prioritization criteria related to benefiting “communities most vulnerable to the impacts of sea level rise” and “populations with a high percentage of non-white or Latino residents where the primary language spoken is not English, comprised mostly of renters and/or a high percentage of residents over the age of 65.” Adding these criteria to the Grant Guidelines could be considered improperly amending Measure AA.

However, the comments can be considered as suggestions regarding how this criterion should be applied.

As a means of addressing the need for environmental justice in implementing the grant program, in Appendix C: Definitions and Clarifications of Prioritization Criteria, Section 2D, Benefits to Economically Disadvantaged Communities, staff recommends adding the following statement:

“The Authority intends this criterion to mean the project will provide tangible benefits to these communities, which may be judged on the basis of elements such as the direct involvement and support of local community groups, a demonstrated track record working within communities, use of proven strategies to increase relevance of messaging and outreach, ability to alleviate multiple stressors within communities, including, but not limited to, addressing the need for additional recreational amenities, resilience to climate change, reductions in pollution burdens, greater civic engagement, and enhanced leadership development opportunities.”

Staff recommends that the Board ask the Advisory Committee to review this proposed approach and determine whether they would like to work with the Restoration Authority’s staff to develop additional or alternative guidance on how the Authority will define projects that “benefit economically disadvantaged communities.” The Board may also wish to ask Advisory Committee to propose a broader environmental justice policy for the Authority.

3. Prioritization of Planning vs. Implementation Projects

The AC subcommittee and others suggested that project readiness and urgency, two of the prioritization criteria required by the Restoration Act, be interpreted to apply to any phase of a project, including planning, design, permitting, construction, operation or other project phases.

The Restoration Act states that the Authority will “give priority to projects that, to the greatest extent possible, meet the selection criteria of and are consistent with the State Coastal Conservancy’s San Francisco Bay Area Conservancy program (in accordance with subdivision (c) of Section 31163 of the Public Resources Code).” Two of these criteria relating to readiness and urgency are:

- “Can be implemented in a timely way;” and
- “Provide opportunities for benefits that could be lost if the project is not quickly implemented.”

In Appendix C: Definitions and Clarifications of Prioritization Criteria, Section 1A, San Francisco Bay Area Conservancy’s Selection Criteria, to provide greater clarity regarding how the Authority’s prioritization criteria will be applied to planning versus implementation projects, staff recommends adding the following statement:

“The Authority interprets ‘can be implemented in a timely way’ to mean that projects are demonstrably at a stage where they will be able to proceed upon the receipt of funding, considering factors such as site control, landowner agreement, support of the public, design constraints, permitting considerations, and security of match funding. For initial planning or design phases, these factors may be judged relative to the eventual implementation phase.

Similarly, the project’s ability to provide ‘opportunities for benefits that could be lost’ may be interpreted in the context of a project’s full implementation.”

4. Appropriate Use of the Project List

The AC subcommittee and several other commenters asked that the Authority clarify the purpose of the “Potential Project List” described in Section II.D of the Grant Guidelines and specifically to delete the sentence giving priority to projects on the list.

As context, it should be noted that the Restoration Act states, “The Authority will give priority to projects that, to the greatest extent possible, meet the selection criteria of and are consistent with... the San Francisco Bay Joint Venture Implementation Strategy Updated List of Ongoing and Potential Wetland Habitat Projects.” Based on this, staff proposes that the Authority require project proponents to consult with the Joint Venture prior to applying for funding to assess and characterize their consistency with it.

Staff of both the Joint Venture and Restoration Authority have requested information from Bay restoration project proponents over the last several years and have developed two separate lists.¹ The “Potential Project List” referenced in the Grant Guidelines is the one developed by Restoration Authority staff, not the Joint Venture’s list.

In Part II, Section D, Potential Project List and Map, staff recommends revising the explanation of the Authority’s project list to state:

~~“Included as Appendix F is~~ The Authority has produced and placed on its website a potential project list and map, showing the types of projects that could potentially be supported with grant funds from Measure AA to be expended in accordance with these grant guidelines. This list of projects that are potentially eligible for Authority funding will be referenced in the development of solicitations, and the presence of projects on the list will be an additional criterion utilized during the evaluation of applications. Projects are not required to be on the list in order to secure funding, but those that are on the list, having been scoped for potential eligibility prior to their proponents’ applications, will be prioritized for funding, while also taking into account all of the other selection criteria used to help inform the Authority and its staff of the number, timing and funding needs of the projects that may apply for funding. The Authority’s project list will help guide the development of requests for proposals, as well as their timing. However, neither the presence nor the absence of a project on the Authority’s list will have any bearing on its prioritization for funding.”

Maintaining an annually updated project list will be helpful in a number of ways. For example, the Authority’s project list will help staff understand what complementary projects have been proposed in various geographic regions and when they are likely to be ready for funding. This information will in turn help the Authority meet its goals for regional distribution of funds.

¹ There is a great deal of overlap between the two lists, but only the Authority’s list is designed to focus on projects that meet the eligibility criteria of the Restoration Act and Measure AA, whereas the Joint Venture’s list covers a broader range of locations and habitat types. Staff of the two organizations have recently begun coordinating to make the process more efficient for project proponents.

5. Success Criteria, Monitoring and Evaluation.

The AC subcommittee and several other commenters advised that the Grant Guidelines address success criteria, monitoring and evaluation. Measure AA states, “The Authority shall give priority to projects that... Incorporate monitoring, maintenance and stewardship to develop the most efficient and effective strategies for restoration and achievement of intended benefits.” In this context it is important to note that, the Restoration Act requires prioritizing project that are consistent with San Francisco Bay Policies, which in turn require that projects have goals, success criteria and a monitoring program. Staff has included the Bay Policies most relevant to the grant program in Appendix D. In addition, it is important to remember that restoration projects in San Francisco Bay invariably must get permits from a variety of regulatory entities who also usually impose monitoring requirements.

In Part IV, Section E. Project Monitoring and Reporting, staff recommends revising the text as follows:

“All grant applications must include a monitoring and reporting component that explains how the effectiveness of the project will be measured and reported. The monitoring and reporting component of projects will vary depending on the nature of the project and may include regional monitoring approaches as appropriate. The grant application evaluation will assess the robustness of the proposed monitoring program. In addition, Authority staff will work with grantees to develop appropriate monitoring and reporting templates and procedures.”

“All projects must complete a final report, including a lessons-learned summary report fully and clearly describing lessons learned under all phases of the project including design, construction and monitoring. Lessons learned must focus on project trouble areas and issues to be addressed as a guide to future projects to avoid these issues to the extent possible.”

In Appendix C: Definitions and Clarifications of Prioritization Criteria, Section 2F, Monitoring, staff recommends adding: “The Authority will interpret this criterion to mean it will prioritize projects that commit to the regular assessment and reporting of project outcomes and include meaningful ways of sharing their results with the broader community.”

Recommendation

The staff has proposed amendments that incorporate input from the AC subcommittee, other AC members, and the public, and reflect best professional judgment on how the requirements of the Restoration Act and Measure AA will be applied to the grant program. Staff expects to further refine these amendments based on further Board and Advisory Committee input and return with a proposed version for adoption in June.

Attachments

1. Summary of Staff Recommendations on Amending the Grant Program Guidelines
2. Comment Letters
3. Draft Amendments to the Grant Program Guidelines (Redline Version)
4. Draft Amendments to the Grant Program Guidelines (Clean Version)



San Francisco Bay Restoration Authority

GRANT PROGRAM GUIDELINES

Grants Funded by Measure AA: The San
Francisco Bay Clean Water, Pollution
Prevention and Habitat Restoration Measure

DRAFT April 2017

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I. Introduction

A. The San Francisco Bay Restoration Authority and the Restoration Act

The San Francisco Bay Restoration Authority (“Authority”) is a regional government agency with a Governing Board made up of local elected officials appointed by the Association of Bay Area Governments (ABAG). Its purpose is to raise and allocate resources for the restoration, enhancement, protection, and enjoyment of wetlands and wildlife habitat in the San Francisco Bay and along its shoreline. The Authority was created by the California legislature in 2008 with the enactment of AB 2954 (Lieber), the San Francisco Bay Restoration Authority Act (“Restoration Act”).

B. Measure AA: The San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure

After the Authority’s Governing Board placed Measure AA: San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure (“Measure AA”) on the June 7, 2016 ballot, residents of the nine-county Bay Area voted with a 70% majority to pass it. This measure is a \$12 parcel tax, which will raise approximately \$25 million annually, or \$500 million over twenty years, to fund shoreline projects that will protect and restore San Francisco Bay.

Measure AA proceeds will fund shoreline projects that protect and restore San Francisco Bay by: reducing trash, pollution and harmful toxins; improving water quality; restoring habitat for fish, birds, and wildlife; protecting communities from floods; and increasing shoreline public access and recreational areas. Proceeds will be disbursed via competitive grants, as outlined in these guidelines.

C. Grant Program Implementation

The Authority will make funding decisions at public meetings based on its enabling legislation and the requirements of Measure AA. As required by the Restoration Act (Section 66704.5(d)), the Authority shall solicit input from the Advisory Committee in adopting a procedure for evaluating project proposals, as well as in reviewing and assessing projects. Opportunities for public input will be provided at all meetings of the Governing Board and the Advisory Committee. The [Advisory Committee Procedural Document](#), available on the Authority’s website, provides more information on the Advisory Committee’s roles and responsibilities, process for appointment, and current membership.

Authority staff supports the grant program by drafting grant program guidelines and requests for proposals, managing and participating in the application review process and presenting proposed projects to the Board. The California State Coastal Conservancy (“Conservancy”) and ABAG, including the San Francisco Estuary Partnership (“SFEP”), provide staff services to the Authority, subject to the terms of a joint powers agreement, for purposes of implementing the Restoration Authority Act and Measure AA. The Conservancy provides Executive Officer services for the Authority under the direction of the Authority’s Governing Board. ABAG provides a financial officer to act as treasurer to the Authority. The Conservancy and ABAG provide staff members to provide, under the direction of the Executive Officer, project management and administrative services, including accounting and legal support, within total general government expenditures of no more than 5% of the funds raised by Measure AA, as set forth in the text of the measure.

D. Grant Program Oversight

As stated in Measure AA, under section 3.C., Accountability and Oversight: “The Authority shall prepare annual written reports that show: (i) the amount of funds collected and expended from Special Tax proceeds, and (ii) the status of any projects or programs required or authorized to be funded from the proceeds of the Special Tax, as identified above. The report shall comply with Government Code section 50075.3, be posted on the Authority’s website, and be submitted to the Advisory Committee for review and comment.” The Advisory Committee provides advice to the Authority on all aspects of its activities to ensure maximum benefit, value, and transparency.

