COACHELLA VALLEY MOUNTAINS CONSERVANCY TITLE:
PROPOSITION 4 GRANT PROGRAM.
DIVISION 11: COACHELLA VALLEY MOUNTAINS CONSERVANCY
CHAPTER 2: COACHELLA VALLEY MOUNTAINS CONSERVANCY GRANT PROGRAM

FINAL TEXT OF PROPOSED REGULATIONS

Subchapter 1. General Provisions

§ 25051. Applicability and Scope.

This chapter shall be known as the Coachella Valley Mountains Conservancy Proposition 4 Grant Program. These regulations apply to Grants funded by the Conservancy from Proposition 4, otherwise known as SB 867 (Allen 2024), The Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024.

Note: Authority cited: Sections 33501, 33601, 33602, 90135 and 93020, Public Resources Code. Reference: Sections 3501, and 93020 Public Resources Code.

§ 25051.1. Definitions

The following definitions shall apply wherever the terms are used throughout this Chapter.

(a) "Conservancy" means the Coachella Valley Mountains Conservancy established pursuant to Public Resources Code Section 33501.

(b) "Disadvantaged Community" means a community with a median household income of less than 80 percent of the area average or less than 80 percent of statewide median household income consistent with Public Resources Code section 90100.

(c) "Environmental Justice" means the fair treatment of people of all races, cultures, income, and national origin with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies consistent with Public Resources Code Section 71110 and Government Code section 65040.12.

(d) "Grant" means an award of funds made by the Conservancy, in the form of advance payment or reimbursement to the Grantee for actual expenditures incurred in performing an eligible project described in section 25051.

(e) "Grant Agreement" means an arrangement between the State and Grantee specifying the payment of funds by the State for the performance of specific objectives by the Grantee within a specific project performance period by the grantee.

(f) "Grantee" means an applicant that has a Grant Agreement.

(g) "Joint Powers Authority" means any entity formed pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code, if at least one of the parties to the joint powers agreement qualifies as an eligible applicant consistent with section 25051.2.

(h) "Nonprofit Organization" means any nonprofit corporation qualified to do business in California and qualified under Section 501(c)(3) of the Internal Revenue Code consistent with Public Resources Code section 90100.

(i) "Secretary" means the Secretary of the Natural Resources Agency consistent with Public Resources Code section 90100.

(j) "Severely Disadvantaged Community" means a community with a median household income of less than 60 percent of the area average or less than 60 percent of statewide median household income consistent with Public Resources Code section 90100.

(k) "Tribe" means a federally recognized Native American Tribe or a non-federally recognized Native American Tribe listed on the California Tribal Consultation List maintained by the Native American Heritage Commission consistent with Public Resources Code section 90100.

(l) "Vulnerable Population" means a subgroup of a population within a region or community that faces a disproportionately heightened risk or increased sensitivity to impacts of climate change and that lacks adequate resources to cope with, adapt to, or recover from such impacts consistent with Public Resources Code section 90100.

Note: Authority cited: Sections 33501, 33601, 33602, 90135, and 93020, Public Resources Code. Reference: Sections 33501 and 93020 Public Resources Code.

Subchapter 2. Eligibility and Eligible Costs

§ 25051.2. Applicant Eligibility.

Eligible Applicants are public agencies, local agencies, Nonprofit Organizations, special districts, Joint Powers Authorities, Tribes, public utilities, local publicly owned utilities, and mutual water companies.

Note: Authority cited: Sections 33501, 33601, 33602, 90135and 93020, Public Resources Code. Reference: Sections 33501 and 93020, Public Resources Code.

§ 25051.3. Project Eligibility.

