



AGENDA

**San Francisco Bay Restoration Authority Advisory Committee Meeting
May 4, 2018, 10:00 am – 12:30 pm**

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

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

For additional information, please contact:
Anna Schneider, Clerk of the Advisory Committee: (510) 286-0325

Agenda and attachments available at:
www.sfbayrestore.org

- 1. Call to Order**
Chair Luisa Valiela, U.S. Environmental Protection Agency
- 2. Determination of Quorum**
Anna Schneider, Clerk of the Advisory Committee
- 3. Public Comment**
Each speaker is allowed three minutes.
- 4. Announcements (INFORMATION)**
- 5. Approval of Advisory Committee (AC) Meeting Minutes of March 9, 2018 (ACTION)**
Item 5: Draft Meeting Minutes for March 9, 2018
- 6. Chair's Report from April 11, 2018 Governing Board Meeting (INFORMATION)**

7. Report from Staff on Lessons Learned from First Grant Round and Request for Feedback on Staff's Proposed Revisions to the Grant Program Documents (INFORMATION)

Matt Gerhart, Restoration Authority Program Manager

Kelly Malinowski, Restoration Authority Project Manager

Item 7: *Staff Memo to Advisory Committee on Lessons Learned and Proposed Revisions*

Attachment 1: *Overview of Round 1 Grant Recommendations (Staff Memo to the Governing Board)*

Attachment 2: *Draft Round 2 Grant Program Guidelines (Redline Version)*

Attachment 3: *Draft Round 2 Request for Proposals (Redline Version)*

Attachment 4: *Draft Round 2 Grant Application (Redline Version)*

8. Report from Ad Hoc Subcommittee on Performance Measures (INFORMATION)

Roger Leventhal, Marin County Flood Control & Water Conservation District
(Subcommittee Lead)

Item 8: *Report of the Ad Hoc Subcommittee on Performance Measures*

9. Recommendation to Governing Board on Funding Coordinated Permitting Proposal (ACTION)

Amy Hutzel, Deputy Director, SFBRA

Sahrye Cohen, Regulatory Project Manager, US Army Corps Engineers

Item 9: *Draft Proposal for Coordinated Permitting*

10. Remaining AC Meetings in 2018 (INFORMATION)

10:00 AM – 12:30 PM

- June 29, 2018: Bay Area Metro Center, 375 Beale Street, Yerba Buena Room, First Floor, San Francisco CA 94105
- October 5, 2018: Elihu Harris State Building, 1515 Clay Street, Rm. 11, Oakland, CA 94612

11. Meeting Process Check-In: What's Working, What's Not

Chair Valiela

12. Public Comment

13. Adjourn

Note: Any person who has a disability and requires reasonable accommodation to participate in this public meeting should contact Taylor Samuelson no later than five days prior to meeting. Questions about reasonable accommodation can be directed to Taylor Samuelson at (510) 286-4182 or Taylor.Samuelson@scc.ca.gov or at the Restoration Authority:

c/o State Coastal Conservancy
1550 Clay Street, 10th Floor
Oakland, CA 94612



Advisory Committee

DRAFT MEETING MINUTES

March 9, 2018, 10:00 am – 12:30 pm

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

1. Call to Order

Luisa Valiela, Advisory Committee (AC) Chair, called the meeting to order.

AC Member Attendance: Dr. Ana M. Alvarez (Vice Chair), Brian Benn, Bruce Beyaert, Erika Castillo, Francesca Demgen, Nahal Ghoghaie, Letitia Grenier, Judy Kelly, Zahra Kelly, Roger Leventhal, Sally Lieber, Greg Martinelli, Jessica Martini-Lamb, Mike Mielke, Anne Morkill, Diane Ross Leech, Gary Stern, Luisa Valiela (Chair), Bruce Wolfe, Sarah Young

Staff Attendance: Sam Schuchat, Amy Hutzler, Matt Gerhart, Jessica Davenport, Kelly Malinowski, Karen McDowell, Anna Schneider

2. Determination of Quorum

AC Clerk Anna Schneider determined that there was a quorum.

3. Public Comment

There was no public comment.

4. Announcements

Chair Valiela announced that the call for applications for the SFBRA Oversight Committee has been released. She also announced that a Project Labor Agreement Workshop will be held on March 29, 10:30 to noon, at the Harris State Building in Oakland. (SFBRA requires that recipients of grants for construction projects of more than \$500,000, in which the grant amount is more than 10% of the project cost, enter into a Project Labor Agreement.) Program Director Matt Gerhart announced that the staff will be bringing its recommendations regarding which projects to fund to the April 11 Governing Board meeting. Chair Valiela reviewed the results of the survey of AC members' interest in presentation topics for future meetings and noted that another potential topic is the U.S. Army Corps of Engineers' Continuing Authorities Program, which can provide funds for habitat restoration projects.

5. Approval of Meeting Minutes of October 13, 2017 and December 8, 2017

Decision: There was consensus to approve the minutes.

6. Approval of Revision to Charter to Modify Quorum Rule

Decision: There was consensus to modify the quorum rule so that it will not apply to the approval of meeting minutes. Approval of minutes will only require a majority of those present.

7. Chairs' Report from the February 2, 2018 Governing Board Meeting

Chair Valiela reported that the Board discussed the grant applications received and noted that there were no applications from Contra Costa County. The AC can help ensure that additional outreach is done for the next grant solicitation in the fall.

8. Overview of Environmental Regulations and Permitting Challenges for Restoration Projects in the Bay Area

Luisa Valiela, U.S. Environmental Protection Agency, and John Bourgeois, State Coastal Conservancy, presented an overview of environmental permitting challenges for bay restoration projects. Chair Valiela described the multiple environmental laws and regulations that must be followed. John Bourgeois noted some common policy conflicts that complicate the permitting process, such as the conflicting needs for maximum public access and protection of sensitive species from the impacts of public access, and the requirement to minimize bay fill in habitat projects, despite its benefits in projects designed to adapt to sea level rise. (See presentation slides for details: [Item 8 Permitting Presentation Valiela](#) and [Item 8 Permitting Presentation Bourgeois](#).)

9. Coordinated Permitting Proposal

Adrian Covert, Bay Area Council, and Larry Goldzband, San Francisco Bay Conservation and Development Commission, presented a draft proposal for coordinated permitting that will be presented the SFBRA Governing Board at their April 11 meeting. The proposal was developed by regulatory agencies, potential applicants, and conveners, including the Bay Area Council, Resources Legacy Fund, and Silicon Valley Leadership Group, with support from the consultant Dudek. The proposal is to create two joint interagency habitat restoration teams, one focused on permitting and the other on regulatory policy. The goal is to achieve more timely permitting of multi-benefit wetland restoration projects in San Francisco Bay. The project proponents will be requesting \$1.2 million to \$1.47 million per year from SFBRA and others to support the teams. (See presentation slides for details: [Item 9 Coordinated Permitting Proposal.pdf](#).)

AC members provided the following comments on the proposal:

- The performance measures to ensure accountability of the teams need work.

- The most important performance measure is the length of time to get a project permitted.
- More information on the expected workload of the teams (i.e., number of projects expected per year) would be helpful.
- If the premise of coordinated permitting by creation of the teams is that the process would be more efficient (i.e., to do more with the same resources), why would any funding be needed? Why not loan staff as needed to the teams to improve the process relative to what it is now?
- Regarding potential funding sources, since the presenters stated that the business community was ‘supportive’, would the Bay Area Council, or others, fund it? It was indicated that the Bay Area Council has yet to be asked to be a funder, and that meetings are being planned in the next month to discuss this concept with East Bay Regional Parks and the Santa Clara Valley Water District.
- Proposal shows amazing vision.
- Anything that can be done to increase the availability of regulatory staff is a step in the right direction.
- Just having experienced permitting staff sitting together in the same room is not enough. You need to address the policy issues, too.
- Coordinated permitting approaches exist and could be used to inform this effort. Look at five examples of where this approach worked and what made it work.
- In time, it could be that the cost of "doing business" for Measure AA projects could include permitting fees that go towards funding the interagency team.
- Restoration Authority staff indicated they will provide a rationale in writing to the Advisory Committee, including consultation with legal counsel, as to how it is possible to take this proposal for funding BRRIT to the Governing Board.
- Make sure the permitting team incorporates the concept of “adaptive management”, given the uncertainty that we will be facing with long term project success, and adaptive management should also be reflected in CEQA impacts analysis.

Some members consider this a pilot approach, while others did not.

10. Report from Ad Hoc Subcommittee on Communications

Anne Morkill, U.S. Fish and Wildlife Service (Subcommittee Lead), summarized the outcomes of the first meeting. The group discussed the near-term goal of supporting Taylor Samuelson, SFBRA Public Information Officer, in crafting messages related to the first round of grant awards. They also discussed a long-term goal of creating a communications strategy, and brainstormed goals, tactics, and preliminary actions. Taylor Samuelson presented information about her role as public information officer and how she will work with the AC to collaborate on outreach efforts. (See meeting materials for details: [Item 10 Ad Hoc Submte on Comms Feb 2018 mtg notes.pdf.](#))

11. Report from Ad Hoc Subcommittee on Measures of Success

Roger Leventhal, Marin County Flood Control & Water Conservation District (Subcommittee Co-Lead), reported on the first meeting of this group. They have begun identifying potential performance measures for the Measure AA grant program and will bring a summary of their initial proposal to the May AC meeting.

12. Public Comment

There was no public comment.

DRAFT



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MEMORANDUM

DATE: April 27, 2018

TO: Advisory Committee
San Francisco Bay Restoration Authority

FROM: Matt Gerhart, Program Manager; Kelly Malinowski, Project Manager; Jessica Davenport, Project Manager
San Francisco Bay Restoration Authority

SUBJECT: Lessons Learned from the First Grant Round and Proposed Revisions to the Grant Program Guidelines, Request for Proposals, and Grant Application Form

Staff requests feedback from the Advisory Committee on proposed revisions to the Grant Program Guidelines (Grant Guidelines), Request for Proposals (RFP), and Grant Application Form (Application). The proposed changes will be presented to the Governing Board for their initial consideration at their June 2018 meeting and final approval at their September 2018 meeting.

Background

The San Francisco Bay Restoration Authority (Authority) adopted amendments to the Grant Guidelines in June 2017. The Grant Guidelines are a summary of the requirements of the San Francisco Bay Restoration Authority Act (Restoration Act) and the language included in the San Francisco Bay Clean Water, Pollution Prevention, and Habitat Restoration Measure (Measure AA), as well as some explanation of how the Authority will apply them.

The Authority adopted and released a RFP and Application for the Measure AA grant program in September 2017. The RFP and Application provide additional guidance on project eligibility and evaluation criteria.

Since that time, the Measure AA grant program has gone through its first grant cycle. Project proponents submitted applications, staff and members of the Advisory Committee (AC) reviewed applications, staff prepared recommendations, and the Governing Board approved grant awards in April 2018 (See Attachment 1, Overview of Round 1 Grant Recommendations).

During the Authority’s first grant cycle this past year, staff tracked lessons learned and received input on suggested improvements to the grant program documents. Proposed revisions based on these are shown in the three attached, updated redline versions of the documents.

- Draft Grant Program Guidelines (Attachment 2)
- Round 2 Draft Request for Proposals (Attachment 3)
- Draft Round 2 Grant Application Form (Attachment 4)

Many of the lessons learned and comments received involved clarifications of eligibility requirements. The following sections present three overarching issues that came up repeatedly; a brief summary of additional edits made to clarify eligibility requirements; and a summary of two public comments received on the first grant round documents.

1. Key Issues

The three most critical issues that surfaced during the first grant cycle are:

- Acquisitions: Are acquisition projects eligible for funding?
- Mitigation: Are a restoration project’s mitigation requirements eligible for funding?
- Dredging and Beneficial Reuse: How should requests for funding the cost of beneficial reuse of dredged material in habitat restoration projects be evaluated?

Staff proposes to address these issue as described below.

Acquisition Projects

Acquisition projects are not explicitly named as eligible project phases in the San Francisco Bay Restoration Authority Act (Act) or as eligible project activities in Measure AA. However, the Act does state that all phases of an eligible project may be funded and that eligible projects may “protect” natural habitats, which can be interpreted to include the acquisition of land intended to be restored. Therefore, staff is considering recommending that “acquisition” be added to the list of eligible project phases described on page 13 of the Grant Guidelines and added to the list of eligible project phases on page 4 of the RFP. Further, additional guidance on information needed about an acquisition project would be added to the project description section of the Application

Staff proposes to make the following revision on page 13 of the Grant Guidelines:

“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 acquisition, planning, design, environmental studies, permitting, construction, monitoring and evaluation, operation, scientific studies as part of the project to guide adaptive management, and maintenance.”