In addition, Measure AA requires the Restoration Authority to publish annual financial statements and commission independent annual audits, by preparing annual written reports showing the amount of funds collected and expended and the status of any projects or programs. An Independent Citizens Oversight Committee made up of Bay Area residents will annually publish a review of the Authority's audits and program and financial reports. The [Independent Citizens Oversight Committee Procedural Document](#), available on the Authority’s website, provides more information on the Oversight Committee’s roles and responsibilities, process for appointment, and membership.

II. Program Purpose, Project Eligibility and Prioritization Criteria

A. Purpose of the San Francisco Bay Restoration Authority Grant Program Guidelines

These San Francisco Bay Restoration Authority Grant Program Guidelines (“SFBRA Grant Guidelines”) establish the process and criteria that the Authority will use to solicit applications, evaluate proposals, and award grants, pursuant to Measure AA and the Restoration Act. All projects funded by the Authority with funds generated from Measure AA must be consistent with the Authority’s enabling legislation and Measure AA. These SFBRA Grant Guidelines interpret the requirements applicable to projects funded under Measure AA and describe the project evaluation process for those projects. These SFBRA Grant Guidelines are adopted pursuant to the Restoration Act and may be updated periodically by the Governing Board.

B. Project Eligibility

Eligibility is based on a combination of requirements of the Restoration Act and Measure AA. (See Appendix A for relevant sections of the Restoration Act. The full text of Measure AA is available at <http://sfbayrestore.org/docs/BallotMeasureLanguage.pdf>.)

Revenues generated by Measure AA may be used solely for the purpose of supporting the programs and priorities and other purposes set forth in the Measure and shall be spent only in accordance with the procedures and limitations set forth in the Measure, as cited below.

Under this Measure, the Authority may fund projects along the Bay shorelines within the Authority’s jurisdiction, which consists of the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano and Sonoma and the City and County of San Francisco. The shorelines include the shorelines of San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, and most of the Northern Contra Costa County Shoreline to the edge of the Delta Primary Zone. These projects shall advance the following programs:

1. Safe, Clean Water and Pollution Prevention Program

The purpose of this program to be funded under the Measure is to remove pollution, trash and harmful toxins from the Bay in order to provide clean water for fish, birds, wildlife, and people.

- a. Improve water quality by reducing pollution and engaging in restoration activities, protecting public health and making fish and wildlife healthier.*
- b. Reduce pollution levels through shoreline cleanup and trash removal from the Bay.*
- c. Restore wetlands that provide natural filters and remove pollution from the Bay’s water.*
- d. Clean and enhance creek outlets where they flow into the Bay.*

2. Vital Fish, Bird and Wildlife Habitat Program

The purpose of this program to be funded under the Measure is to significantly improve wildlife habitat that will support and increase vital populations of fish, birds, and other wildlife in and around the Bay.

- a. Enhance the San Francisco Bay National Wildlife Refuge, shoreline parks and open space preserves, and other protected lands in and around the Bay, providing expanded and improved habitat for fish, birds and mammals.*
- b. Protect and restore wetlands and other Bay and shoreline habitats to benefit wildlife, including shorebirds, waterfowl and fish.*

- c. *Provide for stewardship, maintenance and monitoring of habitat restoration projects in and around the Bay, to ensure their ongoing benefits to wildlife and people.*

3. Integrated Flood Protection Program

The purpose of this program to be funded under the Measure is to use natural habitats to protect communities along the Bay's shoreline from the risks of severe coastal flooding caused by storms and high water levels.

- a. *Provide nature-based flood protection through wetland and habitat restoration along the Bay's edge and at creek outlets that flow to the Bay.*
- b. *Build and/or improve flood protection levees that are a necessary part of wetland restoration activities, to protect existing shoreline communities, agriculture, and infrastructure.*

4. Shoreline Public Access Program

The purpose of this program to be funded under the Measure is to enhance the quality of life of Bay Area residents, including those with disabilities, through safer and improved public access, as part of and compatible with wildlife habitat restoration projects in and around the Bay.

- a. *Construct new, repair existing and/or replace deteriorating public access trails, signs, and related facilities along the shoreline and manage these public access facilities.*
- b. *Provide interpretive materials and special outreach events about pollution prevention, wildlife habitat, public access, and flood protection, to protect the Bay's health and encourage community engagement.*

The eligible project activities must also be consistent with the Restoration Act (66704.5(b)), which states:

An eligible project shall do at least one of the following:

- (1) Restore, protect, or enhance tidal wetlands, managed ponds, or natural habitats on the shoreline in the San Francisco Bay area, excluding the Delta primary zone.*
- (2) Build or enhance shoreline levees or other flood management features that are part of a project to restore, enhance, or protect tidal wetlands, managed ponds, or natural habitats identified in paragraph (1).*
- (3) Provide or improve public access or recreational amenities that are part of a project to restore, enhance, or protect tidal wetlands, managed ponds, or natural habitats identified in paragraph (1).*

See Appendix B for definitions and discussion of how these eligibility criteria will be applied.

C. Prioritization Criteria

The Authority must ensure that Measure AA's revenue is spent in the most efficient and effective manner, consistent with the public interest and in compliance with existing law.

Measure AA states:

The Authority shall give priority to projects that:

- a. *Have the greatest positive impact on the Bay as a whole, in terms of clean water, wildlife habitat and beneficial use to Bay Area residents.*
- b. *Have the greatest long-term impact on the Bay, to benefit future generations.*

- c. *Provide for geographic distribution across the region and ensure that there are projects funded in each of the nine counties in the San Francisco Bay Area over the life of Measure AA.*
- d. *Increase impact value by leveraging state and federal resources and public/private partnerships.*
- e. *Benefit economically disadvantaged communities.*
- f. *Benefit the region's economy, including local workforce development, employment opportunities for Bay Area residents, and nature-based flood protection for critical infrastructure and existing shoreline communities.*
- g. *Work with local organizations and businesses to engage youth and young adults and assist them in gaining skills related to natural resource protection.*
- h. *Incorporate monitoring, maintenance and stewardship to develop the most efficient and effective strategies for restoration and achievement of intended benefits.*
- i. *Meet the selection criteria of the Coastal Conservancy's San Francisco Bay Area Conservancy Program and are consistent with the San Francisco Bay Conservation and Development Commission's coastal management program and with the San Francisco Bay Joint Venture's implementation strategy.*

Project prioritization is based on a combination of requirements of the Restoration Act and Measure AA. See Appendix C for definitions and discussion of how these prioritization criteria will be applied.

D. Potential Project List and Map

The Authority has produced and placed on its website a potential project list and map, showing the types of projects that could potentially be supported with grant funds from Measure AA to be expended in accordance with these grant guidelines. (The list is available at <http://sfbayrestore.org/docs/Projects.pdf>; the map is available at <http://sfbayrestore.org/docs/Map.pdf>.)

This list of projects that are potentially eligible for Authority funding will be primarily used to help inform the Authority of the quantity, timing and funding needs of the projects that may apply for funding. It will be referenced in the development of solicitations, and the presence of projects on the list will assist with the evaluation of applications, but not be a scoring factor. Projects are not required to be on the list in order to secure funding.

The project list and map will be updated continuously, as projects are submitted. The Authority staff will seek nominations for additional projects to be added to the list via emails and other outreach to public agencies and nongovernmental organizations engaged in bay restoration work. Nominated projects will be evaluated for their consistency with the purposes of the Authority's enabling legislation and Measure AA (Appendix B). When there are new projects that meet these screening criteria, staff will update the project list and map and bring them to the Governing Board for consideration and possible adoption.

III. Grant Application Process and Timeline

A. Solicitation Planning

Authority staff will draft requests for proposals and evaluation guidelines. These draft documents will be provided to the Advisory Committee for their review. Any necessary revisions will be made by Authority staff before being presented to the Governing Board for review. Revised draft documents and a summary of Advisory Committee recommendations will be presented to the Governing Board at a public meeting for its consideration and potential adoption.

B. Project Solicitation

At least once each year, and twice each year subject to the availability of and demand for funds, a Request for Proposals, to be funded with funds generated by Measure AA, will be posted on the Authority's website and sent out to the Authority's mailing lists.

C. Optional Pre-Proposal Consultation

Applicants are strongly encouraged to consult with Authority staff prior to submitting their applications. Pre-proposal consultation will be available to any potential applicant but will not be required.

D. Application Review and Evaluation

1. Completeness

Grant applications will be initially reviewed by Authority staff for completeness. Incomplete grant applications will be returned to the applicant. Applicants may choose to complete their application and resubmit it within five business days or in a future solicitation period.

2. Screening

The Authority staff will screen complete grant applications to ensure that:

- The project and potential grantee meets the Authority's eligibility requirements as outlined in the Authority's enabling legislation; and
- The project is consistent with supporting the programs and priorities and other purposes set forth in Measure AA.

Applications that do not pass the screening process will not proceed to the review process. Authority staff will return the application. The applicant may request feedback from Authority staff on whether and how the proposal could be modified to meet the screening criteria and may resubmit it in a future solicitation period. The initial screening will also eliminate projects that will not have environmental documents completed in time to be presented to the Governing Board within the next 12 months.

3. Review

Complete applications that have passed the screening process will be reviewed and evaluated by a minimum of three professionals with relevant expertise in the Authority's program areas (as described in the enabling legislation and Measure AA). Reviewers may include, but are not limited to, public agency staff, consultants, academics, Authority staff and Advisory Committee members. All reviewers who are not subject to the Political Reform Act will be required to document that they do not have a conflict of interest in reviewing any proposals. All reviewers will evaluate each proposal in accordance with the evaluation guidelines that will be developed as described above.

E. Grant Award

Authority staff will determine which qualified applications to recommend to the Governing Board for funding and the amount of funding, taking into account the project's merit and urgency relative to other eligible projects, the total amount of funding available for projects, the readiness of the projects to proceed, and whether the Governing Board will be able to make any necessary findings under the California Environmental Quality Act (CEQA). The Authority expects that it will take an average of six months from application submittal to Governing Board approval and at least one additional month for execution of the grant agreement.

F. Board Meetings

The Governing Board will consider recommended grants and make any and all grant approvals at public meetings that are noticed in advance, with meeting materials made available in advance to the public. The Authority typically holds four public meetings per calendar year, though this number is subject to

change as board meetings are held on an as-needed basis. The meeting schedule is published on the Authority's website. The agenda for each public meeting will be published on the Authority's website at least 72 hours in advance of the meeting. Staff will prepare a report for each proposed grant presented to the Governing Board at a public meeting. The staff report will describe the project, will explain how the project is consistent with and advances the purposes of the Authority's enabling legislation and Measure AA, and will be made available to the public in advance of the meeting.