The following projects are eligible for a Grant:

A) Acquisition Projects that:

1. Must be from willing sellers at a price no greater than fair market value, and the property must carry a perpetual deed restriction in favor of the Conservancy to ensure use consistent with its conservation mission.
2. Preserve and maintain natural and cultural areas that are critical to and for species that are endangered or threatened or that are critical to the health of the natural ecosystem.
3. Support land conservation, where conserved land reduces greenhouse gas emissions by both preventing emissions and sequestering existing gases.
4. Support the California 30x30 initiative (Governor's Exec. Order No. N-82.20 (Oct. 7, 2020)) in acquiring private lands and returning them to conservation or expanding existing conservation areas or create new ones and protect vital ecosystems.
5. Support the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP), a joint Habitat Conservation Plan/Natural Communities Conservation Plan designed to protect the regions exceptional biodiversity and protection of natural habitats, ensuring the long-term survival of species and maintaining ecosystems health in the Coachella Valley

B) Habitat Enhancement and Restoration Protects that;

1. Remove invasive plants that contribute to global warming, use excessive amounts of water, or harm endangered or threatened species of plants or animals and replace them with native plants.
2. Enhance watershed related natural features, such as washes, channels, streams or riverbeds.
3. Improve groundwater supply by enhancing flow into the aquifer through washes, alluvia fans, or streams.
4. Improve the ecosystem through restoration work that supports a wide range of plants and animals' life, including healthy soils, dust suppression, and clean water.
5. Prevent wildfires through the removal of invasive plants species to enhance fire prevention by reducing fuel loads, preventing fire spread, and allowing native fire-resistance vegetations to thrive.

C) Increase Public Access. Eligible projects include:

1. Enhancing access to outdoor recreation, including but not limited to:
    i. Visitor-serving improvements (including buildings, visitor center facilities, native plants landscaping and shade infrastructure), in parks, public open spaces or recreational areas.
    ii. Trails through urban or natural landscapes, whether for hiking, biking, walking or equestrian use.
2. Community access project improvements, such as disabled access improvements, interpretative features that provide education about habitat conservation, cultural artifacts or local history.
3. Restoration projects that support natural features and habitat areas that expand public access and enhances access to outdoors recreation.

Note: Authority cited: Sections 33501, 33601, 33602, 90135 and 93020, Public Resources Code. Reference: Sections 33501 and 93020 Public Resources Code.

Subchapter 3. Application

§ 25051.4. Letters of Intent and Request for Proposals.

(a) The Conservancy shall solicit letters of intent on its website from interested applicants when Grant Funding is available. In its request for letters of intent, the Conservancy shall identify priority project types for the funding opportunity as provided in section 25051.3, any program priorities listed in section 25051.6(b)(2), or fiscal limitations applicable to the available funding. Letters of intent shall be short-form documents intended to allow technical staff to ascertain whether the applicant and/or project are eligible for program funding prior to submitting a more detailed application and proposal. Letters of intent shall be submitted as a Microsoft World document to communication@cvmc.ca.gov and the narrative following the Pre-App Consultation document. At a minimum, all letters of intent shall include the following information:

(1) Name of applicant and preferred email or mail address or other preferred contact information.

(2) Applicant's eligibility pursuant to section 25051.2.

(3) Project type.

(4) Project summary.

(5) Project location and description of anticipated public access if the project includes acquisition or restoration of real property.

(6) An explanation of the project's eligibility under section 25051.3.

(7) Amount sought by the Grant

(8) Project duration

(9) Does the project have matching funds? (Yes/No — if yes, specify source and amount)

(10) Does the applicant or project serve or provide meaningful and direct benefits to a Vulnerable Population, a Disadvantaged Community, or a Severely Disadvantaged Community?

(b) Letters of intent will undergo an administrative review to determine whether applicant and project eligible requirements in section 25051.2 and 25051.3 respectively are met. Applicants or projects determined ineligible will be disqualified. Applicants or projects determined eligible will be invited to submit full applications and proposals.

Note: Authority cited: Sections 33501, 33601, 33602, 90135, and 93020, Public Resources Code. Reference: Sections 33501, 33601, 33602, 90135, and 93020 Public Resources Code.

Subchapter 4. Application Submittal, Proposal Review, and Grant Awards

§ 25051.5. Applications and Proposals.

(a) Each applicant deemed eligible pursuant to section 25051.4(b) shall be invited to submit a full application. The written full application must be submitted as Microsoft Word document to communication@cvmc.ca.gov. Full applications shall, at a minimum, include the following information:

(1) Name of applicant and preferred email or mail address or other preferred contact information.