Staff proposes to make the following revision on page 4 of the RFP:

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

Add a footnote: “If your project is an acquisition, please include details of the restoration benefits in the project description section of the application.”

In the Application, staff proposes to add a footnote on page 3, referring to the Project Description:

“If your project is an acquisition of land that will require restoration, please include details of the expected restoration benefits of the project here.”

Also, in the Application, staff proposes to add a checkbox on Page 1 for “acquisition” projects.

Mitigation

During the first grant round, a question arose about whether the mitigation requirements of a restoration project are eligible for funding. The grant guidelines already state that “The Authority will not fund mitigation requirements of a project that will result in net damages to habitat elsewhere.” However, if mitigation is required for a project that will achieve the purposes of the Restoration Authority Act and Measure AA, staff recommends that it be eligible for Measure AA funding. The following edits will be made to the Grant Guidelines, the RFP, and the Application regarding mitigation projects:

Staff proposes to make the following revision on page 16 of the Grant Guidelines:

“The Restoration Authority will primarily fund voluntary habitat restoration projects. The Authority will not fund offsite mitigation requirements of a project that will result in net damages to habitat elsewhere. However, the Authority may fund the mitigation requirements of a project that is eligible for Measure AA funds. The Authority may contribute to a project that is making use of mitigation funds, but the Authority's share of the funds must pay for an incremental improvement beyond compensation for damages elsewhere.”

Staff proposes to add this section under “d. Eligible Types and Activities” on page 6 of the RFP:

“Additional Eligibility Considerations

Not all mitigation projects are eligible for Measure AA funds. Please refer to the Grant Program Guidelines for eligibility requirements for mitigation projects.”

Staff proposes to add question #14 on page 5 of the Application:

“Permitting and Mitigation. If your project has progressed to this phase, please describe the status of your permits, as well as the general nature of any mitigation requirements. If your project has not yet reached the permit phase, do you anticipate any particular permitting or mitigation challenges?”

Beneficial Reuse of Dredge Material in Restoration Projects

The Authority received several applications for funding some or all of the cost of bringing dredged material to subsided restoration sites, but reviewers encountered difficulty in interpreting a series of issues related to the efficacy, suitable costs, and eventual benefits of these proposals. The staff recommends that additional guidance be developed before encouraging the submittal of such proposals, including clarifying the need for an application to be tied to a specific restoration site.

Staff will seek additional guidance from the Advisory Committee on how to evaluate such applications when comparing them to other restoration project applications that do not need dredged material, and how to compare various types of reuse with one another. Staff also intends to seek guidance on these questions from the participants in the working groups of the *Long-Term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region* (LTMS).

No revisions related to these issues are proposed at this time.

2. Summary of Additional Edits Made to Clarify Eligibility Requirements

Proposed Edits to the Grant Guidelines:

- Adjust release date.
- Fix spacing.

Proposed Edits to the RFP:

- Adjust release date.
- Add page numbers.
- Fix spacing.
- Update application link.
- Under V.a, change language to read that “Grant applications will be initially reviewed screened by Authority staff for completeness.”

Proposed Edits to the Application:

- Adjust release and due dates.
- Add clarification to the “Acres” box on Page 2, to indicate either habitat acreage to be restored, or land to be acquired.
- Add clarification to the “Trail Miles” box on Page 2, to include “length” after “trail.”
- Add clarification to the “Shoreline length” box on Page 2, to include “miles.”
- Add additional check boxes for further clarification on CEQA on page 1-2: Indication of if CEQA is required for the project, if CEQA has been approved and filed, and the type of CEQA document, which is also included on page 4.
- Edited Section II. Grant Application – Preliminary Budget and Schedule on page 6 to remove the embedded budget, which will instead be attached to the application. The following language edits were made in this section to reflect this change:
 - i. Remove the following sentence, “*Please use the embedded excel document to provide the project’s preliminary budget and schedule information. In your completed application, the budget can be sent separately in excel, or*

embedded below,” and added the following sentence: “Please use the provided budget matrix (in excel document form) to outline your budget, and attach that excel document to this application.”

- ii. Change in the second paragraph “In the budget matrix attached to your application below, relist the tasks identified in #7 above.”
- iii. Change in the fifth paragraph “Below, and in addition to completing the attached budget matrix ~~the budget matrix~~, please also include a discussion of any uncertainties in the budget...”

3. Summary of Public Comments on the Grant Guidelines, RFP, and Grant Application

Comment #1:

Sarah Young, former Advisory Committee member and staff at the Santa Clara Valley Water District, submitted a general comment email on February 14, 2018, requesting that staff “add a page to the SFBRA website with resources for grantees, including: 1. Timeline of what to expect from grant application to completion, and 2. Template for board resolution for grantee agency.”

Staff let Ms. Young know that several of these already were available and another is under development. Resources for grantees are hosted on the SFBRA website (the “Grants” tab for resources related to the grant program specifically, and the “Resources” tab for additional resources). There is also a “Typical Sequence of Events for Accepting a San Francisco Bay Restoration Authority Grant” document, found on the “Grants” tab of the SFBRA website, that explains what to expect from a SFBRA grant from application to completion. The Authority is also currently developing a template board resolution for grantees.

Comment #2:

Robert E. Doyle, General Manager, East Bay Regional Park District submitted a comment letter specific to the Grant Guidelines and RFP on April 6, 2018, to express that the Park District will work collaboratively with the SFBRA to identify future projects in Contra Costa County. Mr. Doyle also noted that the Park District has found the Grant Guidelines to be challenging in finding suitable projects in urban areas. He specified that “linking every eligible project to restoration severely limits the types of projects which can be physically completed along an urban shoreline.” Mr. Doyle further commented that “many of our proposed projects along the Richmond, Oakland, and North Contra Costa County shorelines involve increasing access, cleaning up degraded areas, and stabilizing shoreline infrastructure.” Mr. Doyle outlined some thoughts on how to improve the Grant Guidelines:

1. “Support eligibility for grants for acquisition.
2. Provide flexibility in allowing public access or flood management projects that are not part of a restoration project.
3. Allow cleanup projects or repair of failing shoreline infrastructure, particularly in areas where physical and regulatory limitations would preclude any meaningful restoration.
4. Consider climate resiliency projects as a way to reduce SF Bay pollution.”

After reviewing the comment letter, staff have determined that:

- Comment #1 above is covered under the current edits to the Grant Guidelines, as outlined in this memo.

- Comments #2 and #3 above conflict with both the language in Measure AA, as well as the language in the Restoration Act, which require that both public access and flood protection projects must be tied to a restoration project.
- Comment #4 is possible under the current Grant Guidelines.

Next Steps

The staff will propose revisions to the Governing Board at their June 1, 2018 meeting that incorporate input from the AC and the public and reflect best professional judgment on how to clarify the requirements of grant program. Staff expects to further refine these amendments based on Governing Board input in June and present a proposed version for adoption by the Board at their September meeting.

Attachments

1. Overview of Round 1 Grant Recommendations (Staff Memo to the Governing Board)
2. Proposed Revisions to the Grant Program Guidelines (Redline Version)
3. Proposed Revisions to the Proposal Solicitation (Redline Version)
4. Proposed Revisions to the Application Form (Redline Version)



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MEMORANDUM

DATE: April 2, 2018

TO: Governing Board
San Francisco Bay Restoration Authority

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

SUBJECT: Overview of Round 1 Grant Recommendations

Overview

Staff have completed review of the 2017 grant applications and are recommending the Authority consider nine projects for funding totaling \$23.5 million. Eight projects are being brought forward for consideration at the current meeting, and one project with ongoing CEQA work will be brought for potential approval at a future Authority meeting.

Discussion

The San Francisco Bay Restoration Authority received 22 submittals to its fall 2017 grant solicitation, requesting \$47.7 million in funding. Authority staff first screened grant proposals for eligibility and then organized proposal review in accordance with the Grant Guidelines, working with 12 reviewers drawn from staff and eligible members of the Advisory Committee. A total of four reviews were completed for each proposal, using both the quantitative and qualitative assessments outlined in the Guidelines. After initial ranking, scores were reviewed for consistency and staff investigated follow-up questions brought up by reviewers during the review.

Staff was able to resolve all eligibility and feasibility questions to its satisfaction, and identified the top nine scoring proposals, each receiving greater than 80 points, as proposals that could be recommended to the Authority for funding either in April or later this year, depending on the

status of environmental analysis under the California Environmental Quality Act (CEQA). Eight applicants would be offered their full request; one would receive a partial award. Response letters were sent to applicants, and staff has worked with applicants to prepare the eight staff recommendations on this meeting's agenda. Of the nine proposals, one, for the San Francisco Department of Parks and Recreation project at 900 Innes, does not include all necessary CEQA analysis and will be brought to a board meeting later this year for Authority consideration. One other, for the South Bay Salt Pond Phase II project, includes elements that are eligible for funding now as well as elements that require further CEQA analysis (Eden Landing); therefore, only part of the grant proposal is being recommended for funding at the April meeting, and the remainder will be considered only after the CEQA work is complete.

The partial funding recommendation for the South Bay Shoreline Project was developed after extensive follow-up with the grant applicant about their readiness to begin construction activities this year. The project's construction start is dependent on achieving authorization from Congress, which may be forthcoming within the next 60 days. Even if the Congressional authorization does not occur in 2018, the applicant plans to undertake planning activities. Therefore staff is recommending multi-year funding for the project at a level that will be useful whether a construction start is achieved this year or not. Staff will likely recommend funding the remaining portion of the request at such time as the initial award has been fully utilized.

The nine proposals cover a broad range of the Authority's priorities, achieving both a high level of integration between the program areas and a high level of coverage of the Measure AA Prioritization Criteria. The proposals include both construction projects and planning and design proposals. Six of the proposals achieve all three types of Authority purposes (habitat, flood, and public access) and three center more on one type (one each for flood, habitat and public access).

The nine proposals have a relatively balanced geographic distribution, covering all four regions and seven of the nine bay area counties – with a bit higher allocation to the west, and lower to the east, due mainly to the internal distribution of the South Bay Salt Ponds project funding. No proposals were received for one county, Contra Costa, and Napa did not benefit from a successful funding proposal. The breakdown of funding by region (with one project crossing three regions), is as follows:

- North: \$5,051,264 (21.5%), 4 projects
- West: \$10,393,558 (44.2%), 2 projects
- South: \$5,652,792 (24.1%), 2 projects
- East: \$2,402,386 (10.2%), 3 projects

The final ranking of proposals is listed below in Table 1, with highlighting indicating proposals receiving greater than 80 points that are being recommended for funding.

Staff has been compiling recommendations from reviewers and proponents for updates to the solicitation for next year, and plans to bring a draft of the next solicitation to the Authority at its June meeting.

Table 1: 2017 Solicitation Ranking

Organization	Project Name	Project Type	Project Phase(s)	Region	County	Amt Requested	Amt Recommended	Average Score
Ducks Unlimited, Inc.	South Bay Salt Ponds Restoration Project, Phase 2	Habitat, Public Access/Habitat, Flood/Habitat	Planning; Permitting; Design; Construction/Implementation; Monitoring	W, E, S	San Mateo, Alameda, Santa Clara	\$8,021,730	\$8,021,730	92.75
Santa Clara Valley Water District (District)	South San Francisco Bay Shoreline Project for Economic Impact Area 11 (Project)	Habitat, Flood/Habitat, Public Access/Habitat	Permitting; Design; Construction/Implementation; Maintenance; Monitoring	S	Santa Clara	\$15,000,000	\$4,439,406	86.25
Montezuma Wetlands LLC (MWLLC)	Montezuma Tidal and Seasonal Wetlands Restoration Project – Phase I Tidal Wetlands Area	Flood/Habitat	Design; Maintenance; Monitoring; Construction/Implementation	N	Solano	\$1,610,000	\$1,610,000	86.25
Marin County Flood Control District	Deer Island Basin Phase I Tidal Wetlands Restoration Project	Habitat, Public Access/Habitat, Flood/Habitat	Permitting; Design	N	Marin	\$630,000	\$630,000	86
City/County of San Francisco, Recreation and Park Department	900 Innes Remediation	Habitat	Planning; Permitting; Design; Construction/Implementation	W	San Francisco	\$4,998,600	\$4,998,600	85.75