G. Grant Agreement

Once the Governing Board has approved a grant at a public meeting, Authority 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 its conditions in order to receive funds.

IV. Additional Information

A. Available Funding

The Authority expects to generate approximately \$25 million each year for twenty years for a total of \$500 million, which will be disbursed through grant rounds as outlined in these guidelines, with no more than 5% going to administrative costs.

B. Additional Project Considerations

Where appropriate, grantees will be required to provide signage informing the public that the project received Authority grant funding. This requirement will be addressed in the grant agreement.

C. Grant Provisions

Following Governing Board 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 are:

- Actual awards are conditional upon funds being available from the Authority.
- Grantees must submit a detailed project work program and budget and the names of any contractors.
- Grantees must provide proof that all necessary permits have been obtained.
- Grant funds will only be paid in arrears on a reimbursement basis.
- Grantees must submit invoices and progress reports regularly.
- Grantees must meet project completion requirements (typically grants will include a 10% withholding that is not paid until the project is completed).
- Grantees may be required to reimburse the Authority for some or all of the disbursed grant funds if the project is not satisfactorily completed.
- Grantees must provide proof of liability insurance and name the Authority as an additional insured.
- In executing the project for which the grant has been given, grantees will comply with all terms set forth in the grant agreement and all applicable federal, state, and local laws and regulations.

In addition, the Authority requires grantees to negotiate, enter into and execute a project labor agreement with the local building trades council or councils, subject to certain conditions and exceptions outlined in its Resolution 22, adopted November 30, 2016.

D. Environmental Documents

The Authority is required to comply with the CEQA and all other applicable environmental laws. Grant applicants should consider whether their proposed project will trigger the need for an environmental

impact report or negative declaration, or whether a CEQA exemption applies. How CEQA applies and the status of CEQA compliance must be addressed in the grant application. Grant applicants that are not potential CEQA lead agencies, e.g., nongovernmental organizations, should work with a lead agency to determine whether their proposed project will trigger the need for an environmental impact report or negative declaration, or whether a CEQA exemption applies. Additionally, grant applicants should consider all other applicable environmental laws, on a project by project basis, report accordingly, and address compliance in the grant application.

E. 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 monitoring and reporting component will vary depending on the nature of the project, and may include regional monitoring approaches as appropriate. The grant application evaluation will assess the robustness of the proposed monitoring program. In addition, Authority staff will work with grantees to develop appropriate monitoring and reporting templates and procedures.

All projects must complete a final report, including a lessons-learned summary report fully and clearly describing lessons learned under all phases of the project including design, construction and monitoring. Lessons learned must focus on project trouble areas and issues to be addressed as a guide to future projects to avoid these issues to the extent possible.

Appendix A: Relevant Sections of the San Francisco Bay Restoration Authority Act

(The full text of the Restoration Act is available at <http://www.sfbayrestore.org/docs/EnablingLegislation.pdf>.)

1. Project Eligibility

This section cites the requirements for a project to be eligible for funding under the Restoration Act:

A. Definitions (California Government Code Section 66701):

“Delta primary zone’ means the area described in Section 29728 of the Public Resources Code.”

“San Francisco Bay Area’ means the area within the State Coastal Conservancy's San Francisco Bay Area Conservancy Program created pursuant to Chapter 4.5 (commencing with Section 31160) of Division 21 of the Public Resources Code and includes the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma.”

B. Eligible Grantees (Section 66704.5(a)):

“The authority may raise funds and award grants to public and private entities, including, but not limited to, owners or operators of shoreline parcels in the San Francisco Bay area, excluding the Delta primary zone, for eligible projects in the counties within the authority's jurisdiction.”

C. Eligible Project Activities and Locations (66704.5(b)):

“An eligible project shall do at least one of the following:

- (1) Restore, protect, or enhance tidal wetlands, managed ponds, or natural habitats on the shoreline in the San Francisco Bay area, excluding the Delta primary zone.
- (2) Build or enhance shoreline levees or other flood management features that are part of a project to restore, enhance, or protect tidal wetlands, managed ponds, or natural habitats identified in paragraph (1).
- (3) Provide or improve public access or recreational amenities that are part of a project to restore, enhance, or protect tidal wetlands, managed ponds, or natural habitats identified in paragraph (1).”

D. Eligible Project Phases (66704.5(e))

“Grants awarded pursuant to subdivision (a) may be used to support all phases of planning, construction, monitoring, operation, and maintenance for projects that are eligible pursuant to subdivision (b).”

2. Prioritization Criteria (66704.5(c))

“The Authority will give priority to projects that, to the greatest extent possible, meet the selection criteria of the State Coastal Conservancy's San Francisco Bay Area Conservancy Program in accordance with subdivision (c) of Section 31163 of the Public Resources Code, and are consistent with the San Francisco Bay Conservation and Development Commission coastal management program for the San Francisco Bay segment of the California coastal zone and the San Francisco Bay Joint Venture implementation strategy updated list of Ongoing and Potential Wetland Habitat Projects.”

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Appendix B: Definitions and Clarifications of Eligibility Criteria

Eligibility is based on a combination of requirements of the Restoration Act (Appendix A) and Measure AA.

1. Eligible Project Locations

According to Measure AA, to be eligible for funding, projects must be located “along the Bay shorelines” within one of the nine Bay Area counties. In addition, Measure AA states, “The shorelines include the shorelines of San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, and most of the Northern Contra Costa County Shoreline to the edge of the Delta Primary Zone.” Thus, the geographic extent of the shoreline is clear.

A. Definition of “Along the Bay Shorelines”

The question is how far from the shoreline a project may be located. “Baylands” is the technical term adopted by the science community within *Baylands Ecosystem Habitat Goals* (1999) to refer to the areas adjacent to the Bay that are of primary ecological importance to it; it defines these as “the lands that lie between the maximum and minimum elevations of the tides over multiyear cycles, including those areas that would be covered by the tides in the absence of levees or other unnatural structures.” Additionally, the 2015 Science Update to the goals report (*The Baylands and Climate Change: What We Can Do*) recognizes the importance of transition zones moving inland above the extent of high tide, as well as the need to plan ahead for the effects of sea level rise. Therefore, the Authority defines “along the Bay shorelines” to include these important lands adjacent to the Bay.

B. Definition of “Creek Outlets”

Measure AA states that eligible projects may: “Clean and enhance creek outlets where they flow into the Bay” or “Provide nature-based flood protection through wetland and habitat restoration along the Bay’s edge and at creek outlets that flow to the Bay.” However, these descriptions of eligible project activities still fall under more general requirement for projects to be located “along Bay shorelines.” Therefore, the Authority interprets the language of Measure AA regarding creek outlets to mean that projects located in rivers or creeks also must be located along the Bay, i.e. adjacent to the part of the river or creek subject to tidal action. This area is also referred to as being below the head of tide. Similar consideration of the value of transitional habitats and the effects of future sea level rise should be made when considering the extent of creek outlets.

C. Conclusion

To be eligible, projects must be located within the nine Bay Area counties along the shorelines of San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, and most of the Northern Contra Costa County Shoreline to the edge of, but not including, the Delta Primary Zone, that are in areas consistent with guidance provided in the *Baylands Ecosystem Habitat Goals Science Update* (2015) and *Subtidal Habitat Goals Report* (2010), including:

- In subtidal areas (lying below mean low tide), within a reasonable distance of the shoreline;
- In baylands, i.e., areas that lie between the maximum and minimum elevations of the tides over multiyear cycles, including those areas that would be covered by the tides

in the absence of levees or other unnatural structures, including the portion of creeks or rivers located below the head of tide; or

- On uplands adjacent to potential or actual tidal wetlands that can provide transitional habitat and/or marsh migration space, as well as areas that are needed to enhance the project's resilience to projected sea level rise.

2. Eligible Project Activities

The Authority will fund activities described under the four program areas in Measure AA. In addition, the Authority interprets eligible project activities according to the Restoration Act, as described below.

A. Habitat Projects

The Restoration Act calls for funding projects that “restore, protect, or enhance tidal wetlands, managed ponds, or natural habitats” (Section 66704(b)). The Authority defines "natural habitats" as those consistent with existing guidance on baylands, riparian and subtidal habitats (see relevant local or regional plans, Appendix X); these can include habitats that have been modified by human activity but still provide tangible wildlife support and/or ecological value.

B. Flood Management and Public Access Projects

The Restoration Act states that eligible projects include those that provide or improve flood management features or public access or recreational amenities “that are part of a project to restore, enhance, or protect tidal wetlands, managed ponds, or natural habitats” (Section 66704.5(b)). The Authority interprets this to mean that such projects will be considered eligible for funding if they are part of a restoration project that is in the planning stages, underway, or partially complete. In general, such elements will be considered part of a restoration project if they are included in the plan, environmental documents and/or permits for the particular habitat restoration project with which they are associated. Therefore, closing a trail gap or extending a project levee are eligible activities if the elements are or were part of a habitat restoration project as described above.

3. Eligible Project Phases

According to the Restoration Act, grant funds may be used to support “all phases of a project, including planning, construction, monitoring, operation, and maintenance.” The Authority interprets "all phases of a project" to include planning, design, environmental studies, permitting, construction, monitoring and evaluation, operation, scientific studies as part of the project to guide adaptive management, and maintenance.

4. Eligible Grantees

According to the Restoration Act (Section 66704.5(a)), the Authority may award grants to “public and private entities, which include but are not limited to owners and operators of shoreline parcels in the San Francisco Bay Area.” The Authority interprets this to mean that eligible grantees also include federal, state, local agencies, tribal governments, and nonprofit organizations.

Appendix C: Definitions and Clarifications of Prioritization Criteria

Project prioritization is based on a combination of requirements of the Restoration Act and Measure AA.

1. The Restoration Act

The Restoration Act (66704.5(c)) states:

In awarding grants pursuant to subdivision (a), the authority shall give priority to projects that, to the greatest extent possible, meet the selection criteria of the State Coastal Conservancy's San Francisco Bay Area Conservancy Program in accordance with subdivision (c) of Section 31163 of the Public Resources Code, and are consistent with the San Francisco Bay Conservation and Development Commission coastal management program for the San Francisco Bay segment of the California coastal zone and the San Francisco Bay Joint Venture implementation strategy updated list of Ongoing and Potential Wetland Habitat Projects.

(Measure AA repeats this in a slightly different form: “The Authority shall give priority to projects that...[m]eet the selection criteria of the Coastal Conservancy’s San Francisco Bay Area Conservancy Program and are consistent with the San Francisco Bay Conservation and Development Commission’s coastal management program and with the San Francisco Bay Joint Venture’s implementation strategy.”)