(2) Project description and amount sought

(3) Introduction summarizing applicant's interest, goals, and project, and rationale for the project goals and approach

(4) A scope of work and narrative description illustrating how the project would advance one or more of the goals and objectives identified in section 1 of Proposition 4.

(5) Approach and methods

(6) Anticipated outcomes and deliverables

(7) Anticipated community engagement and benefits, including workforce education and training, contractor, or job opportunities for Vulnerable Populations.

(8) Proposed letters of support

(9) Proposed project timeline

(10) Proposed budget, including need for advance funding and description of external sources of funding (not required for project selection)

A. Labor costs for Grantee employees directly implementing a project shall be reimbursed at rates equal to the actual compensation provided, including salary and benefits (such as fringe benefits). Costs for staff time dedicated to specific project tasks. For example, preparing a management plan or determining trail alignments must be included in the budget under the corresponding tasks.

B. If the scope of work includes a task titled "Project Management," this task shall cover labor costs not otherwise billed under project implementation. Examples include administering the Conservancy Grant, managing contracts, paying consultants, billing, maintaining accounting records, and other activities related to overall project administration.

C. All other direct costs shall be billed at actual cost, with no markups.

D. The Grantee shall include the cost of one sign acknowledging the Grant funding source (Coachella Valley Mountains Conservancy, Proposition 4 Grant Program.) as well as associated costs for social media outreach and press releases.

E. Overhead or indirect costs refer to non-project-specific expenses incurred in the general operation of a Grantee organization. Examples of such costs include rent, computers, telephones, office supplies, internet access, copy machines, and electricity.

F. Certain expenses are not allowed as overhead under Conservancy Grants, including food and beverages, fundraising activities, lobbying, and entertainment. Additionally, any costs billed as direct expenses may not be included in overhead calculations. The terms "overhead" and "indirect costs" are considered

interchangeable and refer to the same category of expenses.

G. Grantees intending to charge overhead to a Conservancy Grant must provide documentation to substantiate these charges. Overhead recovery is limited to a maximum of 12% of the total Grant amount. The final 10% of the Grant will be withheld until all deliverables, including signage installation, are complete. This withheld amount will be released as a final payment upon satisfactory project completion.

(11) Project team experience and qualifications of the lead staff, as demonstrated through submitted resumes. Where determined feasible by the applicant, this shall include the use of services by the California Conservation Corps or certified community conservation corps, as defined in Public Resources Code Section 14507.5.

(12) Identification of relevant permit compliance requirements and a plan to obtain applicable permits.

(13) Website accessibility compliance where relevant

(b) The Grantee shall submit a plan to the Executive Officer describing how the Conservancy's support will be acknowledged, including proposed signage. At a minimum, the plan shall include press releases, social media posts during the project implementation, acknowledgment of Conservancy funding in communication with the media, volunteers, and the public, and a description of the project on the Grantee's website that credits the Conservancy.

(c) The Grantee shall maintain, for the duration of the Grant period, and provide to the Conservancy, certificates of insurance evidencing coverage for Workers' Compensation, Commercial General Liability (with limits of not less than $1,000,000 per occurrence for bodily injury and $2,000,000 in the aggregate), and Automobile Liability (with limits of not less than $1,000,000 per accident for bodily injury and property damage), together with all required endorsements.

(d) Funds must be expended in accordance with the requirements of the funding source. Examples of ineligible projects include, but are not limited to, the following:

(1) Projects involving the acquisition of land through eminent domain.

(2) Projects that include the acquisition of property at a price exceeding fair market value.

(3) Projects that combine both property acquisition and development activities.

(4) Projects intended to address deficiencies resulting from inadequate routine maintenance.

(5) Projects undertaken to satisfy mitigation requirements imposed by law.

(6) Projects that establish or increase an endowment.

(7) Projects to complete environmental mitigation requirements for other projects.

(e) Grants shall be awarded as funding is available and authorized.

(f) Allocation of funds is contingent on the enactment of the state budget. The Conservancy does not disburse funds until the budget has passed and is signed by the Governor.

Note: Authority cited: Sections 33501, 33601, 33602, 90135, and 93020 Public Resources Code. Reference: Sections 33501 and 93020 Public Resources Code.