Organization	Project Name	Project Type	Project Phase(s)	Region	County	Amt Requested	Amt Recommended	Average Score
City of San Leandro	San Leandro Treatment Wetland for Pollution Reduction, Habitat Enhancement and Shoreline Resiliency	Flood/Habitat, Public Access/Habitat	Planning; Design; Permitting	E	Alameda	\$539,000	\$539,000	82
Point Blue Conservation Science	Restoring wetland-upland transition zone habitat in the North Bay with STRAW	Habitat, Public Access/Habitat, Flood/Habitat	Design; Construction/Implementation; Maintenance; Monitoring	N	Sonoma, Marin	\$2,661,264	\$2,661,264	81.5
Sonoma Land Trust	Restoration Strategy for Lower Sonoma Creek	Habitat, Public Access/Habitat, Flood/Habitat	Planning	N	Sonoma	\$150,000	\$150,000	81.25
East Bay Regional Park District	Encinal Dune Restoration and Public Access	Public Access/Habitat	Construction/Implementation	E	Alameda	\$450,000	\$450,000	80.25
East Bay Regional Park District	Coyote Hills Restoration and Public Access Project- Phase 2: Initial Vegetation Management, Engineering/Design, Permitting	Public Access/Habitat	Planning, Other (Vegetation Mngt.)	E	Alameda	\$568,000	\$0	77.25
San Francisquito Creek Joint Powers Authority	Tidal Marsh and Upland Habitat Enhancements in Faber Tract Marsh	Flood/Habitat	Construction/Implementation	W	San Mateo	\$361,235	\$0	76

Organization	Project Name	Project Type	Project Phase(s)	Region	County	Amt Requested	Amt Recommended	Average Score
City of San Rafael	Spinnaker Marsh Tidal Marsh Restoration and Shoreline Flood Protection Improvement Project	Habitat, Flood/Habitat, Public Access/Habitat	Planning; Design	N	Marin	\$432,400	\$0	75.75
San Francisco Bay Joint Venture	Fundamental Accountability Tool	Habitat, Public Access/Habitat, Flood/Habitat	Planning	N, S, E, W	Sonoma, Marin, Napa, Solano, San Francisco, San Mateo, Alameda, Contra Costa, Santa Clara	\$460,000	\$0	75.6
Western Ecological Research Center, US Geological Survey	A Novel Approach to Enhancing Subtidal Habitat for Pacific Herring, Shellfish, and Birds in San Francisco Bay	Habitat	Planning; Permitting; Design; Construction/ Implementation; Operations; Maintenance; Monitoring	N, E, S	Marin, Alameda, Solano	\$263,124.51	\$0	74.75
Hayward Area Shoreline Planning Agency (HASPA)	Hayward Shoreline Restoration Project- Oliver Salt Ponds & Hayward Shoreline Interpretive Center (HSIC)	Habitat, Public Access/Habitat, Flood/Habitat	Planning; Permitting; Design; Construction/ Implementation; Monitoring; Operations	E	Alameda	\$3,210,000	\$0	74.25

Organization	Project Name	Project Type	Project Phase(s)	Region	County	Amt Requested	Amt Recommended	Average Score
Sonoma County Water Agency	Hudeman Slough Enhancement Wetlands Education and Public Access Improvements	Public Access/Habitat	Planning; Design; Construction/ Implementation	N	Sonoma, Marin	\$78,775.31	\$0	73
Sonoma County Regional Parks	Hudeman Slough Habitat Enhancement and Public Access	Public Access/Habitat	Permitting; Design; Construction/ Implementation; Monitoring	N	Sonoma	\$225,000	\$0	65.75
Montezuma Wetlands LLC (MWLLC)	Montezuma Tidal and Seasonal Wetlands Restoration Project	Flood/Habitat	Operations	N	Solano	\$5,400,000	\$0	65.4
San Mateo County Parks Department	Coyote Point Eastern Promenade Shoreline Project	Public Access/Habitat	Construction/ Implementation	W	San Mateo	\$1,000,000	\$0	62.5
Napa County Flood Control and Water Conservation District	An Integrated Sediment Monitoring and Management Plan for the Napa River	Habitat, Public Access/Habitat, Flood/Habitat	Planning; Design; Monitoring	N	Napa	\$650,000	\$0	59.9
City of South San Francisco	Oyster Point Restoration Project	Public Access/Habitat	Construction/ Implementation	W	San Mateo	\$300,000	\$0	57
City of Petaluma	Beneficial Re-use of Petaluma River and Marina dredging spoils (Phase I)	Habitat, Public Access/Habitat, Flood/Habitat	Planning; Permitting; Design; Construction/ Implementation; Maintenance; Monitoring	N	Sonoma	\$732,000	\$0	54.5



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

June 20187

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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.

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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>.)

Eligible project activities must 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).*

In addition, 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.*

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 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

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).

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.”

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 E); these can include habitats that have been modified by human activity but still provide tangible wildlife support and/or ecological value. Projects should restore, protect or enhance habitat for native species, including native plants.

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 [acquisition](#), 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*

- *Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan)*
- *Long-Term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region, Management 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 ability to implement the project once planning is completed. 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.” The Implementation Strategy is referenced in Appendix E. More information about the Joint Venture’s list of priority projects and criteria used to select them can be found in the “Projects” section of their website, <http://www.sonic.net/~sfbayjv/projects.php>. 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:

- 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.*
- 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.

With respect to flood protection, the Restoration Authority will prioritize funding for the use of nature-based flood protection through restoration of wetlands and transitional habitats. A second priority for funding will be hybrid flood protection strategies, such as horizontal levees, that integrate habitat restoration with new or improved levees that are a necessary part of wetland restoration activities, to protect existing shoreline communities and other assets. However, the Authority may also fund flood protection necessary to a restoration project that is not integrated with habitat restoration.

The Restoration Authority will primarily fund voluntary habitat restoration projects. The Authority will not fund [offsite](#) mitigation requirements of a project that will result in net damages to habitat elsewhere. [However, the Authority may fund the mitigation requirements of a project that is eligible for Measure AA funds.](#) The Authority may contribute to a project that is making use of mitigation funds, but the Authority's share of the funds must pay for an incremental improvement beyond compensation for damages elsewhere.

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 Economically Disadvantaged Communities

An economically disadvantaged community (EDC) is defined as a community with a median household income less than 80% of the area median income (AMI). Within this set of low-income communities, communities of particular concern include those that: are historically underrepresented in environmental policymaking and/or projects, bear a disproportionate environmental and health burden, are most vulnerable to climate change impacts due to lack of resources required for community resilience, or are severely burdened by housing costs, increasing the risk of displacement.

A proposed project’s ability to provide benefits to these communities will be judged on the basis of the direct involvement and support of local community groups; a demonstrated track record working within communities; the use of proven strategies to increase relevance of messaging and outreach; and the 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 burden, greater civic engagement, and enhanced leadership development opportunities.

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.

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/sccbb/2011/1103/20110317Board08_SF_Bay_Area_Water_Trail_Ex3.pdf

Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). (2017.) San Francisco Bay Regional Water Quality Control Board. http://www.waterboards.ca.gov/sanfranciscobay/basin_planning.shtml#basinplan

Long-Term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region, Management Plan (2001.) U.S. Army Corps of Engineers, U.S. Environmental Protection

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Agency, San Francisco Bay Conservation and Development Commission, San Francisco Bay Regional Water Quality Control Board.
<http://www.spn.usace.army.mil/Portals/68/docs/Dredging/LMTS/entire%20LMTF.pdf>



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 XX15, 20187

September XX8, 20187

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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 this RFP.

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 described in the SFBRA Grant Program Guidelines (June 2017) and reviewed 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 [acquisition](#)¹, planning, design, environmental studies, permitting, construction, monitoring and evaluation, operation, scientific studies as part of the project to guide adaptive management, and maintenance.

d. Eligible Project Types and Activities

To be eligible for Measure AA funds, prospective projects must qualify as one or more of the three Restoration Act project types listed below:

1. Habitat Project

A habitat project will 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 “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.³

2. Flood Management, as part of a Habitat 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.

3. Public Access, as part of a Habitat 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

¹ [If your project is an acquisition, please include details of the restoration benefits of the project in the project description section of the application.](#)

² A Delta Primary Zone map can be found in Appendix C.

³ A list of relevant local or regional plans regarding habitat types can be found in Appendix B.

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.

Eligible projects may receive funding for the following activities described in Measure AA:

The *Safe, Clean Water and Pollution Prevention Program's* purpose is to remove pollution, trash and harmful toxins from the Bay in order to provide clean water for fish, birds, wildlife and people. Eligible activities are:

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

The *Vital Fish, Bird and Wildlife Habitat Program's* purpose is 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 are:

- a. Enhancing 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. Protecting and restoring wetlands and other Bay and shoreline habitats to benefit wildlife, including shorebirds, waterfowl and fish.
- c. Providing for stewardship, maintenance and monitoring of habitat restoration projects in and around the Bay, to ensure their ongoing benefits to wildlife and people.

The *Integrated Flood Protection Program's* purpose 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. Eligible activities are:

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

The *Shoreline Public Access Program's* purpose 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. Eligible activities are:

- a. Constructing new, repairing existing and/or replacing deteriorating public access trails, signs, and related facilities along the shoreline and managing these public access facilities.

- b. Providing 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.

Additional Eligibility Considerations

Not all mitigation projects may be eligible for Measure AA funds. Please refer to the Grant Program Guidelines for eligibility requirements for mitigation projects.

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III. Solicitation Priorities

The Authority will give priority to eligible projects that achieve as many as possible of the following:

- a. Have the greatest positive impact⁴ 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 impact⁵ on the Bay, to benefit future generations.
- c. Provide for geographic distribution⁶ 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.⁷
- d. Increase impact value by leveraging state and federal resources and public/private partnerships.
- e. Benefit economically disadvantaged communities⁸.

⁴ *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.

⁵ *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.

⁶ *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.

⁷ Geographic distribution will be assessed by the location of projects proposed and assessed over multiple grant cycles.

⁸ “*An economically disadvantaged community* (EDC) is defined as a community with a median household income less than 80% of the area median income (AMI). Within this set of low-income communities, communities of particular concern include those that: are historically underrepresented in the environmental policymaking and/or projects, bear a disproportionate environmental and health burden, are most vulnerable to climate change impacts

- f. Benefit the region’s economy, including local workforce development⁹, 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.¹⁰

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 award 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 (optional)	October 4 th , 2017 from 2pm – 3pm PST
Proposals Due	November 15 th , 2017
Evaluation	November 16 th 2017 – January 31 st 2018
Grant Recommendations and Board Meeting	Starting in Spring 2018

Sign up for the webinar by following this link:

<https://attendee.gotowebinar.com/register/2923137809738527490>

due to lack of resources required for community resilience, or are severely burdened by housing costs, increasing the risk of displacement.” A proposed project’s ability to provide benefits to these communities will be judged on the basis of the direct involvement and support of local community groups; a demonstrated track record working within communities; the use of proven strategies to increase relevance of messaging and outreach; and the 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 burden, greater civic engagement, and enhanced leadership development opportunities.

⁹ 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.

¹⁰ 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. This criteria is captured via three separate questions in the grant application.

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.

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-grants.php>)

V. Application Review and Evaluation

a. Completeness

Grant applications will be initially ~~reviewed~~screened 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;
- Proposed activities are eligible for funding as set forth in Measure AA; and
- Projects will have environmental documents completed in time to be presented to the Governing Board by September 2018.

Applications that do not pass the screening process will not proceed to the review process. Authority staff will notify the applicant. 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 Authority's Conflict of Interest Code 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 scoring criteria as described below.

d. Scoring Criteria: Quantitative and Qualitative

Reviewers will score projects quantitatively within the categories below, as well as evaluate projects qualitatively against one another.

Criteria	Points	Where to Find the Corresponding Content in the Grant Application
I. The extent to which the project implements the programs and activities of Measure AA (Section II).	20	I. Grant Application – Project Description: #1. Project Eligibility, #3. Goals and Objectives, #5. Project Description, #7. Specific Tasks #12. Public Access
II. The extent to which the project achieves the priorities of Measure AA, as defined by the prioritization criteria under Section III.	40 Total Projects judged on both the breadth and depth with which they meet criteria.	III. Solicitation Priorities: #1 - #10
III. 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, the likelihood the project will be maintained over time, and the likelihood of success in addressing the project’s barriers and risks.	40 Total 20 = Project’s likelihood of success 10 = Project’s likelihood of maintenance over time, <i>(or completion of the project, if the project proposed is planning)</i> 10 = Grantee’s likelihood of success	<p><u>Project’s likelihood of success (20):</u></p> <ul style="list-style-type: none"> • I. Grant Application – Project Description: <ul style="list-style-type: none"> ○ #2 Need for the project, ○ #5 Project Description, ○ #6 Site Description, ○ #9 Measuring Success, ○ #10 Barriers and Risks, ○ #11 Environmental Review, ○ #13. Community Support, Involvement, and Benefits. • II. Grant Application – Preliminary Budget and Schedule, specifically Contingency Costs and Uncertainties. • III. Grant Application – Prioritization Criteria <ul style="list-style-type: none"> ○ #3 Leveraging Resources and Partnerships. <p><u>Project’s likelihood of maintenance overtime (10):</u></p>

		<ul style="list-style-type: none"> • I. Grant Application – Project Description: <ul style="list-style-type: none"> ○ #6 Site Description, ○ #9 Measuring Success, ○ #13. Community Support, Involvement, and Benefits. • II. Grant Application – Preliminary Budget and Schedule. • III. Grant Application – Prioritization Criteria: <ul style="list-style-type: none"> ○ #2 Greatest Long-term impact, ○ #7 Monitoring, maintenance, and stewardship. <p><u>Grantee’s likelihood of success (10):</u></p> <ul style="list-style-type: none"> • I. Grant Application – Project Description: <ul style="list-style-type: none"> ○ #4 Applicant and Project History ○ #13. Community Support, Involvement, and Benefits. • II. Grant Application – Preliminary Budget and Schedule.
	100	

Quantitative Scoring

Each of the three above point categories will be assigned a numerical rating using the following scoring tiers as a guide when evaluating how well the proposal addresses that category, as explained below.