A. San Francisco Bay Area Conservancy’s Selection Criteria.

The Restoration Act states that the Authority will “give priority to projects that, to the greatest extent possible, meet the selection criteria of and are consistent with the State Coastal Conservancy’s San Francisco Bay Area Conservancy program (in accordance with subdivision (c) of Section 31163 of the Public Resources Code).” These criteria are:

1. “Are supported by adopted local or regional plans;
2. Are multijurisdictional or serve a regional constituency;
3. Can be implemented in a timely way;
4. Provide opportunities for benefits that could be lost if the project is not quickly implemented;
5. Include matching funds from other sources of funding or assistance.”

The Authority interprets “local or regional plans” to include, but not be limited to the following (see Appendix E for full citations):

- *Restoring the Estuary: An Implementation Strategy for the San Francisco Bay Joint Venture*
- *Baylands Ecosystem Habitat Goals Update*
- *Recovery Plan for Tidal Marsh Ecosystems for Northern and Central California*
- *San Francisco Bay Subtidal Habitat Goals Report*
- *Comprehensive Conservation and Management Plan (“Estuary Blueprint”)*
- *Surviving the Storm*
- *San Francisco Bay Trail Plan*
- *San Francisco Bay Trail Design Guidelines & Toolkit*
- *Enhanced San Francisco Bay Area Water Trail Plan*

The Authority interprets “can be implemented in a timely way” to mean that projects are demonstrably at a stage where they will be able to proceed upon the receipt of funding, considering factors such as site control, landowner agreement, support of the public, design constraints, permitting considerations, security of match funding. For initial planning or design phases, these factors may be judged relative to the eventual implementation phase. Similarly, “benefits that could be lost” may be interpreted in the context of a project’s full implementation.

B. Coastal Management Program for San Francisco Bay

The Restoration Act states that the Authority will “give priority to projects that, to the greatest extent possible, meet the selection criteria of and are consistent with... the San Francisco Bay Conservation and Development Commission coastal management program for the San Francisco Bay segment of the California coastal zone.” This coastal management program is based on the provisions and policies of the McAteer-Petris Act, the Suisun Marsh Preservation Act of 1977, the San Francisco Bay Plan, the Suisun Marsh Protection Plan, and the Commission's administrative regulations. The McAteer-Petris Act and the Bay Plan apply to the entire Bay, while the Suisun Marsh Preservation Act and Suisun Marsh Protection Plan apply only to Suisun Marsh. The Bay Plan elements most relevant to this grant program (see Appendix D) include policies related to habitat goals, climate change resilience, setting goals and success criteria, monitoring and adaptive management, public access, and mosquito abatement. Consistency with these policies is required in order to obtain a permit for project construction from the San Francisco Bay Conservation and Development Commission.

C. San Francisco Bay Joint Venture Implementation Strategy Updated List of Ongoing and Potential Wetland Habitat Projects

The Restoration Act states that the Authority will “give priority to projects that, to the greatest extent possible, meet the selection criteria of and are consistent with... the San Francisco Bay Joint Venture Implementation Strategy Updated List of Ongoing and Potential Wetland Habitat Projects.” This document is referenced in Appendix XX. Applicants must either demonstrate that their project is on Joint Venture’s list or consult with the Joint Venture prior to applying for funding to assess and characterize their consistency with the selection criteria of the list.

2. Measure AA Prioritization Criteria

Measure AA states:

The Authority shall give priority to projects that:

- a. Have the greatest positive impact on the Bay as a whole, in terms of clean water, wildlife habitat and beneficial use to Bay Area residents.*
- b. Have the greatest long-term impact on the Bay, to benefit future generations.*
- c. Provide for geographic distribution across the region and ensure that there are projects funded in each of the nine counties in the San Francisco Bay Area over the life of Measure AA.*
- d. Increase impact value by leveraging state and federal resources and public/private partnerships.*
- e. Benefit economically disadvantaged communities.*

- f. *Benefit the region's economy, including local workforce development, employment opportunities for Bay Area residents, and nature-based flood protection for critical infrastructure and existing shoreline communities.*
- g. *Work with local organizations and businesses to engage youth and young adults and assist them in gaining skills related to natural resource protection.*
- h. *Incorporate monitoring, maintenance and stewardship to develop the most efficient and effective strategies for restoration and achievement of intended benefits.*
- i. *Meet the selection criteria of the Coastal Conservancy's San Francisco Bay Area Conservancy Program and are consistent with the San Francisco Bay Conservation and Development Commission's coastal management program and with the San Francisco Bay Joint Venture's implementation strategy.*

A. Greatest Positive Impact

Projects that “have the greatest positive impact on the Bay as a whole, in terms of clean water, wildlife habitat and beneficial use to Bay Area residents” are projects that demonstrate, through the use of established best available scientific knowledge, adopted regional and local plans, and relevant studies, the greatest potential benefits to the Bay ecosystem. In addition, they include restoration projects that provide co-benefits, including, but not limited to, improved flood protection, public access and recreational amenities, beneficial reuse of dredged material and carbon sequestration.

B. Greatest Long-Term Impact

Projects that “have the greatest long-term impact on the Bay, to benefit future generations” are those that best demonstrate an ability to provide benefits over long timeframes despite the potential for changing circumstances such as changes in freshwater supply, sediment delivery, species composition, and rising sea levels. Projects should use the best available science to incorporate future climate variability, ideally providing resilience across multiple climate change scenarios.

C. Geographic Distribution

Projects that “provide for geographic distribution across the region” are those that contribute to Measures AA’s funding distribution requirement. It states, “The Authority shall ensure that 50% of the total net revenue generated during the 20-year term of the Special Tax is allocated to the four Bay Area regions in proportion to each region’s share of the Bay Area’s population, as determined in the 2010 census. The minimum percentages that shall be allocated to each of the four Bay Area regions according to their share of the Bay Area’s population are included below. The four Bay Area regions are defined as follows:

- North Bay (Sonoma, Marin, Napa and Solano Counties): 9% minimum allocation;
- East Bay (Alameda and Contra Costa Counties): 18% minimum allocation;
- West Bay (City and County of San Francisco and San Mateo County): 11% minimum allocation; and
- South Bay (Santa Clara County): 12% minimum allocation.

The remaining 50% of total net revenue shall be allocated consistent with all other provisions of Measure AA.”

D. Benefits to Disadvantaged Communities

The Authority intends this criterion to mean the project will provide tangible benefits to these communities, which may be judged on the basis of elements such as the direct involvement and support of local community groups, a demonstrated track record working within communities, use of proven strategies to increase relevance of messaging and outreach, ability to alleviate multiple stressors within communities (such as the need for recreation, civic engagement, leadership development, resilience to climate change, reductions in pollution burden, etc.).

E. Workforce Development

The Authority will interpret this criterion in accordance with its policy on project labor agreements, adopted in November 2016.

F. Monitoring

The Authority will interpret this criterion to mean it will prioritize projects that commit to the regular assessment and reporting of project outcomes and include meaningful ways of sharing their results with the broader community.

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Appendix D: Bay Plan Policies Most Relevant to the Grant Program

- 1. Fish, Other Aquatic Organisms and Wildlife, Policy 3:** “In reviewing or approving habitat restoration programs the Commission should be guided by the recommendations in the Baylands Ecosystem Habitat Goals report and should, where appropriate, provide for a diversity of habitats to enhance opportunities for a variety of associated native aquatic and terrestrial plant and animal species.”
- 2. Tidal Marshes and Tidal Flats, Policy 4:** “Where feasible, former tidal marshes and tidal flats that have been diked from the Bay should be restored to tidal action in order to replace lost historic wetlands or should be managed to provide important Bay habitat functions, such as resting, foraging and breeding habitat for fish, other aquatic organisms and wildlife. As recommended in the Baylands Ecosystem Habitat Goals report, around 65,000 acres of areas diked from the Bay should be restored to tidal action to maintain a healthy Bay ecosystem on a regional scale. Regional ecosystem targets should be updated periodically to guide conservation, restoration, and management efforts that result in a Bay ecosystem resilient to climate change and sea level rise. ... The public should make every effort to acquire these lands for the purpose of habitat restoration and wetland migration.”
- 3. Tidal Marshes and Tidal Flats, Policy 6:** “Any ecosystem restoration project should include clear and specific long-term and short-term biological and physical goals, and success criteria, and a monitoring program to assess the sustainability of the project. Design and evaluation of the project should include an analysis of: (a) how the system’s adaptive capacity can be enhanced so that it is resilient to sea level rise and climate change; (b) the impact of the project on the Bay’s sediment budget; (c) localized sediment erosion and accretion; (d) the role of tidal flows; (e) potential invasive species introduction, spread, and their control; (f) rates of colonization by vegetation; (g) the expected use of the site by fish, other aquatic organisms and wildlife; (h) an appropriate buffer, where feasible, between shoreline development and habitats to protect wildlife and provide space for marsh migration as sea level rises; and (i) site characterization. If success criteria are not met, appropriate adaptive measures should be taken.”
- 4. Tidal Marshes and Tidal Flats, Policy 8:** “Based on scientific ecological analysis and consultation with the relevant federal and state resource agencies, a minor amount of fill may be authorized to enhance or restore fish, other aquatic organisms or wildlife habitat if the Commission finds that no other method of enhancement or restoration except filling is feasible.
- 5. Subtidal Areas, Policy 3:** “Subtidal restoration projects should be designed to: (a) promote an abundance and diversity of fish, other aquatic organisms and wildlife; (b) restore rare subtidal areas; (c) establish linkages between deep and shallow water and tidal and subtidal habitat in an effort to maximize habitat values for fish, other aquatic organisms and wildlife; or (d) expand open water areas in an effort to make the Bay larger.
- 6. Subtidal Areas, Policy 4:** “Any subtidal restoration project should include clear and specific long-term and short-term biological and physical goals, and success criteria and a monitoring program to assess the sustainability of the project. Design and evaluation of the project should include an analysis of: (a) the scientific need for the project; (b) the effects of relative sea level rise; (c) the impact of the project on the Bay’s sediment budget; (d) localized sediment erosion and accretion; (e) the role of tidal flows; (f) potential invasive species introduction, spread and their control; (g) rates of colonization by vegetation, where applicable; (h) the expected use of the site by fish, other aquatic organisms and wildlife; and (i) characterization of and changes to local bathymetric features. If success criteria are not met, corrective measures should be taken.”