§ 25051.6. Evaluation of Proposals.

(a) All proposals shall be reviewed by a review committee of state-staff experts on climate change impacts on communities, fish and wildlife, and natural resources, and public access, or other relevant qualifications based on the nature of the funding available and the Conservancy's priorities.

(1) If state staff with relevant expertise are unavailable, the Conservancy may invite non-state staff experts to participate in the review committee.

(2) All review committee members are subject to applicable laws on conflict of interest.

(b) Each Proposal will be evaluated based on the following criteria:

(1) Alignment with and response to the program declarations listed in Section 1 of Proposition 4, including advancing funding to Vulnerable Populations, Disadvantaged Communities, or Severely Disadvantaged Communities, and advancement of Environmental Justice principles.

(2) Alignment with program priorities which shall include the following:

(A) Reduce risks of climate change impact upon communities, fish and wildlife, and natural resources.

(B) Increase Public Access.

(3) Demonstration of public benefits anticipated to be derived from the project, including direct and meaningful community benefits, workforce development and training, or the inclusion of community partnerships, where applicable, including tribally-led projects or partnerships.

(4) Demonstration of readiness and capacity to complete the proposed project. This includes, but is not limited to, having all required California Environmental Quality Act (CEQA) documentation completed prior to the Board meeting for funding approval.

(5) Inclusion of services by the California Conservation Corps or certified community conservation corps, as defined in Public Resources Code Section 14507.5, where determined feasible by the applicant.

(6) Inclusion of innovative and/or effective methodology supported by science.

(7) Relative need of the project, based on geographic or environmental vulnerability factors, as described in the request for proposals pursuant Section 25051.4.

(c) Proposals that are consistent with established local plans and contribute to the implementation of existing environmental, recreational, climate change, or related initiatives.

(d) Proposals for acquisitions or conservation easements shall submit required spatial data to the California Conserved Areas Database and/or the California Conservation Easement Database, administered through the California Protected Areas Database (https://calands.org/).

Note: Authority cited: Sections 33501, 33601, 33602, 90135, and 93020 Public Resources Code. Reference: Sections 33501 and 93020 Public Resources Code.

§ 25051.7 Grant Awards.

(a) The review committee will consider which proposed Grant projects will best meet the criteria in section 25051.6(b) and make award recommendations to the Conservancy for the full or partial amount requested, or denied, based on the extent to which proposed projects best satisfy the goals of Proposition 4. Each applicant that submits a full application pursuant to section 25051.5 shall be notified of the review committee's recommendation prior to the Conservancy meeting for final decision. A notice of intent to award a grant for the full or partial amount requested will be based on the following factors:

(1) Amount of available funding;

(2) Number of Applicants;

(3) Amount of funding requested by Applicants; and
(4) The Council's funding priorities.

(b) The review committee will submit its recommendations for funding to the Conservancy. The Conservancy shall review the review committee recommendations and will approve, modify, or deny these recommendations based on the information provided and the record before it. Upon a final vote, the Conservancy shall notify successful applicants of a Grant Award, including the amount of a Grant.

Note: Authority cited: Sections 33501, 33601, 33602, 90135, and 93020 Public Resources Code. Reference: Sections 33501 and 93020 Public Resources Code.

§ 25051.8. Grant Agreements.

(a) The terms and conditions of a Grant shall be set forth in a Grant Agreement entered into by the Conservancy staff and the Grantee. A Grantee has the sole responsibility for the fiscal management of Grant funds, project-specific recordkeeping and reporting, performance of the Project, and all other aspects of compliance with this Chapter and the Grant Agreement. The Grant Agreement shall include, but is not limited to, the following:

(1) Grant amount and any need for advance payment.

(2) Grantee contact information.

(3) Grant duration.

(4) Scope of the Project funded by the Grant award.

(5) Budget.

(6) The Grantee's agreement to comply with existing laws.

(7) Other project-specific terms as may be necessary to protect the state in administering its fiduciary obligations.

Note: Authority cited: Sections 33501, 33601, 33602, 90135, and 93020 Public Resources Code. Reference: Sections 33501, 33601, 33602, 90135, and 93020 Public Resources Code.