To achieve the maximum amount of points, the proposal must provide clear, substantive, and coherent evidence that the proposed work will adequately address all relevant aspects of that category. Proposals that describe in sufficient detail how the proposed work will effectively address multiple, or excel in a particular, aspect/s of a category can achieve up to 75% of a category’s points. Proposals that address multiple or single aspects of a category without clearly describing how these aspects would result in measurable benefits will not receive more than half a category’s points. Proposals that need significant work may mention, but not adequately describe, how the proposal would meet some or one relevant aspect/s of that category, or not

mention or adequately describe those aspects at all, and shall not receive more than 25% of a category's points.

Additional Detail on Three Categories of Criteria Above

- I. Programs and Activities of Measure AA
 - a. The four programs, and related activities, of Measure AA are listed in **Section II.d** above: *II. Eligibility and Required Criteria, d. Eligible Project Activities*. Eligible projects must implement at least one program, and related activity, of Measure AA. A proposal can receive high scores by either implementing many activities to an adequate degree, or implementing a particular or few activities very well. In other words, a proposal will not rank higher just because it implements more activities than other proposals, and the extent to which a project implements an activity will be considered in ranking proposals.
- II. Measure AA Priorities
 - a. Measure AA Priorities are listed in **Section III** above: *Solicitation Priorities*. To excel in this category, a project proposal would meet all or most of the priority criteria outlined above, as interpreted by the Authority and explained in the footnotes of the above section. Projects will be judged both on the depth and breadth with which they meet criteria.
- III. Likelihood of Success
 - a. This category captures the likelihood of success of the project, the project's likelihood of maintenance overtime (or the likelihood the eventual project will get implemented, if the project proposed is a planning project), as well as the likelihood of success of the proposed grantee and project team. Overall, this category considers whether the proposal: is written consistently and according to instructions; includes a complete, reasonable and well thought-out scope of work, budget and schedule; identifies in its work plan how the project will be implemented (including obtaining permits, etc. if applicable); addresses the barriers and risks identified; and clearly demonstrates the applicant has the ability to successfully complete the project within the schedule and budget proposed. Applicants that excel across these elements will score highly in this category.

Qualitative Scoring

In addition to quantitative points as described above, each proposal will have an additional qualitative scoring section. The qualitative scoring section will include a space for reviewers to record the proposal's top three strengths, as well as the proposal's top three weaknesses, when considering Measure AA's four programs and related activities (quantitative Section I above), Measure AA's priority criteria (quantitative section II above), and the applicant and project's likelihood of success (quantitative section III above).

- e. Grant Award

Based on proposal review and scoring, 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, and at least quarterly.
- Grantees must meet project completion requirements (typically grants will include a 10% withholding that is not paid until the project is completed), including a final report as outlined in section VI.e Project Monitoring and Reporting, below.
- Grantee must agree to monitor and maintain the project for an agreed-upon time, typically for a period of 20 years, and if the grantee is not the landowner, the grantee must secure the landowner's written permission to monitor and maintain for that period.
- 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.

- Grantees must agree to maintain records and may be subject to audits.
- Construction projects will need to be bonded.

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 cover the administration of the Restoration Authority. This 5% does not refer to or apply to prospective grantees, who will have a percentage limit of 15% for direct project management costs in their projects.

b. Project Timeframe

The Authority may request that proponents of projects with schedules longer than 3-5 years break their projects into phases and return to the Authority for the funding and authorization of each phase of the project.

c. Funding Range

There is not a set funding range for proposals, however the Authority encourages projects of at least several hundreds of thousands of dollars, as well as multi-million dollar projects. The Authority currently anticipates funding approximately 5-10 projects per grant round.

d. 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 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 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. The Authority's monitoring requirements will seek to assess the ongoing effectiveness of the project. The

Authority does not currently intend to require monitoring activities that exceed monitoring needed to measure and report project effectiveness.

f. Pilot Projects

Pilot and demonstration projects are eligible under this grant program and serve to enhance our technical understanding of methods and approaches that improve our ability to design and construct “nature based” approaches to wetlands enhancement and flood protection around the Bay.

VII. Grant Application

Please follow this link to access the Grant Application, which is linked on the Restoration Authority's website, under the 'Grants' tab here:

http://sfbayrestore.org/docs/Final_SFBR_Application_9-15-17.docx

APPENDICES

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

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 B) 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.

- San Francisco Bay Joint Venture Implementation Strategy:
<http://www.sonic.net/~sfbayjv/estuarybook.php>
- San Francisco Bay Joint Venture Project List:
<http://www.ecoatlas.org/regions/adminregion/sfbjv/projects>

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

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

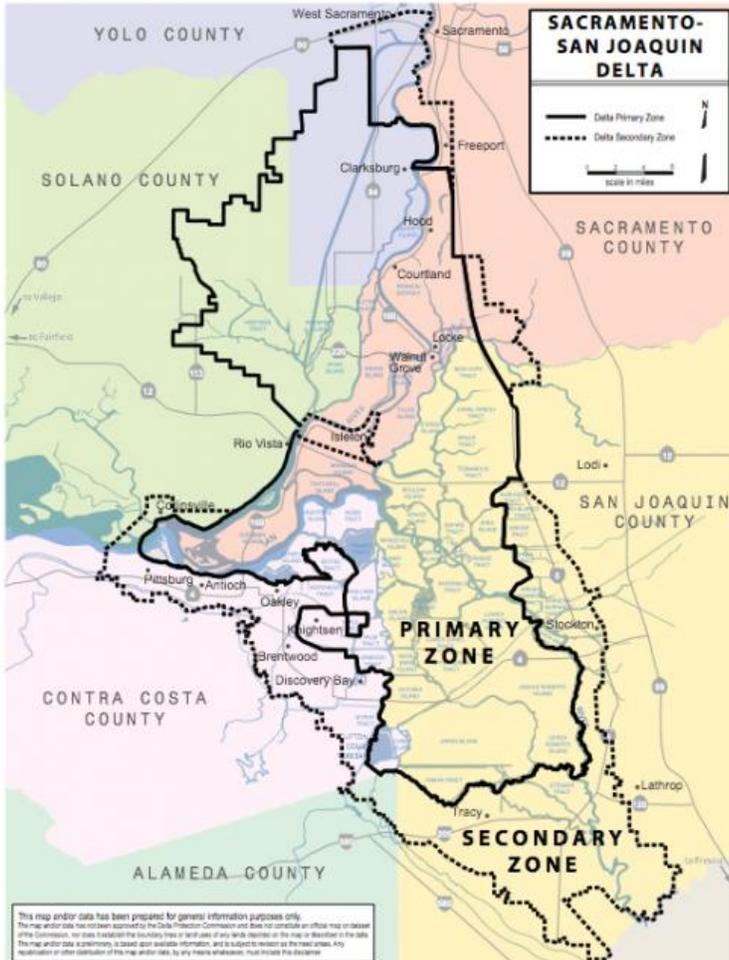
San Francisco Bay Trail Design Guidelines & Toolkit (2016.) San Francisco Bay Trail. http://baytrail.org/pdfs/BayTrailDGTK_082616_Web.pdf

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

Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). (2017.) San Francisco Bay Regional Water Quality Control Board. http://www.waterboards.ca.gov/sanfranciscobay/basin_planning.shtml#basinplan

Long-Term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region, Management Plan (2001.) U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, San Francisco Bay Conservation and Development Commission, San Francisco Bay Regional Water Quality Control Board.
<http://www.spn.usace.army.mil/Portals/68/docs/Dredging/LMTS/entire%20LMTF.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>



San Francisco Bay
Restoration Authority

Rev. ~~June~~September 2018: ~~Final~~DRAFT

SAN FRANCISCO BAY RESTORATION AUTHORITY MEASURE AA
GRANT APPLICATION – COVER PAGE

**Application instructions can be deleted to allow for full use of the page limits*

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CONTACT INFORMATION			
Organization			
Contact Persons (Primary/Alternate)		Email	
Phone		Fax	
Address			
Partner Entities			

PROJECT INFORMATION			
Project Name			
Summary			
Total Project Cost	\$	Amount Requested	\$
Other Funding Sources (Amount)	\$	Other Funding Sources	
Start Date		End Date	
Project Type	<input type="checkbox"/> Habitat <input type="checkbox"/> Flood/Habitat <input type="checkbox"/> Public Access/Habitat		
Project Phase (check all that apply)	<input type="checkbox"/> Acquisitions <input type="checkbox"/> Planning <input type="checkbox"/> Operations <input type="checkbox"/> Other: _____ <input type="checkbox"/> Permitting <input type="checkbox"/> Maintenance <input type="checkbox"/> Design <input type="checkbox"/> Monitoring <input type="checkbox"/> Construction/Implementation		
CEQA	What are the CEQA requirements for your project? <input type="checkbox"/> Yes <input type="checkbox"/> Not a project under CEQA <input type="checkbox"/> Exempt from CEQA (statutorily or categorically)		

PROJECT DESCRIPTION

<input type="checkbox"/> ND <input type="checkbox"/> MND <input type="checkbox"/> EIR For implementation projects, is CEQA completed? <input type="checkbox"/> Yes <input type="checkbox"/> No If required, has the CEQA document been approved and filed? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, date filed; Which type of CEQA document do you have for your project (if applicable)? <input type="checkbox"/> NOE <input type="checkbox"/> EIR <input type="checkbox"/> ND <input type="checkbox"/> MND <input type="checkbox"/> NOD <input type="checkbox"/> MMRP <input type="checkbox"/> Statement of Overriding Considerations <input type="checkbox"/> Other (Please indicate type here: _____ If no, expected filing month/year: _____ }			
<u>(habitat acreage to be restored, or land to be acquired)</u>	Acres	Trail length (mMiles)	APNs (Acquisition Only)
Shoreline length (miles)			

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LOCATION INFORMATION			
SFBRA REGION	<input type="checkbox"/> North (Sonoma, Marin, Napa, Solano) <input type="checkbox"/> West (San Francisco, San Mateo)	<input type="checkbox"/> East (Alameda, Contra Costa) <input type="checkbox"/> South (Santa Clara)	
County		Specific Location	
Latitude Format: 33.3333		Longitude Format: -111.1111	
What point is represented by the lat/longs (eg., parking lot, center of site, etc):			

ELECTED OFFICIALS		
Districts	Number(s)	Name(s)
State Senate		
State Assembly		
Congressional		

PROJECT DESCRIPTION

I. GRANT APPLICATION – PROJECT DESCRIPTION

Complete each of the elements of the project description below with clear, but detailed answers. Limit your response to this section to no more than six pages.

1. **Project Eligibility.** Describe how your project meets the RFP’s Eligibility and Required Criteria (See Section II in the RFP – Eligible Grantees and Project Locations, Phases, Types and Activities).
2. **Need for the Project.** Describe the specific problems, issues, or unserved needs the project will address.
3. **Goals and Objectives.** The goals and objectives should clearly define the expected outcomes and benefits of the project.
4. **Applicant and Project History.** Describe your experience with similar projects and/or how your organization is best suited to carry out the proposed project.
5. **Project Description.** Describe all of the major project components (i.e., what will actually be done to address the need and achieve the goals and objectives). Include the history and context for the development of the project.¹
6. **Site Description.** Describe the project site or area, including site characteristics that are tied to your project objectives (i.e.: for acquisition of habitat, describe current vegetation assemblages, condition of habitats, known wildlife migration corridors, etc.). When relevant, include ownership and management information.
7. **Specific Tasks.** Identify the specific tasks that will be undertaken and the work that will be accomplished for each task.

#	Task Name	Description
1		
2		
3		
4		
5		
6		
7		

¹ [If your project is an acquisition, please include details of the restoration benefits of the project here.](#)

PROJECT DESCRIPTION

Add or delete rows as necessary.