7. **Public Access, Policy 4:** “Public access should be sited, designed and managed to prevent significant adverse effects on wildlife. To the extent necessary to understand the potential effects of public access on wildlife, information on the species and habitats of a proposed project site should be provided, and the likely human use of the access area analyzed. In determining the potential for significant adverse effects (such as impacts on endangered species, impacts on breeding and foraging areas, or fragmentation of wildlife corridors), site specific information provided by the project applicant, the best available scientific evidence, and expert advice should be used. In addition, the determination of significant adverse effects may also be considered within a regional context. Siting, design and management strategies should be employed to avoid or minimize adverse effects on wildlife, informed by the advisory principles in the Public Access Design Guidelines. If significant adverse effects cannot be avoided or reduced to a level below significance through siting, design and management strategies, then in lieu public access should be provided, consistent with the project and providing public access benefits equivalent to those that would have been achieved from on-site access. Where appropriate, effects of public access on wildlife should be monitored over time to determine whether revisions of management strategies are needed.
8. **Public Access, Policy 13:** “Public access should be integrated early in the planning and design of Bay habitat restoration projects to maximize public access opportunities and to avoid significant adverse effects on wildlife.
9. **Salt Ponds, Policy 3:** ‘Any project for the restoration, enhancement or conversion of salt ponds to subtidal or wetland habitat should include clear and specific long-term and short-term biological and physical goals, success criteria, a monitoring program, and provisions for long-term maintenance and management needs. Design and evaluation of the project should include an analysis of:
- a) The anticipated habitat type that would result from pond conversion or restoration, and the predicted effects on the diversity, abundance and distribution of fish, other aquatic organisms and wildlife;
 - b) Potential fill activities, including the use of fill material such as sediments dredged from the Bay and rock, to assist restoration objectives;
 - c) Flood management measures;
 - d) Mosquito abatement measures;
 - e) Measures to control non-native species;
 - f) The protection of the services provided by existing public facilities and utilities such as power lines and rail lines;
 - g) Siting, design and management of public access to maximize public access and recreational opportunities while avoiding significant adverse effects on wildlife; and
 - h) Water quality protection measures that include management of highly saline discharges into the Bay; monitoring and management of mercury methylation and sediments with contaminants; managing the release of copper and nickel to the Bay; and the minimization of sustained low dissolved oxygen levels in managed ponds.
10. **Salt Ponds, Policy 5:** “To determine where and how much water surface area should be retained and how much public access should be provided consistent with any development proposal in a salt pond(s), a comprehensive planning process should be undertaken as part of the development project that integrates with regional and local habitat restoration and management objectives and plans, and provides opportunities for collaboration among local, state and federal agencies,

landowners, other private interests, and the public. In addition, the planning process should incorporate:

- a) A baseline scientific assessment of existing and historical natural conditions and resource values of the pond(s);
- b) Natural resource conservation objectives that will protect and enhance onsite and adjacent habitat and species diversity;
- c) Provisions for public access and recreational opportunities appropriate to the land's use, size and existing and future habitat values; and
- d) Flood and mosquito management measures.

11. Managed Wetlands, Policy 3: “Any project for the restoration, enhancement or conversion of managed wetlands to subtidal or wetland habitat should include clear and specific long-term and short-term biological and physical goals, success criteria, a monitoring program, and provisions for long-term maintenance and management needs. Design and evaluation of the project should include an analysis of:

- a) The anticipated habitat type that would result from managed wetland conversion or restoration, and the predicted effects on the diversity, abundance and distribution of fish, other aquatic organisms and wildlife;
- b) Potential fill activities, including the use of fill material such as sediments dredged from the Bay and rock, to assist restoration objectives;
- c) Flood management measures;
- d) Mosquito abatement measures;
- e) Measures to control non-native species;
- f) Opportunities for a diversity of public access and recreational activities; and
- g) Water quality protection measures that may include monitoring for constituents of concern, such as methylmercury.

12. Dredging, Policy 5: “To ensure adequate capacity for necessary Bay dredging projects and to protect Bay natural resources, acceptable non-tidal disposal sites should be secured and the Deep Ocean Disposal Site should be maintained. Further, dredging projects should maximize use of dredged material as a resource consistent with protecting and enhancing Bay natural resources, such as creating, enhancing, or restoring tidal and managed wetlands, creating and maintaining levees and dikes, providing cover and sealing material for sanitary landfills, and filling at approved construction sites.

13. Dredging, Policy 11:

- a) “A project that uses dredged material to create, restore, or enhance Bay or certain waterway natural resources should be approved only if:
 1. The Commission, based on detailed site-specific studies, appropriate to the size and potential impacts of the project, that include, but are not limited to, site morphology and physical conditions, biological considerations, the potential for fostering invasive species, dredged material stability, and engineering aspects of the project, determines all of the following:
 - a. the project would provide, in relationship to the project size, substantial net improvement in habitat for Bay species;

- b. no feasible alternatives to the fill exist to achieve the project purpose with fewer adverse impacts to Bay resources;
 - c. the amount of dredged material to be used would be the minimum amount necessary to achieve the purpose of the project;
 - d. beneficial uses and water quality of the Bay would be protected; and
 - e. there is a high probability that the project would be successful and not result in unmitigated environmental harm;
 2. The project includes an adequate monitoring and management plan and has been carefully planned, and the Commission has established measurable performance objectives and controls that would help ensure the success and permanence of the project, and an agency or organization with fish and wildlife management expertise has expressed to the Commission its intention to manage and operate the site for habitat enhancement or restoration purposes for the life of the project;
 3. The project would use only clean material suitable for aquatic disposal and the Commission has solicited the advice of the San Francisco Bay Regional Water Quality Control Board, the Dredged Material Management Office and other appropriate agencies on the suitability of the dredged material;
 4. The project would not result in a net loss of Bay or certain waterway surface area or volume. Any offsetting fill removal would be at or near as feasible to the habitat fill site;
 5. Dredged material would not be placed in areas with particularly high or rare existing natural resource values, such as eelgrass beds and tidal marsh and mudflats, unless the material would be needed to protect or enhance the habitat. The habitat project would not, by itself or cumulatively with other projects, significantly decrease the overall amount of any particular habitat within the Suisun, North, South, or Central Bays, excluding areas that have been recently dredged;
 6. The Commission has consulted with the California Department of Fish and Game, the National Marine Fisheries Service, and the U.S. Fish and Wildlife Service to ensure that at least one of these agencies supports the proposed project; and
 7. After a reasonable period of monitoring, if either:
 - a. the project has not met its goals and measurable objectives, and attempts at remediation have proven unsuccessful, or
 - b. the dredged material is found to have substantial adverse impacts on the natural resources of the Bay, then the dredged material would be removed, unless it is demonstrated by competent environmental studies that removing the material would have a greater adverse effect on the Bay than allowing it to remain, and the site would be returned to the conditions existing immediately preceding placement of the dredged material.
- b) To ensure protection of Bay habitats, the Commission should not authorize dredged material disposal projects in the Bay and certain waterways for habitat creation, enhancement or restoration, except for projects using a minor amount of dredged material, until:
1. Objective and scientific studies have been carried out to evaluate the advisability of disposal of dredged material in the Bay and certain waterways for habitat

creation, enhancement and restoration. Those additional studies should address the following:

- a. The Baywide need for in-Bay habitat creation, enhancement and restoration, in the context of maintaining appropriate amounts of all habitat types within the Bay, especially for support and recovery of endangered species; and
- b. The need to use dredged materials to improve Bay habitat, the appropriate characteristics of locations in the Bay for such projects, and the potential short-term and cumulative impacts of such projects; and

The Commission has adopted additional Baywide policies governing disposal of dredged material in the Bay and certain waterways for the creation, enhancement and restoration of Bay habitat, which narratively establish the necessary biological, hydrological, physical and locational characteristics of candidate sites; and

2. The Oakland Middle Harbor enhancement project, if undertaken, is completed successfully.

- 14. Dredging, Policy 12:** “The Commission should continue to participate in the LTMS, the Dredged Material Management Office, and other initiatives conducting research on Bay sediment movement, the effects of dredging and disposal on Bay natural resources, alternatives to Bay aquatic disposal, and funding additional costs of transporting dredged materials to non-tidal and ocean disposal sites.”

Appendix E: Full Citations for Regional Plans Most Relevant to the Grant Program

As discussed in Appendix C, the Restoration Act states that the Authority will “give priority to projects that, to the greatest extent possible, meet the selection criteria of and are consistent with the State Coastal Conservancy’s San Francisco Bay Area Conservancy program (in accordance with subdivision (c) of Section 31163 of the Public Resources Code).” One of these criteria is, “Are supported by adopted local or regional plans.” Full citations for the regional plans the Authority considers most relevant to the grant program are provided below.

Restoring the Estuary: An Implementation Strategy for the San Francisco Bay Joint Venture. (2001.) San Francisco Bay Joint Venture. <http://www.sonic.net/~sfbayjv/estuarybook.php>

The Baylands and Climate Change: What We Can Do. Baylands Ecosystem Habitat Goals Science Update 2015. (2015.) California State Coastal Conservancy. <http://baylandsgoals.org/science-update-2016/>

Recovery Plan for Tidal Marsh Ecosystems for Northern and Central California. (2013.) U.S. Fish & Wildlife Service. https://www.fws.gov/sacramento/ES/Recovery-Planning/Tidal-Marsh/Documents/TMRP_Volume1_RP.pdf

San Francisco Bay Subtidal Habitat Goals Report: Conservation Planning for the Submerged Areas of the Bay. (2010.) California State Coastal Conservancy, Ocean Protection Council, NOAA National Marine Fisheries Service and Restoration Center, San Francisco Bay Conservation and Development Commission, San Francisco Estuary Partnership. <http://www.sfbaysubtidal.org/report.html>

Comprehensive Conservation and Management Plan for the San Francisco Estuary. (2016.) San Francisco Estuary Partnership. <http://www.sfestuary.org/wp-content/uploads/2016/10/CCMPFinalOct2016.pdf>

Surviving the Storm. (2015.) Bay Area Council Economic Institute. <http://documents.bayareacouncil.org/survivingthestorm.pdf>

San Francisco Bay Trail Plan: A Recreational Ring Around San Francisco Bay. (1989.) Association of Bay Area Governments. http://baytrail.org/wp-content/uploads/2015/12/San-Francisco-Bay-Trail_-Bay-Trail-Plan-Summary.pdf

San Francisco Bay Trail Design Guidelines & Toolkit (2016.) San Francisco Bay Trail. http://baytrail.org/pdfs/BayTrailDGTK_082616_Web.pdf

Enhanced San Francisco Bay Area Water Trail Plan. (2011.) California State Coastal Conservancy. http://scc.ca.gov/webmaster/ftp/pdf/sccb/2011/1103/20110317Board08_SF_Bay_Area_Water_Trail_Ex_3.pdf



Measure AA Guidelines
Definition for “Economically Disadvantaged Communities”
May 4th, 2017

Background:

Participation by the Bay Area’s low-income communities of color are crucial to meeting Measure AA’s aspirational wetland restoration goals; but without resources, the ability of these communities to make needed changes and meet regionwide targets is compromised. These traditionally underserved communities have not had the advantages of long-term capacity building, resulting in their inability to effectively compete for unrestricted planning and implementation funding. We appreciate the San Francisco Bay Restoration Authority’s (SFBRA) interest in addressing this issue by inviting Environmental Justice community leaders to provide an accurate and equitable definition for the term used in the guidelines document, “Economically Disadvantaged Communities” (EDC). We strongly suggest SFBRA include the below definition in Measure AA’s Guidelines document in its entirety, in order to ensure priority is given to projects that benefit communities with a history of environmental injustice that have suffered the disproportionate burdens of environmental hazards.

The Environmental Justice Coalition for Water (EJCW), The Resilient Communities Initiative (RCI), Asian Pacific Environmental Network (APEN), Midpeninsula Regional Open Space District, and a list of our coalition partners strongly recommend using a narrower approach to identifying EDCs, rather than making a single definition meet all needs (WAT 79505.5¹). A regionwide program of this magnitude must be made to work in the context of the Bay Area’s geographic, economic, and resource diversity. The absence of a sufficiently granular definition frustrates the identification of where DAC neighborhoods are located. This phenomenon is particularly pronounced in the Bay Area, due to the higher cost of living and the use of eligibility thresholds for incomes relative to Bay Area-wide or state averages. The proposed definition therefore references Area Median Income (AMI) as a preferred income identification tool, which attempts to recognize to a greater degree the economic segregation of the Bay Area. It is also congruous with other income-based issue areas like housing.

Additionally, through our role as IRWM DAC Involvement Program Manager, EJCW is working with statewide partners to address this issue by developing longer-term maps

¹ <http://codes.findlaw.com/ca/water-code/wat-sect-79505-5.html>



of communities facing disadvantages, and believe the Measure AA process of understanding where disadvantaged communities exist should be developed in tandem with our Proposition 1-funded efforts. Thus, we believe the proposed definition for “Economically Disadvantaged Communities” should be considered an interim definition, with a shared understanding of the cumulative effects of socioeconomic and environmental burdens not currently included by the California DWR DAC definition; “a community with a median household income less than 80% of the state-wide average.”

Rationale for “Economic Disadvantage” indicators to be considered include, but are not limited to:

- History/Legacy of Racial Discrimination (i.e. segregation in housing, schools, and other civic institutions, land use siting and other practices, lower access to opportunity in the form of well-paid jobs, quality education, affordable health care, transportation, housing, reliable infrastructure, healthy food options (especially fresh fruits and vegetables), parks, etc.
- Displacement-Risk Factors (i.e. measured by eviction rates, foreclosure rates, or loss of historic housing stock and/or naturally affordable units)²
 - Housing affordability is an important part of the framework of social and economic conditions that shape the health and well-being of individuals³
 - People with low incomes and people of color are currently most affected by displacement.⁴
- Disproportionate Environmental Burdens on air, soil, water, and infrastructure by heavy industrial use.⁵
 - A growing body of literature provides evidence of the heightened vulnerability of people of color and lower socioeconomic status to environmental pollutants.⁶
- Climate vulnerability (i.e. car ownership, elderly living alone, impervious surface, projected climate impacts)⁷

² See Table 1 (pg. 6) on Indicators and Data Sources for Analyzing Gentrification and Displacement in Chapple, Karen, and Miriam Zuk. “Forewarned: The Use of Neighborhood Early Warning Systems for Gentrification and Displacement.” *Cityscape: A Journal of Policy Development and Research* 18.3 (2016).

³ Ibid.

⁴ Pollack, S., B. Bluestone, and C. Billingham. “Maintaining Diversity in America’s Transit-Rich Neighborhoods: Tools for Equitable Neighborhood Change New England Community Developments (Vol. Issue 1).” *Boston, Mass.: Federal Reserve Bank of Boston* (2010)

⁵ See CalEnviroScreen 3.0 Report on Pollution Burden.

<https://oehha.ca.gov/media/downloads/calenviroscreen/report/ces3report.pdf>

⁶ Ibid.

⁷ See Table 4 (pg. 17) of Update and Statewide Expansion of the Environmental Justice Screening Method (EJSM) published by California Air Resources Board. May 2016. <https://www.arb.ca.gov/research/apr/past/11-336.pdf>



- o Research indicates that climate change is having a disproportionate impact on the health of poor communities and communities of color in the US.⁸
- Housing-Burdened Low-Income Households: percent of low-income households (making less than 80% HUD Area Median Family Income) and paying more than 50% of income on rent and utilities⁹
 - o Households that experience high rent burden for longer periods of time are associated with greater disadvantage. High housing cost burdens and unaffordable housing situations can also contribute to residential instability, increase vulnerability to acute and chronic health problems, worsen stress and depression, and can lead to poor educational outcomes for children.¹⁰
- Linguistic Isolation (Limited English-speaking households)¹¹
 - o Lack of proficiency in English often results in racial discrimination, and both language difficulties and discrimination are associated with stress, low socioeconomic status, and reduced quality of life.¹²

Proposed Definition: Economically Disadvantaged Communities (EDC)

A community (census tract) with a median household income less than 80% of the area median income (AMI). Within this set of low-income communities, high priority EDCs are further defined as groups that are historically underrepresented in environmental policymaking and/or projects, most economically and environmentally impacted by heavy industrial activity and development, vulnerable to climate change impacts, due to lack of resources required for community resilience, and severely burdened by household costs, at risk of displacement.

⁸ Ibid.

⁹ Available from Comprehensive Housing Affordability Strategy Data from Department of Housing and Urban Development user website. <https://www.huduser.gov/portal/datasets/cp.html#2006-2013>

¹⁰ See pg. 128 of CalEnviroScreen 3.0 Report on Housing Burden.

<https://oehha.ca.gov/media/downloads/calenviroscreen/report/ces3report.pdf>

¹¹ See pg. 132-133 of CalEnviroScreen 3.0 Report on Linguistic Isolation.

<https://oehha.ca.gov/media/downloads/calenviroscreen/report/ces3report.pdf>

¹² Ibid.

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San Francisco Bay Restoration Authority

MEASURE AA 2017 PROPOSAL SOLICITATION

**Grants Funded by the San Francisco Bay Clean Water,
Pollution Prevention and Habitat Restoration Measure**

Applications due November 15, 2017

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May 5, 2017

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I. Introduction

a. The San Francisco Bay Restoration Authority and the Restoration Act

The San Francisco Bay Restoration Authority (“Authority”) is a regional government agency with a Governing Board made up of local elected officials appointed by the Association of Bay Area Governments (ABAG). Its purpose is to raise and allocate resources for the restoration, enhancement, protection, and enjoyment of wetland and wildlife habitat in the San Francisco Bay and along its shoreline. The Authority was created by the California legislature in 2008 with the enactment of AB 2954 (Lieber), the San Francisco Bay Restoration Authority Act (“Restoration Act”).

b. Measure AA: The San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure

After the Authority’s Governing Board placed Measure AA: San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure (“Measure AA”) on the June 7, 2016 ballot, residents of the nine-county Bay Area voted with a 70% majority to pass it. This measure is a \$12 parcel tax, which will raise approximately \$25 million annually, or \$500 million over twenty years, to fund shoreline projects that will protect and restore San Francisco Bay.

Measure AA proceeds will fund shoreline projects that protect and restore San Francisco Bay by: reducing trash, pollution and harmful toxins; improving water quality; restoring habitat for fish, birds, and wildlife; protecting communities from floods; and increasing shoreline public access and recreational areas. Proceeds will be disbursed via competitive grants, as outlined in these guidelines.

II. Eligibility and Required Criteria

To be eligible for Measure AA funds, applicants must meet the eligibility criteria below for grantees, project locations, and projects. Eligibility and required criteria are based on the Restoration Act and Measure AA as outlined below.

a. Eligible Grantees

Eligible grantees are federal, state, and local agencies; tribal governments; nonprofit organizations; and owners or operators of shoreline parcels in the San Francisco Bay Area, excluding the Delta primary zone.

b. Eligible Project Locations

To be eligible, projects must be located within the nine Bay Area counties (Sonoma, Marin, Napa, Solano, Alameda, Contra Costa, San Mateo, Santa Clara, or City and County of San Francisco), along the shorelines of San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, and most of the Northern Contra Costa County Shoreline to the edge of, but not including, the Delta Primary Zone, that are in areas consistent with guidance provided in the *Baylands Ecosystem Habitat Goals Science Update* (2015) and *Subtidal Habitat Goals Report* (2010), including:

- In subtidal areas (lying below mean low tide), within a reasonable distance of the shoreline;
- In baylands, i.e., areas that lie between the maximum and minimum elevations of the tides over multiyear cycles, including those areas that would be covered by the tides in the absence of levees or other unnatural structures, including the portion of creeks or rivers located below the head of tide; or
- On uplands adjacent to potential or actual tidal wetlands that can provide transitional habitat and/or marsh migration space, as well as areas that are needed to enhance the project’s resilience to projected sea level rise.

For a map of the Delta Primary Zone, see Appendix C.

c. Eligible Project Phases

Eligible project phases include planning, design, environmental studies, permitting, construction, monitoring and evaluation, operation, and scientific studies as part of the project to guide adaptive management, and maintenance.

d. Eligible Project Activities

To be eligible for Measure AA funds, prospective projects must first align with one of the three project types listed below (habitat project, flood management project, or public access project, as defined below); and must also align with one of the eligible activities in the following four program areas: Safe, Clean Water and Pollution Prevention Program; Vital Fish, Bird and Wildlife Habitat Program; Integrated Flood Protection Program; and/or Shoreline Public Access Program.

1. Habitat Project

A habitat project will restore, protect, or enhance tidal wetlands, management ponds, or natural habitats on the shoreline in the San Francisco Bay area, excluding the Delta Primary Zone.¹ “Natural habitats” are considered those habitats that are consistent with existing guidance on baylands, riparian, and subtidal habitats, including those that have been modified by human activity, but still provide tangible wildlife support and/or ecological value.²

2. Flood Management Project

A flood management project will build or enhance shoreline levees or other flood management features that are part of a project to restore, enhance, or protect tidal wetlands, managed ponds, or natural habitats identified under Habitat Project (as defined in #1 above).

Flood management projects will be considered part of a habitat project if the habitat project is in the planning stages, underway, or partially complete. Generally, flood management projects will be considered part of habitat projects if they are included in the plan, environmental documents, and/or permits for the particular habitat restoration project with which they are associated.

¹ A Delta Primary Zone map can be found in Appendix C.

² A list of relevant local or regional plans regarding habitat types can be found in Appendix B.

3. Public Access Project

A public access project will provide or improve public access or recreational amenities that are part of a project to restore, enhance, or protect tidal wetlands, managed ponds, or natural habitats identified in Habitat Project (as defined in #1 above). Public access projects will be considered part of a habitat project if the habitat project is in the planning stages, underway, or partially complete.