8. **Work Products.** List the specific work products or other deliverables that the project will result in.
9. **Measuring Success.** For projects involving restoration, construction or land acquisition, describe the plan for monitoring, evaluating and reporting project effectiveness, and implementing adaptive management strategies if necessary. Who will be responsible for funding and implementing ongoing management and monitoring?²
10. **Barriers and Risks.** Please discuss any barriers that may exist in implementing your project, and how they may be overcome, as well as how you would address and overcome any anticipated undesired outcomes or risks regarding the proposed project. Examples may include addressing current and projected sea level rise impacts, infrastructure present at the project site (e.g. transmission lines), risks of invasive species, and other potential barriers and risks associated with the proposed project.
11. **Environmental Review.** Projects funded by the San Francisco Bay Restoration Authority must be reviewed in accordance with the California Environmental Quality Act ("CEQA"). If the project is statutorily or categorically exempt under CEQA, no further review is necessary. If the project is not exempt, the potential environmental effects of the project must be evaluated in a "Negative Declaration (Neg Dec)," "Mitigated Negative Declaration (MND)," or "Environmental Impact Report," prepared by (or under contract to) a public agency and adopted or certified by the public agency. Please select the appropriate answer(s) below, and then describe how CEQA applies to your proposed project, and address the status and timing of CEQA compliance. For more information on CEQA, visit: <http://resources.ca.gov/ceqa/>

The proposed project (select the appropriate answer(s)):

- Is exempt under CEQA. Provide the CEQA Guidelines exemption number and specify how the project meets the terms of the exemption.
- Requires a Neg Dec, MND, or EIR. Specify which: _____
- Specify the CEQA lead agency (the agency preparing the document) and the (expected) date for adoption or certification. Please note that the Authority will need to review and consider the adopted or certified CEQA document prior to authorizing a grant.

² 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.

PROJECT DESCRIPTION

Please describe how CEQA applies to your proposed project, and address the status and timing of CEQA compliance:

12. **Public Access.** Does your proposed project include or overlap with a proposed alignment for the San Francisco Bay Trail or San Francisco Water Trail? If so, how do you plan to integrate Bay Trail or Water Trail designations into your project?

13. **Community Support, Involvement and Benefits.**³ Please explain the extent to which the project has community support, has included community engagement and input, and provides tangible community benefits. In particular, explain any community engagement process undertaken and relevant community partnerships that could impact project success.

14. **Permitting and Mitigation.** If your project has progressed to this state phase, please describe the status of your permitting requirements, as well as the general nature of any your mitigation requirements. If your project has not yet reached the permit phase, do you anticipate any particular permitting or mitigation challenges?

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³ Competitive applications should be inclusive of diverse groups to ensure that benefits to the community extend beyond simple input and engagement.

II. GRANT APPLICATION – PRELIMINARY BUDGET AND SCHEDULE

Please use the embedded excel document to provide the project's preliminary budget and schedule information. In your completed application, the budget can be sent separately in excel, or embedded below.

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Please use the provided budget matrix (in excel document form) to outline your budget, and attach that excel document to this application.

In the budget matrix attached to your application below, relist the tasks identified in #7 above and for each provide: 1) Project costs per year, adding additional columns as needed, 2) the estimated cost of the task, and 3) the funding sources (applicant, Authority, and other) for the task, and for other funds, please describe below all sources of other funding and whether secured or pending. The table will automatically sum the totals for each row and column. To do this, highlight the whole table and hit F9.

You may include a task for direct project management for no more than 15% the cost of the project. If you choose to include contingency or overhead, please include as a separate task and be advised that overhead calculations must be justifiable for an audit.

Below, and in addition to completing the attached budget matrix ~~the budget matrix~~, please also include a discussion of any uncertainties in this budget, and your anticipated ability to operate and maintain the project, as well as explain how you will handle any contingency costs.



Final SFBRA
BUDGET_9 15 17.xlsx

In Kind Services: *In-kind services or contributions include volunteer time and materials, bargain sales, and land donations. Describe and estimate the value of expected in-kind services.*

Contingency Costs: *Please describe contingency costs, if applicable, and any plans for managing them.*

Other Funds: *Please describe below all sources of other funding and whether secured or pending.*

Operation and Maintenance. Please describe your operation and maintenance expectations and capabilities.

Uncertainties. *Please discuss any other budget or key uncertainties that would affect the success of the project.*

SFBRA MEASURE AA PRIORITIZATION CRITERIA

III. GRANT APPLICATION - PRIORITIZATION CRITERIA⁴

Complete each of the elements of the prioritization criteria below with clear but detailed answers. Limit your response to this section to no more than four pages.

1. **Greatest positive impact.** Describe the degree to which the project will 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.
2. **Greatest long-term impact.** Describe the degree to which the project will achieve the greatest long-term impact on the Bay, to benefit future generations.
3. **Leveraging resources and partnerships.** Describe how the project will leverage state and federal resources, and public/private partnerships. If applicable, indicate if Authority funds are needed to meet match requirements of other secured funding sources.
4. **Economically disadvantaged communities⁵.** Describe to what degree the project will benefit economically disadvantaged communities.
5. **Benefits to economy.** Describe how the project will 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.
6. **Engage youth and young adults.** Describe how the project will work with local organizations and businesses to engage youth and young adults and assist them in gaining skills related to natural resource protection.
7. **Monitoring, maintenance, and stewardship.** Describe how the project will incorporate these to develop the most efficient and effective strategies for restoration and achievement of intended benefits.
8. **Coastal Conservancy's San Francisco Bay Area Conservancy Program⁶.** Describe how the project is consistent with the Conservancy's San Francisco Bay Area Conservancy Program's Criteria.

⁴ Refer to the Request for Proposals, Section III, for the interpretation and definitions of the Prioritization Criteria.

⁵ Please refer to the "Grants" tab for a link to the SFBRA 80% Area Median Income Map for the San Francisco Bay Area.

⁶ Refer to the Request for Proposals, Appendix A, for a list of the Coastal Conservancy's San Francisco Bay Area Conservancy Program's Criteria.

SFBRA MEASURE AA PRIORITIZATION CRITERIA

9. **San Francisco Bay Conservation and Development Commission's Coastal Management Program**⁷. Please describe if and how the project is consistent with San Francisco Bay Conservation and Development Commission's Coastal Management Program.

10. **San Francisco Bay Joint Venture's Implementation Strategy**⁸. Please address your project's consistency with the Joint Venture's Implementation Strategy, its inclusion on the Joint Venture's list, and/or describe your consultation with the Joint Venture prior to applying for funding.

⁷ Refer to the Request for Proposals, Appendix A, for more information on the San Francisco Bay Conservation and Development Commission's Coastal Management Program.

⁸ Refer to the RFP, Appendix A for links to the San Francisco Bay Joint Venture's Implementation Strategy and project list.



GRANT APPLICATION CHECKLIST

A complete application will consist of the following files:

- Cover Letter (optional) – no more than one page.
- Grant application form (in Microsoft word or rtf format), includes:
 - cover page
 - project description
 - preliminary budget and schedule
 - prioritization criteria
- Project maps and design plans (in one pdf file, 10 MB maximum size)
- Project photos (in jpg format)

Project Maps and Graphics. Provide the following project graphics with your application. Project maps and design plans should be combined into one pdf file with a maximum size of 10 MB. Project photos should be provided in jpg format.

- Regional Map – Clearly identify the project’s location in relation to prominent area features and significant natural and recreational resources, including regional trails and protected lands.
- Site-scale map – Show the location of project elements in relation to natural and man-made features on-site or nearby. Any key features discussed in project description should be shown.
- Design Plan – Construction projects should include one or more design drawings or graphics indicating the intended site improvements.
- Site Photos – One or more clear photos of the project site

- I have reviewed the **Grant Agreement Provisions** listed in the Grant Guidelines (Page 9) and understand the likely requirements for receiving and administering Measure AA Funds.

Applications should be emailed to: grants@sfbayrestore.org. If you are unable to email your application, you may send the electronic files on a CD or other common electronic storage device. Mail the files to:

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

Grant applications must be received by the San Francisco Bay Restoration Authority by 5pm PST on November ~~XX15~~, 20187.

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San Francisco Bay Restoration Authority Advisory Committee

**Report of the Ad Hoc Subcommittee on Performance Measures:
Summary of Progress, Preparation of Draft Performance Measures Table and Recommendations
for Year One Annual Report Format**

April 25, 2018

Roger Leventhal on Behalf of the Ad Hoc Subcommittee on Performance Measures¹

Luisa Valiela, Advisory Committee Chair

With staff support provided by Jessica Davenport and Karen McDowell, SFBRA Project Managers

This memo presents work completed to-date by the ad hoc subcommittee on performance measures under the Advisory Committee (AC) to the San Francisco Bay Restoration Authority (SFBRA). This subcommittee took on the following tasks:

- Develop performance measures for the SFBRA;
- Assess and make recommendations to the Governing Board (GB) on how best to track progress and provide information to the public on how well projects funded by Measure AA are achieving the goals stated in the SFBRA enabling legislation and Measure AA;
- Prepare a draft table of suggested performance measures for review by the full AC;
- Make recommendations on performance measures to include in the annual report of work funded under Measure AA; and
- Make recommendations for future work items related to development of performance measures and metrics to the full AC and to consider what conclusions, if any, might be drawn out over time.

Tracking and reporting of the work accomplished using Measure AA funds is important to evaluate the progress of the program and to identify areas in need of improvement. It is also important to report out to taxpayers funding the measure how well the program is meeting its stated objectives.

The ad hoc subcommittee has engaged in conference calls and email exchanges to develop the draft table of performance measures contained within. There was lively debate over many issues and differing viewpoints on approaches to meeting the goals of the subcommittee. This memo lays out the main results to date, but also has a section 6 below where dissenting as well as alternative viewpoints from the subcommittee are tracked. Our goal is to recommend performance measures and report out to the full AC so that they gain the full understanding of the various viewpoints and concerns raised during the subcommittee meetings.

¹ Ad hoc subcommittee members included Brian Benn , Erika Castillo, , Francesca Demgen , Letitia Grenier Zahra Kelly, Erika Powell, and Ameer Raval . For affiliations and expertise, see <http://www.sfbayrestore.org/sf-bay-restoration-authority-advisory.php>.

1.0 Goals and Caveats for Development of Measure AA Performance Measures

During the work of the subcommittee, we have identified goals and caveats related to the development performance measures for the Measure AA grant program, which are discussed below. Gaining clarity on these issues aided in the development of the draft table in the following section.

Goals

1. ***Develop Clear Metrics and Require Grantees to Use Them.*** In order to report on the progress of the grant program over time, the staff will need to obtain information about various aspects of projects in consistent units, such as acres of habitat and miles of trails. This will enable the staff to report on cumulative totals, for example, to assess progress after five years of grant making.
2. ***Develop the First Iteration of Performance Measures for the First Year of the Program While Making Recommendations for the Development of Performance Measures Needed in Future Years*** – As described in more detail below, there were many issues identified by the ad hoc subcommittee that were not quickly or easily resolved. Given the nature of these identified issues and the need to produce the first draft of performance measures table to inform for the first annual report due in Fall 2018, the ad-hoc subcommittee proposes that the AC focus on the table of measures contained within this memo. After AC discussion, the intent is to have consensus-based performance measures to recommend to the Governing Board and SFBRA staff. The subcommittee will make recommendations for continuing to develop those performance measures that will require additional work, possibly by outside experts.

Caveats

1. ***Tidal Wetland Habitat Restoration Metrics Are Being Developed by Another Group.*** The subcommittee members were initially interested in developing metrics to evaluate the progress of wetland habitat restoration projects funded by Measure AA. However, a parallel effort is currently underway to develop such metrics as part of a Wetlands Regional Monitoring Program for San Francisco Bay. The project manager, Heidi Nutters of the San Francisco Estuary Project, attended a subcommittee conference call to explain the purpose, participants, and timeline for that project. She noted that a group of managers and scientists will develop management questions, which will be translated into monitoring questions. This will inform the development of indicators, metrics and methods by scientists. A steering committee will review and advise on the science content, recommend a governance structure, develop a budget and identify potential funding sources for the program. The ad hoc subcommittee will not duplicate this work. The subcommittee will continue to coordinate with this project, as well as others as described in more detail below.
2. ***Measure AA Requirements Should Not Significantly Increase Project Monitoring and Reporting Costs*** – Monitoring and reporting can be very expensive. The ad hoc subcommittee members tended to support the goal that we should not add expensive and/or complex monitoring requirements onto applicants that may not only be difficult to achieve but also would require additional AA funds to achieve. Subcommittee members tended to support the idea of using the already required project monitoring by the permitting agencies wherever possible. However, there was consensus that where easily and low cost trackable and reportable monitoring can be performed by projects, that staff work with project applicants to ask them to report in a consistent reporting format to allow for ease of

folding up results into the annual report and cumulative reports on multiple years of work. (See Goal 1, above.)