Generally, public access projects will be considered part of habitat projects if they are included in the plan, environmental documents, and/or permits for the particular habitat restoration project with which they are associated.

Secondly, in addition to aligning with one of the three project types listed above, a project must also align with one of the eligible activities in the following four program areas:

1. Safe, Clean Water and Pollution Prevention Program

Purpose: to remove pollution, trash and harmful toxins from the Bay in order to provide clean water for fish, birds, wildlife and people. Eligible activities:

- a. Improve water quality by reducing pollution and engaging in restoration activities, protecting public health and making fish and wildlife healthier.
- b. Reduce pollution levels through shoreline cleanup and trash removal from the Bay.
- c. Restore wetlands that provide natural filters and remove pollution from the Bay's water.
- d. Clean and enhance creek outlets where they flow into the Bay.

2. Vital Fish, Bird and Wildlife Habitat Program

Purpose: to significantly improve wildlife habitat that will support and increase vital populations of fish, birds, and other wildlife in and around the Bay. Eligible activities:

- a. Enhance the San Francisco Bay National Wildlife Refuge, shoreline parks and open space preserves, and other protected lands in and around the Bay, providing expanded and improved habitat for fish, birds and mammals.
- b. Protect and restore wetlands and other Bay and shoreline habitats to benefit wildlife, including shorebirds, waterfowl and fish.
- c. Provide for stewardship, maintenance and monitoring of habitat restoration projects in and around the Bay, to ensure their ongoing benefits to wildlife and people.

3. Integrated Flood Protection Program

Purpose: to use natural habitats to protect communities along the Bay's shoreline from the risks of severe coastal flooding caused by storms and high water levels. Eligible activities:

- a. Provide nature-based flood protection through wetland and habitat restoration along the Bay's edge and at creek outlets that flow to the Bay.
- b. Build and/or improve flood protection levees that are a necessary part of wetland restoration activities, to protect existing shoreline communities, agriculture, and infrastructure.

4. Shoreline Public Access Program

Purpose: to enhance the quality of life of Bay Area residents, including those with disabilities, through safer and improved public access, as part of and compatible with wildlife habitat restoration projects in and around the Bay. Eligible activities:

- a. Construct new, repair existing and/or replace deteriorating public access trails, signs, and related facilities along the shoreline and manage these public access facilities.
- b. Provide interpretive materials and special outreach events about pollution prevention, wildlife habitat, public access, and flood protection, to protect the Bay's health and encourage community engagement.

III. Solicitation Priorities

The Authority will give priority to eligible projects that achieve the following:

- a. Have the greatest positive impact³ on the Bay as a whole, in terms of clean water, wildlife habitat and beneficial use to Bay Area residents.
- b. Have the greatest long-term impact⁴ on the Bay, to benefit future generations.
- c. Provide for geographic distribution⁵ across the region and ensure that there are projects funded in each of the nine counties in the San Francisco Bay Area over the life of Measure AA.
- d. Increase impact value by leveraging state and federal resources and public/private partnerships.
- e. Benefit economically disadvantaged communities⁶.

³ *Greatest positive impact* refers to projects that demonstrate, through the use of established best available scientific knowledge, adopted regional and local plans, and relevant studies, the greatest potential benefits to the Bay ecosystem. In addition, they include restoration projects that provide co-benefits, including, but not limited to, improved flood protection, public access and recreational amenities, beneficial reuse of dredged material and carbon sequestration.

⁴ *Greatest long-term impact* refers to projects that best demonstrate an ability to provide benefits over long timeframes despite the potential for changing circumstances such as changes in freshwater supply, sediment delivery, species composition, and rising sea levels. Projects should use the best available science to incorporate future climate variability, ideally providing resilience across multiple climate change scenarios.

⁵ *Geographic distribution* refers to projects that contribute to Measure AA's funding distribution requirement. Over the life of Measure AA, 20 years, 50% of funds will be allocated based on geographic distribution to each of the four Bay Area regions, which are defined as follows:

- North Bay (Sonoma, Marin, Napa, and Solano Counties): 9% minimum allocation;
- East Bay (Alameda and Contra Costa Counties): 18% minimum allocation;
- West Bay (City and County of San Francisco and San Mateo County): 11% minimum allocation; and
- South Bay (Santa Clara County): 12% minimum allocation.

⁶ [A definition of economically disadvantaged communities will be added here after the Advisory Committee has provided its recommendation and staff has reviewed it.] *Benefits to disadvantaged communities* refers to projects that will provide tangible benefits to these communities, which may be judged on the basis of elements such as the direct involvement and support of local community groups, a demonstrated track record working within communities, use of proven strategies to increase relevance of messaging and outreach, and ability to alleviate multiple stressors within communities (such as the need for recreation, civic engagement, leadership development, resilience to climate change, reductions in pollution burden, etc.)

- f. Benefit the region’s economy, including local workforce development⁷, employment opportunities for Bay Area residents, and nature-based flood protection for critical infrastructure and existing shoreline communities.
- g. Work with local organizations and businesses to engage youth and young adults and assist them in gaining skills related to natural resource protection.
- h. Incorporate monitoring, maintenance and stewardship to develop the most efficient and effective strategies for restoration and achievement of intended benefits.
- i. Meet the selection criteria of the Coastal Conservancy’s San Francisco Bay Area Conservancy Program and are consistent with the San Francisco Bay Conservation and Development Commission’s coastal management program and with the San Francisco Bay Joint Venture’s implementation strategy.⁸

IV. Grant Application Process and Timeline

a. Project Solicitation Period

Annual Requests for Proposals funded with funds generated by Measure AA will be posted on the Authority’s website and sent out to the Authority’s mailing lists.

The Authority anticipates a 6-month grant schedule, as outlined below, for this current grant round. The evaluation and grant recommendation periods below are subject to change.

Solicitation Released	September 15 th , 2017
Webinar	October 7 th -15 th , 2017
Proposals Due	November 15 th , 2017
Evaluation	November 16 th 2017 – January 31 st 2018
Grant Recommendations and Board Meeting	Spring 2018

RSVP for the information webinar at info@sfbayrestore.org.

All Authority grants will be awarded at a San Francisco Bay Restoration Authority Governing Board meeting. The specific meeting when a grant will be considered will depend on project readiness and staff capacity.

b. Optional Pre-Proposal Consultation

Applicants are strongly encouraged to consult with Authority staff prior to submitting their applications. Pre-proposal consultation will be available to any potential applicant but will not be required.

⁷ The Authority requires grantees to negotiate, enter into and execute a project labor agreement with the local building trades council or councils, subject to certain conditions and exceptions outlined in its Resolution 22, adopted November 30, 2016.

⁸ See Appendix A for the selection criteria of the Coastal Conservancy’s San Francisco Bay Area Conservancy Program, the San Francisco Bay Conservation and Development Commission’s Coastal Management Program, and the San Francisco Bay Joint Venture’s Implementation Strategy and project list link.

c. Grant Application

Applicants must submit a grant application cover page, and a grant application form. All of these materials are posted on the San Francisco Bay Restoration Authority's webpage (<http://www.sfbayrestore.org/sf-bay-restoration-authority-grantprogram.php>)

V. Application Review and Evaluation

a. Completeness

Grant applications will be initially reviewed by Authority staff for completeness. Incomplete grant applications will be returned to the applicant. Applicants may choose to complete their application and resubmit it within five business days, or in a future solicitation period.

b. Application Screening

The Authority staff will screen complete grant applications to ensure that:

- The project and potential grantee meets the Authority's eligibility requirements as outlined in the Authority's enabling legislation; and
- The project is consistent with supporting the programs and priorities and other purposes set forth in Measure AA.
- Projects will have environmental documents completed in time to be presented to the Governing Board within the next 12 months.

Applications that do not pass the screening process will not proceed to the review process. Authority staff will return the application. The applicant may request feedback from Authority staff on whether and how the proposal could be modified to meet the screening criteria and may resubmit it in a future solicitation period.

c. Review

Complete applications that have passed the screening process will be reviewed and evaluated by a minimum of three professionals with relevant expertise in the Authority's program areas (as described in the enabling legislation and Measure AA). Reviewers may include, but are not limited to, public agency staff, consultants, academics, Authority staff and Advisory Committee members. All reviewers who are not subject to the Political Reform Act will be required to document that they do not have a conflict of interest in reviewing any proposals. All reviewers will evaluate each proposal in accordance with the evaluation guidelines that will be developed as described above.

d. Scoring Criteria

Projects will be quantitatively scored within the categories below, as well as evaluated qualitatively against one another by reviewers.

Criteria	Points
The extent to which the project implements the programs and activities of Measure AA (Section II).	20
The extent to which the project achieves the priorities of Measure AA, as defined by the prioritization criteria under Section III.	40
The project's likelihood of success, based on the applicant's demonstration of capacity and resources to complete the project in an effective and timely way	40
	100

e. Grant Award

Authority staff will determine which qualified applications to recommend to the Governing Board for funding and the amount of funding, taking into account the project's merit and urgency relative to other eligible projects, the total amount of funding available for projects, the readiness of the projects to proceed, and whether the Governing Board will be able to make any necessary findings under the California Environmental Quality Act (CEQA). The Authority expects that it will take an average of six months from application submittal to Governing Board approval and at least one additional month for execution of the grant agreement.

f. Board Meetings

The Governing Board will consider recommended grants and make any and all grant approvals at public meetings that are noticed in advance, with meeting materials made available in advance to the public. The Authority typically holds four public meetings per calendar year, though this number is subject to change as board meetings are held on an as-needed basis. The meeting schedule is published on the Authority's website. The agenda for each public meeting will be published on the Authority's website at least 72 hours in advance of the meeting. Staff will prepare a report for each proposed grant presented to the Governing Board at a public meeting. The staff report will describe the project, will explain how the project is consistent with and advances the purposes of the Authority's enabling legislation and Measure AA, and will be made available to the public in advance of the meeting.

g. Grant Agreement

Once the Governing Board has approved a grant at a public meeting, Authority 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 its conditions in order to receive funds. Typical grant agreement provisions will include:

- Actual awards are conditional upon funds being available from the Authority.
- Grantees must submit a detailed project work program and budget and the names of any contractors.
- Grantees must provide proof that all necessary permits have been obtained.
- Grantees must provide proof of liability insurance and name the Authority as an additional insured.