3. ***It Will be Difficult and Potentially Expensive to Develop and Track Metrics Related to Every Stated Goal in the Measure AA Ballot Language – At Least Initially.*** – This was perhaps one of the more contested and open to debate potential limitations to the proposed program. Measure AA contains many stated goals across a number of areas. Many if not most of them are fairly easily and relatively inexpensively tracked and reported. However, there are some goals (i.e. many of those involving water quality) that could be much more difficult and expensive to monitor and also to even decide what is the best metric to use. As one subcommittee member pointed out, a metric for trash removal that say reported out as “tons of trash” removed might discriminate against a project that prevented trash from entering the system in the first place, a much better goal. Also, there are some goals that are regional in nature and not the direct result of any individual projects (e.g. trends in water quality) and are thus subject to broader forces in the Bay. For AA monitoring to ask projects to track and report out some of the goals could be potentially complex and expensive and may show success or failure of parameters that may not be legitimately the result of AA funding. The goals are important, but the ad hoc subcommittee did not feel like there was sufficient time and/or expertise in the group to resolve these issues. Section 3 below contains a fuller description of these goals and possible next steps.

Note that for many types of programs that use natural systems for water quality treatment, such as green stormwater infrastructure to treat stormwater runoff, there is no requirement to measure pollutant loads. Rather, there is a “treatment by design” approach that says if the facilities are designed correctly and are maintained and working, the regulatory agencies assume treatment is occurring thereby, saving applicants from costly field measurements. This same approach may be suitable for some AA funded projects as well.

4. ***Measure AA Staff Time is Limited*** – Measure AA limits administrative cost to no more than 5% of funding. Therefore, by design, Measure AA staff resources are limited and they also have numerous duties already and do not have the capacity to track and roll up large amounts of data across a range of measures. Therefore, any monitoring program has to acknowledge the current limitations in staffing. In addition, some monitoring is extremely technical in nature and may require expertise in literally dozens of scientific fields from biology to chemistry to physical processes in wetlands and flood control) and would therefore, require a number of technical staff to accomplish – well beyond the current capabilities of existing staff.
5. ***Some Monitoring Results May Not be Available for Several Years Following Project Implementation***
– The results for some monitoring will require construction of the project and follow-up monitoring for several years and then analysis of results by experts. This limitation adds to the rationale for phasing the development of the performance measures program.

2.0 Summary of Draft Monitoring Table – Agreed Upon Measures and Metrics

Table 1 attached contains the draft first-cut of the monitoring table with the monitoring and reporting metrics we believe are achievable for the year one annual report (as well as all annual future annual reports of course) but will be expanded later as the metrics described in Section 3 below are developed.

As described in the table, we propose that the following metrics are easily trackable and reportable for at least years one through five of the project:

Table 1 – Performance Measures Table

<u>Performance Metrics</u>	<u>Number</u>	<u>Units</u>	<u>Comments</u>
Types of Organization Funded			
Public agency		# projects	
Private Entity		# projects	
Public-Private Partnership		# projects	
Public Joint Venture		# projects	
Non-profits and NGOs		# projects	
Types of Projects Funded			
habitat only projects		# projects	
habitat and public access projects		# projects	
habitat and flood protection projects		# projects	
habitat and flood protection and public access projects		# projects	
pilot or demonstration projects		# projects	Projects that are by design small in size but demonstrate restoration approaches of value beyond their immediate project limits
special projects (permitting facilitation or monitoring)		# projects	
Benefits to Economically Disadvantaged Communities			
percentage of projects providing benefits to EJ communities		percentage of total projects	Comment: Some may want percent of total dollars but that maybe seems too hard to track? Discuss
Youth Involvement			
Percentage of projects with significant youth involvement component		percentage of total projects	“Significant” to be determined by staff
Project Phases Funded			
Pre-Construction Only Projects		# projects	can include planning, CEQA, design, permitting
Construction Projects		# projects	can include other phases, too, but must include construction

Post-Construction Only Projects		# projects	can include maintenance and monitoring including periodic photos
Habitat Restoration and Enhancement			
Number of plans completed and permitted for construction		# plans	
Specific species targeted for restoration		# list of specific target species for restoration	Habitat projects usually focused on specific species of concern in the design
Number of acres of habitat planned or constructed divided by type		# acres	Report separately by planned versus constructed acres
+ Subtidal habitats		# acres	
+ Bayland wetland habitats (tidal marsh, mud flats, pannes, seasonal wetlands)		# acres	
+ Uplands transition zone habitats and migration space		# acres	
Public Access			
Trail miles planned or constructed		# trail miles	Divide into miles of Bay Trail or miles other trails
Water trail sites planned or constructed		# water trail sites	
Geographic Distribution of Funds			
Dollars allotted to each region		# dollars	
Dollars allotted to each county		# dollars	
Funds Leveraged			
Total dollars leveraged by all projects funded that year		# dollars	
private funds		# dollars	
other government funds		# dollars	
Volunteer Hours			
Number of volunteer hours for all projects		# hours	
Administrative Costs			
Program administrative costs		% of total grants awarded	Enabling legislation limits admin costs to 5% of total spent over the life of the program

3.0 Measures and Metrics Requiring Further Development

The measures described in this section may be more difficult and more expensive to track and report. As previously indicated, some of the measures may reflect influences that are beyond the control of measure AA funding which is on a project by project level.

Flood Risk Reduction Benefits – This measure would track how well the project achieves its stated flood risk reduction benefits. Since flood risk reduction can be tracked using many different metrics (i.e., acres of reduced flooding, protection from 1% annual exceedance probability (AEP) event, reduction in storm-related monetary losses) this category needs further work to develop some common metrics that can be tracked across many projects without excessive costs.

Comparison of Intended Benefits to Actual Benefits – This measure would track how well the project delivered on the intended versus in its project proposal, i.e., the grant application. Since this requires implementation and actual monitoring data, it is anticipated that this metric would not likely be added until sometime past Year 5 at the earliest and more likely later in the program like at Year 10 for many metrics as natural systems can take years to develop. For planning level projects, performance measures may include production of plans or acquisition of permits.

Benefit to Region’s Economy – Although a stated goal, this metric may be difficult to measure as direct result of AA funding. It is likely that an expert in economics may be required to provide advice and input in how to structure this performance measure. Job creation is a potential metric.

Cost-Effectiveness and Efficiency of Funds Expended – Like the regional economic benefit above, evaluating the cost-efficiency is difficult in practice. A simple metric like dollars per acre isn’t always good since costs can vary for a number of reasons and wetlands have different values that are difficult to normalize for comparison. It is likely that an expert in economics may be required to provide advice and input in how to structure this performance measure.

Habitat Quality of Wetlands Restored or Enhanced – There are a number of performance measures related to the quality of the constructed habitat. These include responses across a number of scientific areas:

1. Physical processes (tidal channel formation, sedimentation)
2. Wildlife response (especially threatened and endangered species and other species of concern)
3. Vegetation response
4. Vector control & mosquito abatement

Local and Regional Water Quality Benefits – Measure AA describes several water quality goals, from trash removal to pollution reduction. Since these metrics for water quality benefits may be more complicated and regional in extent, we propose working with other programs like the Wetlands Regional Monitoring program (WRMP) to utilize their expertise to develop these measures. More details on the WRMP and other regional programs is in the next section.

4.0 Integration with Other Regional Monitoring Programs

As described above, there are other ongoing programs around San Francisco Bay involved in the monitoring of wetland restoration projects. These other programs provide expertise in performance monitoring of these types of projects that should be coordinated and integrated in with the SFBRA

performance tracking work to avoid duplicative and/or contradictory monitoring and reporting and to better leverage monitoring dollars. Two of the major efforts for monitoring and reporting are as follows:

Wetlands Regional Monitoring Program (WRMP)

The U.S. Environmental Protection Agency provided a grant to the San Francisco Estuary Partnership (SFEP) and two other partners (the San Francisco Estuary Institute and the San Francisco Bay National Estuarine Research Reserve) to develop the WRMP. The SFEP project manager Heidi Nutters joined the ad hoc subcommittee on one of the conference calls to facilitate coordination. The WRMP Project has a Scientific Advisory Team with expertise from many disciplines that will develop indicators, metrics, methods and a budget. The project is intended to result in a program that will monitor the performance of wetland restoration projects in San Francisco Bay, including those funded Measure AA.

The WRMP is in its early stages and will likely not have developed monitoring metrics until 2019. The project team is evaluating which metrics are best done on a project scale and which are best done on a regional scale. It is possible that Measure AA could fund some monitoring activities if approved by the GB as consistent with the ballot language. It is also not known at this time whether these monitoring measures will be required by the permitting agencies.

At this point, staff and ad hoc committee members will be coordinating with Heidi and will track the progress of the project and report back to the full AC.

Measures Assessed in the State of the Estuary Report (SFEP, 2015)

The *State of the Estuary Report*, if updated periodically, can help the public evaluate whether the combination of projects funded by Measure AA and other sources are resulting in improvements to “the Bay as a whole in terms of clean water, wildlife habitat and beneficial use to Bay Area residents”.

The subcommittee learned that this report will be updated in the near future.

The following is a list of indicators from this report that are of most relevant to SFBRA and Measure AA Goals:

1. Water Quality

1. Safe for Aquatic Life: toxicity and concentrations of chemical pollutants
2. Fishing: concentrations of pollutants in fish popular for consumption by anglers

2. Habitat

1. Tidal Marsh: Total extent (acres) and tidal marsh in big patches (>500 acres)
2. Eelgrass: acreage

3. Wildlife

1. Benthic: Community composition
2. **Fish:** Native fish abundance, percent native fish, percent native species
3. Harbor Seals: Index of abundance
4. Wintering Waterfowl: abundance of six species of dabbling ducks and six species of diving ducks
5. Breeding Waterfowl: annual abundance of five of the most of the most abundant dabbling duck species in the estuary
6. Shorebirds: Abundance per hectare during the winter

7. Herons and Egrets: nest density and nest survival
8. Tidal Marsh Birds: index
9. Ridgway's Rail: density per hectare
4. Processes
 1. Migration Space: percentage of undeveloped space and percentage protected from development
 2. Feeding Chicks: for Brandt's cormorants, # of fledged young produced per breeding pair; for egrets and herons, # of young produced per successful nest
5. People
 1. Public Access: increases in mileage of the Bay Trail and sites on the Water Trail

5.0 Recommendations for the Annual Report Format

Given the phased approach to developing the performance monitoring and reporting table, members of the ad hoc subcommittee agreed on the following recommendations for the annual report.

1. Summarize and report out the performance measures contained in Table 1 above, all of which should be readily available from the early award rounds of the program.
2. Develop a more qualitative "story" side to the projects that describes goals and eventually performance in a more visual, less data driven but more human format including photos, very clear figures and even videos. Be sure to make the annual reports clear and easy for nontechnical people to understand and identify with.

6.0 Dissenting Viewpoints

This section allows space for any individual ad hoc member to document and describe their concerns or clarifications to any of the measures or discussions.

No written dissents have been provided to date.

7.0 Next Steps

Members of the ad hoc subcommittee will present these initial findings at the May 2018 meeting of the full AC. Following this meeting, a new or revised memo will be prepared and the table will be modified based on feedback at the full AC meeting. We anticipate participating in meetings with the WRMP Project teams and interacting with SFBRA staff who are also very involved in the regional wetlands monitoring programs.

SAN FRANCISCO BAY COORDINATED PERMITTING APPROACH FINAL STRAWMAN 4/24/18

PURPOSE: To improve the permitting process for multi-benefit wetland restoration projects and associated flood management and public access infrastructure in San Francisco Bay by dedicating agency representatives to review project information and prepared permit applications for consideration as a team in the most efficient manner.

BACKGROUND: Creating two joint inter-agency restoration teams- “Bay Restoration Regulatory Integration Team (BRRIT)” and the “Bay Restoration Policy and Management Team (BRPMT)”- has been conceptually agreed upon during meetings hosted by Resources Legacy Fund/Dudek (March 24, October 24) and in personal communications between Rick Bottoms, US Army Corps Regulatory Chief, and representatives from the following agencies: National Marine Fisheries Service (NOAA Fisheries), US Fish and Wildlife Service, Bay Conservation and Development Commission, San Francisco Regional Water Quality Control Board, CA Department of Fish and Wildlife, and the US Environmental Protection Agency.

WHAT: Collaboration within the multi-agency teams to ensure timely action and compliance with the following federal and state permitting authorities, including but not limited to: Clean Water Act (CWA) §404, CWA §401 Water Quality Certification, McAtter-Petris Act, Endangered Species Act & Essential Fish Habitat, California Endangered Species Act, California Water Code, CDFW 1600, San Francisco Bay Basin Plan, Suisun Marsh Preservation Act, Rivers and Harbors Act, Coastal Zone Management Act, California fully protected species.

WHERE: Multi-benefit wetland restoration projects in the San Francisco Bay and along the bay shoreline of the nine Bay Area counties, excluding the Delta Primary Zone.

WHY: The San Francisco Bay has an established tidal marsh restoration goal of 100,000 acres as well as goals for other wetland types (Baylands Goals Report, 1999 and 2015). The availability of \$500 million over the next 20 years for wetlands restoration and multi-benefit projects through the passage of Measure AA, and other funding sources, will require timely results and effectiveness of the restoration investments.

WHO:

- 1) “Bay Restoration Regulatory Integration Team”: To consist of 1.5 FTE USACE, 1 FTE NOAA Fisheries, 1 FTE USFWS, 1 FTE BCDC, 1 FTE CDFW, 1 FTE RWQCB. (Inclusion of 1 FTE from EPA is possible on an ad hoc basis.)
- 2) “Bay Restoration Policy and Management Team”: To consist of representatives from EPA, USACE, NOAA Fisheries, USFWS, BCDC, RWQCB, State Water Board, CDFW, and may include other entities as needed or suggested.

FUNDING: The estimated cost for the BRRIT is ~\$1.305m/year for 6 agencies to be paid for by the San Francisco Bay Restoration Authority and the Coastal Conservancy, and potentially the Santa Clara Valley Water District and East Bay Regional Park District. An estimated \$278,000 will be provided through in-kind matching funds, including but not limited to USACE office space and equipment, and BRPMT participation. The ability to utilize funding for staff may be subject to hiring constraints applicable to individual participating agencies.

HOW:**Bay Restoration Regulatory Integration Team (BRRIT):**

- The USACE San Francisco District will provide office space for the BRRIT members from each agency. To facilitate regular coordination, agencies are encouraged to have their dedicated staff co-located at USACE for a minimum of the same 2-3 days/week. USACE would oversee the team staff.
- BRRIT would coordinate review of project information to process and issue permits and other decision documents in a timely fashion. BRRIT will meet frequently with and without applicants to review project progress, resulting in a collaborative, integrative review and approval/disapproval process.
- Pre-application meeting once a month (as necessary). (cross-reference with Dudek proposal)
- Site visits and tours as necessary to understand the proposed project, to be organized the with the permit applicant and attended by the BRRIT, ideally as a group.
- BRRIT would provide public outreach including quarterly information sessions on topics relevant to the application process, brownbags, etc...
- BRRIT will align project with the regional monitoring program concurrently being developed, and coordinated with Measure AA and the participating agency mandates.
- Data entry and measures of success tracking as determined by each agency and the interagency process
- BRRIT members will be delegated varying levels of permitting authority by their respective agencies, and will inform project applicants of their agencies' permitting processes and decision-making levels as early as possible in the pre-application process.
- BRRIT will identify issues that require intra-agency and inter-agency policy discussions whose purposes will be to make more clear application requirements and lead to expedited decisions.
- BRRIT may upgrade permit decisions to the BRPMT under agreed-upon procedures.

Bay Restoration Policy and Management Team (BRPMT):

- Review permitting issues raised by the BRRIT that may require policy shifts or upper management direction. To the extent possible, directly address issues and as necessary prepare any issues for further action by other decision-makers.
- Review and provide direction for project decisions that are elevated from the BRRIT
- Management and execution of inter-agency agreements and monthly to quarterly billing for the BRRIT.

PERFORMANCE MEASURES: Baseline information to measure success is necessary for quantitative and/or qualitative analysis. Useful performance measures will be established as part of the management system to measure success improving the permitting process over time.

The following federal and state agencies agree to work together to form a coordinated permitting approach for multi-benefit wetland restoration projects in the San Francisco Bay and along the shoreline of the nine Bay Area counties, excluding the Delta Primary Zone: U.S. EPA Region 9; U.S. Army Corps of Engineers (Corps), San Francisco District; U.S. Fish and Wildlife Service; NOAA National Marine Fisheries Service; San Francisco Bay Regional Water Quality Control Board; California Department of Fish and Wildlife; and San Francisco Bay Conservation and Development Commission, (“the Agencies”). The *San Francisco Bay Coordinated Permitting Approach Final Strawman*, dated January 9, 2018 is attached.

The Agencies will form two teams: the Bay Restoration Regulatory Integration Team (BRRIT); and the Bay Restoration Policy and Management Team (BRPMT). The BRRIT will consist of dedicated staff from each agency to coordinate the review of project information to process and issue permits and other decision documents in a timely fashion. The BRPMT will be led by agency managers and will coordinate with the BRRIT as necessary to resolve policy issues and provide direction for any elevated project decisions. Specific project eligibility for BRRIT review will be established as part of agency funding agreements. Projects will be screened for BRRIT review using the eligibility criteria for San Francisco Bay Restoration Authority funding, as described in Measure AA and associated Requests for Proposals.

AGREEMENT STANDARDS: BRRIT Commitments

By January 2019, a joint pre-application template and application template will be agreed upon by the agencies and used by applicants. The templates will include any necessary information required by any agency to consider a pre-application and an application.

- 1) Agency members of the BRRIT shall be of sufficiently senior civil service rank so as to work directly with their own agency management and the permit applicants to effect substantive changes as needed to ensure project permitting is not stalled.
- 2) The BRRIT will use agreed upon pre-application meeting procedures, which will be readily available to applicants and followed unless mutually agreed upon by the applicant and the agency team. The pre-application procedures will be conducted as follows (see attachment for further details):
 - a. Pre-Application Meeting Step 1
 - i. Applicant will use the pre-application template to submit project information no less than 14 calendar days prior to its first meeting with the BRRIT- a pre-application meeting.
 - ii. The BRRIT will review the project information and formulate questions and/or recommendations regarding project design, and avoidance, minimization, and other

potential measures that would help to expedite permitting, will identify potential interagency conflicts, collectively examine possible approaches to solutions, and be prepared to provide direction and/or to recommend such solutions in writing at the Pre-Application Meeting Step 1.

- iii. As part of Pre-Application Meeting Step 1 (Applicant can request Pre-Application Step 1 meetings be repeated as necessary):
 - 1. Applicant will present project information and respond to agency questions.
 - 2. The BRRIT will provide recommendations that will expedite permitting, and will identify potential interagency conflicts and propose solutions. The team will also explain how proposed solutions are derived citing regulatory and statutory requirements, as necessary, to provide a fully transparent process for the applicants. The BRRIT will document discussion of conflicts and proposed solutions.
 - 3. The BRRIT may conduct a site visit prior to the Pre-Application Meeting Step 2 to further understand potential conflicts and solutions and to provide more meaningful direction.
 - iv. If the BRRIT finds the project as proposed is clear of potential issues and conflicts, they will recommend the applicant's next step is to submit a permit application, Step 3 of the process.
 - v. If the BRRIT identifies potential conflicts and/or solutions, including interagency conflicts and solutions that would require project revisions, the team will recommend the applicant's next step is to update project information, in response to comments received, and present the revised proposal to the BRRIT Team at Pre-Application Meeting Step 2.
 - vi. If there are agency substantive issues and/or conflicts remaining that are law- or policy-driven, the BRRIT will document the issue(s) in a letter to the applicant and the BRPMT, citing the issue(s), the specific law(s) and/or regulation(s) with which the project is not in compliance, and provide recommendations for resolution.
- b. Pre-Application Meeting Step 2
- i. Applicant will update project description and address identified conflicts. Applicant will submit updated project description no less than 14 calendar days prior to Pre-Application Meeting Step 2.
 - ii. Step 2 Meeting
 - 1. Applicant will present updated project information.

2. Applicant and the BRRIT will resolve outstanding pre-application issues. All substantive project issues and conflicts that are not law- or policy-driven (i.e., permitting of project is not prohibited by existing laws or regulations) shall be resolved at this stage.
- c. Application Stage Step 3
- i. The guidance provided by BRRIT in the pre-application procedures will guide the review of project applications consistent to the maximum extent possible with applicable federal and state laws, regulations, and policies.
 - ii. If any agency representative on the BRRIT identifies that a change in guidance is warranted due to a new issue, which must be a significant and unavoidable matter of law or policy, that would result in a change in previous agency guidance, that agency representative will identify the substantive issue(s) and elevate it to the BRPMT representative within their specific agency. If the BRPMT representative confirms that a change in guidance is significant and warranted (i.e., unavoidable matter of law or policy), the BRRIT and the applicant will be notified immediately to set up a meeting to discuss potential solutions. The BRRIT team member generating the issue will lead the process to alter the application and resolve any problems.
 - iii. Application review timelines shall be in accordance with the permitting coordination timelines described in this document at the *BRRIT Performance Measures: Permitting Coordination Timelines* Section (1) through (4)
- 3) The Corps, in concert with BRRIT, will initiate appropriate, real-time tracking of timelines and other administrative milestones starting with the pre-application process through permit application completion. This will include identifying potential conflicting requirements, and dates of significant interaction with applicant (e.g. document submittal, meetings, etc.). Information tracked will be provided to the funders and applicants on a quarterly basis.
 - 4) If major decisions on permit applications would change the overall project or if permit denial is contemplated, the BRRIT will immediately set up a meeting with the applicant to discuss.
 - 5) Agency members of the BRRIT shall attend pre-application meetings and project site tours as relevant to agency jurisdiction.
 - 6) Agency members of the BRRIT shall make every effort to have their respective BRRIT members at USACE offices in San Francisco a minimum of 2.5 days per week. However, agency members of the BRRIT shall meet at the USACE offices in San Francisco a

minimum of 5 days per month. BRRIT members will confer regularly on pre-applications and applications.

- 7) BRRIT will conduct outreach to permittees and interested parties as appropriate.

BRRIT PERFORMANCE MEASURES: Permitting Coordination Timelines

- 1) Upon completion of the pre-application process, the project applicant will submit its permit application. Within thirty (30) calendar days of receipt of permit applications, the BRRIT will coordinate their separate agency response letters notifying the project applicant of application completeness or incompleteness. If an agency letter indicates “incompleteness”, the letter will identify specific additional information needed to complete the permit application(s). The BRRIT shall provide such notification within the stated time frame at least 90% of the time.
- 2) USACE will send federal Endangered Species Act Section 7 consultation initiation request letters and Section 106 consultation initiation letters within fifteen (15) days of receiving adequate information from the project applicant to make a determination of effect and initiate consultation. The USFWS and NMFS will confirm initiation of consultation within fifteen (15) days of receiving the Corps’ initiation request letter. The BRRIT shall provide initiation requested letters within the stated time frame at least 90% of the time.
- 3) Project applications for “simple projects” (e.g. such as those requiring a Mitigated Negative Declaration level of CEQA review and that have “no effect” to federal or state threatened or endangered species) will be processed within 120 days of receiving an application. The BRRIT shall process simple applications within the stated time frame at least 80% of the time. The application processing timeframe does not include projects with unresolved law- or policy-driven issues that were identified and documented by the BRRIT in the pre-application stage.
- 4) Project applications that require an Environmental Impact Report-level of CEQA review and/or “may effect” federal or state threatened or endangered species will be processed within 210 days of receiving an application. The BRRIT shall process complex applications within the stated time frame at least 80% of the time. The application processing timeframe does not include projects with unresolved law- or policy-driven issues that were identified and documented by the BRRIT in the pre-application stage.