- Where appropriate, grantees will be required to provide signage informing the public that the project received Authority grant funding.
- Grant funds will only be paid in arrears on a reimbursement basis.
- Grantees must submit invoices and progress reports regularly.
- Grantees must meet project completion requirements (typically grants will include a 10% withholding that is not paid until the project is completed).
- Grantee must agree to monitor and maintain the project for an agreed-upon time, typically for a period of 20 years.
- Grantees may be required to reimburse the Authority for some or all of the disbursed grant funds if the project is not satisfactorily completed.
- In executing the project for which the grant has been given, grantees will comply with all terms set forth in the grant agreement and all applicable federal, state, and local laws and regulations.
- The Authority requires grantees to negotiate, enter into and execute a project labor agreement with the local building trades council or councils, subject to certain conditions and exceptions outlined in its Resolution 22, adopted November 30, 2016.

VI. Additional Information

a. Available Funding

The Authority expects to generate approximately \$25 million each year for twenty years for a total of \$500 million, which will be disbursed through grant rounds as outlined in the Grant Guidelines, with no more than 5% going to administrative costs.

b. Environmental Documents

The Authority is required to comply with CEQA and all other applicable environmental laws. Grant applicants should consider whether their proposed project will trigger the need for an environmental impact report or negative declaration, or whether a CEQA exemption applies. How CEQA applies and the status of CEQA compliance must be addressed in the grant application. Grant applicants that are not potential CEQA lead agencies, e.g., nongovernmental organizations, should work with a lead agency to determine whether their proposed project will trigger the need for an environmental impact report or negative declaration, or whether a CEQA exemption applies. Additionally, grant applicants should consider all other applicable environmental laws, on a project by project basis, report accordingly, and address compliance in the grant application.

c. 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 monitoring and reporting component will vary depending on the nature of the project, and may include regional monitoring approaches as appropriate. The grant application evaluation will assess the robustness of the proposed monitoring program. In addition, Authority staff will work with grantees to develop appropriate monitoring and reporting templates and procedures.

All projects must complete a final report, including a lessons-learned summary report fully and clearly describing lessons learned under all phases of the project including design, construction

and monitoring. Lessons learned should focus on project trouble areas and issues to be addressed as a guide to helping future projects to avoid these issues to the extent possible.

VII. Attach Full Application⁹

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⁹ The full application will be attached to the final RFP.

APPENDICES¹⁰

Appendix A: Relevant Sections of the San Francisco Bay Restoration Authority Act

Appendix B: Full Citations for Regional Plans Most Relevant to the Grant Program

Appendix C: Delta Primary Zone Map

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¹⁰ In the final version of the RFP, appendices will be links to the appendices in the final Grant Guidelines, rather than included in the RFP itself.

Appendix A: Selection Criteria of the Coastal Conservancy’s San Francisco Bay Area Conservancy Program, the San Francisco Bay Conservation and Development Commission’s Coastal Management Program, and the San Francisco Bay Joint Venture’s Implementation Strategy and project List Link

Please see below for additional detail regarding bullet point i above under section III. Solicitation Priorities.

I. Coastal Conservancy’s San Francisco Bay Area Conservancy Program

1. “Are supported by adopted local or regional plans;
2. Are multijurisdictional or serve a regional constituency;
3. Can be implemented in a timely way;
4. Provide opportunities for benefits that could be lost if the project is not quickly implemented;
5. Include matching funds from other sources of funding or assistance.”

II. San Francisco Bay Conservation and Development Commission’s Coastal Management Program

The San Francisco Bay Conservation and Development Commission’s Coastal Management Program is based on the provisions and policies of the McAteer-Petris Act, the Suisun Marsh Preservation Act of 1977, the San Francisco Bay Plan, the Suisun Marsh Protection Plan, and the Commission's administrative regulations. The McAteer-Petris Act and the Bay Plan apply to the entire Bay, while the Suisun Marsh Preservation Act and Suisun Marsh Protection Plan apply only to Suisun Marsh. The Bay Plan elements most relevant to this grant program (see Appendix D) include policies related to habitat goals, climate change resilience, setting goals and success criteria, monitoring and adaptive management, public access, and mosquito abatement. Consistency with these policies is required in order to obtain a permit for project construction from the San Francisco Bay Conservation and Development Commission.

III. San Francisco Bay Joint Venture’s Implementation Strategy

Applicants must either demonstrate that their project is on Joint Venture’s list or consult with the Joint Venture prior to applying for funding to assess and characterize their consistency with the selection criteria of the list. [*Link to be added.*]

Appendix B: Full Citations for Regional Plans Most Relevant to the Grant Program

As discussed in Appendix C, the Restoration Act states that the Authority will “give priority to projects that, to the greatest extent possible, meet the selection criteria of and are consistent with the State Coastal Conservancy’s San Francisco Bay Area Conservancy program (in accordance with subdivision (c) of Section 31163 of the Public Resources Code).” One of these criteria is, “Are supported by adopted local or regional plans.” Full citations for the regional plans the Authority considers most relevant to the grant program are provided below.

Restoring the Estuary: An Implementation Strategy for the San Francisco Bay Joint Venture. (2001.) San Francisco Bay Joint Venture. <http://www.sonic.net/~sfbayjv/estuarybook.php>

The Baylands and Climate Change: What We Can Do. Baylands Ecosystem Habitat Goals Science Update 2015. (2015.) California State Coastal Conservancy. <http://baylandsgoals.org/science-update-2016/>

Recovery Plan for Tidal Marsh Ecosystems for Northern and Central California. (2013.) U.S. Fish & Wildlife Service. https://www.fws.gov/sacramento/ES/Recovery-Planning/Tidal-Marsh/Documents/TMRP_Volume1_RP.pdf

San Francisco Bay Subtidal Habitat Goals Report: Conservation Planning for the Submerged Areas of the Bay. (2010.) California State Coastal Conservancy, Ocean Protection Council, NOAA National Marine Fisheries Service and Restoration Center, San Francisco Bay Conservation and Development Commission, San Francisco Estuary Partnership. <http://www.sfbaysubtidal.org/report.html>

Comprehensive Conservation and Management Plan for the San Francisco Estuary. (2016.) San Francisco Estuary Partnership. <http://www.sfestuary.org/wp-content/uploads/2016/10/CCMPFinalOct2016.pdf>

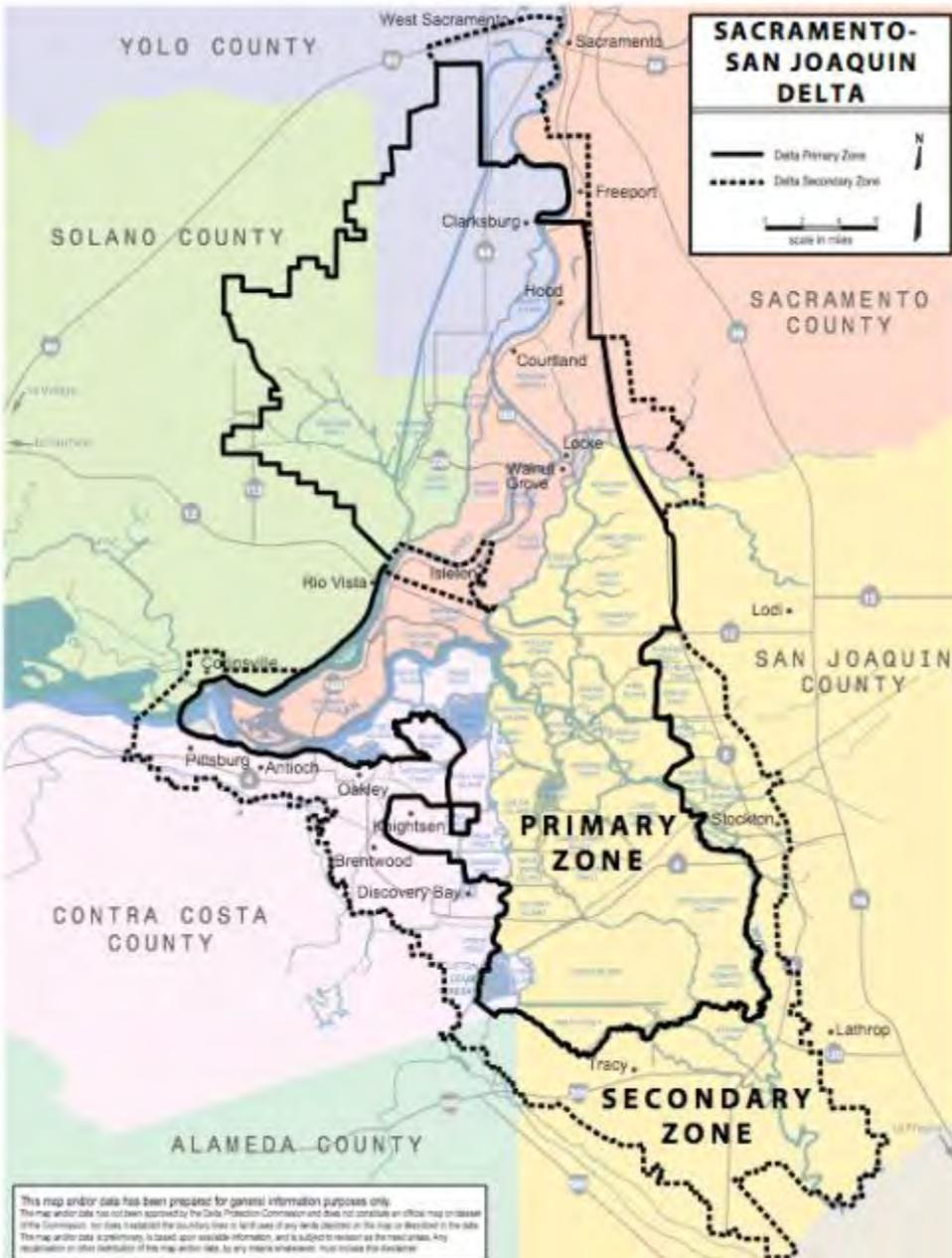
Surviving the Storm. (2015.) Bay Area Council Economic Institute. <http://documents.bayareacouncil.org/survivingthestorm.pdf>

San Francisco Bay Trail Plan: A Recreational Ring Around San Francisco Bay. (1989.) Association of Bay Area Governments. http://baytrail.org/wp-content/uploads/2015/12/San-Francisco-Bay-Trail_-Bay-Trail-Plan-Summary.pdf

San Francisco Bay Trail Design Guidelines & Toolkit (2016.) San Francisco Bay Trail. http://baytrail.org/pdfs/BayTrailDGTK_082616_Web.pdf

Enhanced San Francisco Bay Area Water Trail Plan. (2011.) California State Coastal Conservancy. http://scc.ca.gov/webmaster/ftp/pdf/sccbb/2011/1103/20110317Board08_SF_Bay_Area_Water_Trail_Ex3.pdf

Appendix C: Delta Primary Zone Map¹¹



¹¹ Source: Water Education Foundation: <http://www.watereducation.org/aquapedia/sacramento-san-joaquin-delta-land-use-and-boundaries>