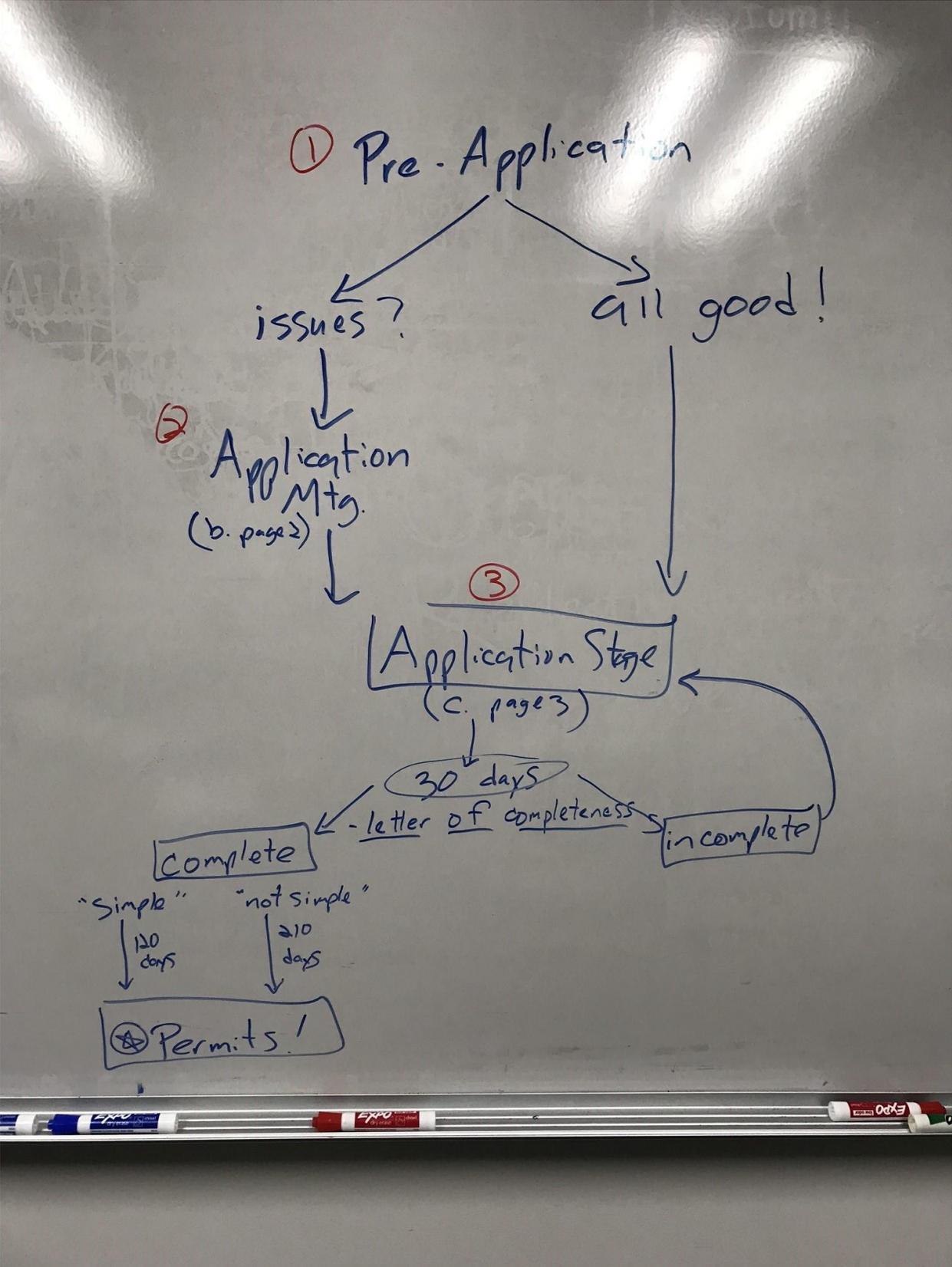
AGREEMENT STANDARDS: BRPMT Commitments

- 1) Agency members of the BRPMT shall be senior managers with the ability to make management decisions, permit decisions, and effect policy changes.

- 2) The BRRIT will be evaluated by BRPMT, the San Francisco Bay Restoration Authority and other funders, after its first six (6) months and annually thereafter, to assess performance against the performance measures listed above.
- 3) A common management system will be developed and utilized to ensure achievement of objectives and to provide for continued improvement. The management system will ensure identification and elevation of issues that require agency policy shifts or interagency policy. Conflicting policy issues will be tracked in writing. The BRPMT will outline a plan for resolving issues presented to them by the BRRIT, including a timeline for resolution as described in this document at the *BRPMT PERFORMANCE MEASURES: Policy Deliverables* Section, (1) and (2).

BRPMT PERFORMANCE MEASURES: Policy Deliverables

- 1) Each agency will actively participate in the development of a single prioritized list of initiatives (Permit and Policy Improvement List) to increase efficiency in permit review and/or resolving policy issues that have been identified as limiting flexibility in the design and permitting of multi-benefit restoration projects (based on the attached “Sand in the Gears” document, known permit efficiencies, etc). This list shall be developed within six months of funding and establishing the BRRIT, if not earlier.
- 2) Upon establishment of the Permit and Policy Improvement List, at least one (1) initiative identified on the list (in the form of standard operating procedures, new or revised policy, memorandum of agreement, memorandum of understanding, or other agency-to-agency agreement or initiative) shall be developed and implemented within one (1) year. Thereafter, at least one (1) initiative identified from the list will be developed and implemented annually.



Permit Coordination Budget

4/23/2018

Funded Positions	FTE	Position(s) and/or GS level	Year 1	Year 2	Year 3	Year 4	Year 5
US Army Corps of Engineers	1	GS-12	\$ 191,788	\$ 198,205	\$ 204,578	\$ 210,996	\$ 237,307
US Army Corps of Engineers	0.5	GS-13	\$ 129,247	\$ 133,383	\$ 137,651	\$ 142,055	\$ 146,601
US Fish and Wildlife Service	1	GS-12	\$ 179,503	\$ 183,991	\$ 188,479	\$ 192,967	\$ 197,455
National Marine Fisheries Service	1	ZP-III	\$ 206,319	\$ 212,509	\$ 218,884	\$ 225,450	\$ 232,214
CA Department of Fish and Wildlife	0.5		\$ 100,000	\$ 105,000	\$ 110,000	\$ 115,000	\$ 120,000
SF Bay Regional Water Quality Control Board	1		\$ 200,000	\$ 205,000	\$ 210,000	\$ 215,000	\$ 220,000
SF Bay Conservation and Development Commission	1		\$ 200,000	\$ 205,000	\$ 210,000	\$ 215,000	\$ 220,000
Other Direct Costs (e.g. travel)							
US Army Corps of Engineers			\$ 3,750	\$ 3,750	\$ 3,750	\$ 3,750	\$ 3,750
US Fish and Wildlife Service			\$ 3,500	\$ 3,500	\$ 3,500	\$ 3,500	\$ 3,500
National Marine Fisheries Service			\$ 3,500	\$ 3,500	\$ 3,500	\$ 3,500	\$ 3,500
CA Department of Fish and Wildlife			\$ 3,500	\$ 3,500	\$ 3,500	\$ 3,500	\$ 3,500
SF Bay Regional Water Quality Control Board			\$ 3,500	\$ 3,500	\$ 3,500	\$ 3,500	\$ 3,500
SF Bay Conservation and Development Commission			\$ 3,500	\$ 3,500	\$ 3,500	\$ 3,500	\$ 3,500
Funded Total			\$ 1,228,107	\$ 1,264,338	\$ 1,300,842	\$ 1,337,718	\$ 1,394,827
In-Kind Services							
US Army Corps of Engineers	0.2	GS-14	\$ 20,000	\$ 25,000	\$ 30,000	\$ 35,000	\$ 40,000
US Fish and Wildlife Service	0.1	GS-14	\$ 20,000	\$ 25,000	\$ 30,000	\$ 35,000	\$ 40,000
National Marine Fisheries Service	0.1	ZP-IV	\$ 28,110	\$ 28,953	\$ 29,822	\$ 30,717	\$ 31,638
CA Department of Fish and Wildlife	0.1		\$ 20,000	\$ 25,000	\$ 30,000	\$ 35,000	\$ 40,000
SF Bay Regional Water Quality Control Board	0.1		\$ 20,000	\$ 25,000	\$ 30,000	\$ 35,000	\$ 40,000
SF Bay Conservation and Development Commission	0.1	CPA III or SES	\$ 20,000	\$ 25,000	\$ 30,000	\$ 35,000	\$ 40,000
US EPA	0.5	GS-14	\$ 100,000	\$ 105,000	\$ 110,000	\$ 115,000	\$ 120,000
In-Kind Services							
Corps Office Space, Computers, Phones, etc.			\$ 50,000	\$ 55,000	\$ 60,000	\$ 65,000	\$ 70,000
in-Kind Subtotal			\$ 278,110	\$ 313,953	\$ 349,822	\$ 385,717	\$ 421,638
TOTAL			\$ 1,506,217	\$ 1,578,291	\$ 1,650,664	\$ 1,723,435	\$ 1,816,465

San Francisco Bay Multi-Benefit Wetlands Restoration Permitting

“Sand in the Gears”

April 27, 2018

Following the 19 January 2018 meeting of the federal and state agencies working to develop a coordinated permitting approach for multi-benefit wetlands restoration projects in the San Francisco Bay, John Bourgeois of the South Bay Salt Pond Restoration Project, at the request of Larry Goldzband of BCDC, put together a brief description of some of the common policy conflicts between agencies that have resulted in a slow-down in the permitting process.

1. Type Conversion

Large-scale restoration projects are often converting one ‘type’ of Waters of the State/U.S. to another ‘type’ (e.g., salt ponds into tidal marshes). Varying amounts of fill are often required (for features such as flood risk reduction, habitat complexity, perimeter trail improvements, etc.) to produce large areas of habitat conversion. This can result in a net loss of Waters, and therefore be interpreted by agency staff as necessitating mitigation for voluntary restoration efforts.

2. Public Access

Different agencies have different goals pertaining to public access. Some agencies ask project proponents to maximize public access, while other agencies ask us to minimize it to protect habitat values. Both perspectives have value, but the burden to resolve these conflicts often falls on the applicant to justify their position to each agency, and resolve these conflicts in an often long and iterative process. Beyond this, the landowner may be a resource agency charged specifically with protecting particular species and habitats where public access may conflict.

3. Bay Fill

The creation of Habitat Transition Zones (i.e., ecotones or horizontal levees) via the import of fill material causes conflict with Bay fill policies, which can vary by agency. For example, BCDC asks projects to use the minimum fill required to achieve the project goals, while the RWQCB might ask a project to build in more resilience to the transition zone. With little empirical data to support optimal design, these conflicts are challenging to resolve. To a lesser extent this is also true of habitat features such as islands for nesting birds. Agencies are beginning to address this issue already.

4. Single-Species Perspective

Legal requirements for a single protected species can preclude actions that are deemed beneficial to the larger system by all other agencies. In an urban estuary, multi-objective projects intended to achieve a balance between a range of habitat improvements for individual special-status species and a wide range of general habitat enhancements over a broad area. For example, Snowy Plover habitat needs can preclude tidal restoration in certain areas, and concerns over fish entrapment can prevent certain types and locations of habitat connectivity..

5. Monitoring

Existing and perhaps increasing requirements for regionally relevant monitoring are sometimes in conflict with the site-specific needs, resulting in additional monitoring burden for applicants. Regional monitoring can be expensive and difficult to find funding sources to cover the costs. Limiting mandated monitoring requirements to the minimum required for the regulatory agencies to determine that permits are in compliance would allow projects to invest more in infrastructure. Project proponents are typically unable to sustain significant monitoring programs on their own, therefore monitoring should be targeted to actionable information. Additional monitoring to address regionally relevant issues beyond the project footprint should be shared through a regional monitoring program or similar arrangement.

6. Uncertainty

Agencies often want to see certainty in the quantification of project outputs. However, large-scale voluntary restoration projects often have some degree of uncertainty in the timing and degree of outcome (especially in light of sea level rise and varying suspended sediment concentrations). Regulatory requirements for certain outcomes can discourage experimentation, which could help advance the knowledge of the restoration community. Different agencies have different risk tolerances, and therefore it always comes down to the most conservative agency setting the bar.

7. Level of Design

Agencies often ask for detailed design. But if we spend that money doing advanced design, it is harder to change course in response to agency input. Different agencies have different tolerances for the level of design needed to acquire a permit. Also in the event that final design must be submitted for the permit authorization to be valid, this can result in 45 day or longer time delays for additional permit coordination.

8. Lack of Deference

Agencies can assign additional requirements on habitats/species/water quality/etc. beyond those required by the agency that is primarily responsible of that specific resource. For example, one agency might require additional BMP's to protect the salt marsh harvest mouse beyond what is outlined in the BiOp from the USFWS.

9. Sea-Level Rise

Some agencies have requirements to include long-term planning for expected sea-level rise (SLR). This type of planning is critical for development projects and public infrastructure projects; however, restoration projects generally have a different long-term intent than those required to include SLR in their planning. A restoration project generally seeks to establish a dynamic natural environment that would evolve over time in response to changes such as those involved in SLR. Requiring them to develop and install structures that are adapted to long-term SLR effects may in some cases undercut the primary intent of the restoration.

10. Short-Term Impacts vs. Long-Term Benefits

Agencies necessarily and appropriately require careful analysis and disclosure of construction impacts and even short-term habitat losses that must be weighed against the magnitude, timing, and certainty of long-term benefits. The long-term benefits of a project are not always evaluated when short term minimization and avoidance measures are required. This is particularly true for noise- and other short-term disturbance effects (less so for actual habitat changes like excavating a channel through the marsh to connect the slough with a pond interior).

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