

GENERAL REQUIREMENTS

A. CONFLICT OF INTEREST

All participants are subject to State and Federal conflict of interest laws. Failure to comply with these laws, including business and financial disclosure provisions, will result in the application being rejected and any subsequent grant agreement being declared void. Other legal action may also be taken. Before submitting an application, applicants are urged to seek legal counsel regarding conflict of interest requirements. Applicable statutes include, but are not limited to, California Government Code Section 1090, California Public Contract Code Sections 10410 and 10411.

B. CONFIDENTIALITY

Once the proposal has been submitted to State Water Board, any privacy rights as well as other confidentiality protections afforded by law with respect to the application package will be waived.

C. CEQA COMPLIANCE

All projects funded under the CWA 319(h) NPS Grant Program must comply with the California Environmental Quality Act (CEQA) (PRC § 21000 *et seq.*) and/or National Environmental Policy Act (NEPA). Links to CEQA information and the State Clearinghouse Handbook are provided below.

Environmental Information:

<http://ceres.ca.gov/index.html>

California State Clearinghouse Handbook:

http://opr.ca.gov/docs/SCH_Handbook_2012.pdf

CEQA Guidelines:

http://ceres.ca.gov/topic/env_law/ceqa/guidelines/

Grantees are responsible for complying with all applicable laws and regulations for their projects, including CEQA and NEPA, if applicable. State Water Board selection of a project for a grant does not foreclose appropriate consideration of alternatives or mitigation measures that would reduce or eliminate adverse environmental effects of that project during the CEQA review process. No work that is subject to CEQA and/or NEPA may proceed until clearance is given by the State Water Board, a responsible agency. Details about the State Water Board's environmental review process can be found in California State Clearinghouse Handbook - Environmental Review Process (Appendix 3 of the [Program Guidelines](#)).

D. BASIN PLAN (REGIONAL WATER QUALITY CONTROL PLANS) CONSISTENCY

Any watershed protection activities must be consistent with the applicable, adopted, local watershed management plans and the applicable Water Quality Control Plan (Basin Plan) adopted by a Regional Water Quality Control Board (Regional Water

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Board) (CWC, Section 79507). Below are web links to the various Regional Board Basin Plans.

Region 1:

http://www.waterboards.ca.gov/northcoast/water_issues/programs/basin_plan/

Region 2:

http://www.waterboards.ca.gov/sanfranciscobay/basin_planning.shtml

Region 3:

http://www.waterboards.ca.gov/centralcoast/publications_forms/publications/basin_plan/

Region 4:

http://www.waterboards.ca.gov/losangeles/water_issues/programs/basin_plan/

Region 5:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Region 6:

http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/index.shtml

Region 7:

http://www.waterboards.ca.gov/coloradoriver/water_issues/programs/basin_planning/

Region 8:

http://www.waterboards.ca.gov/santaana/water_issues/programs/basin_plan/index.shtml

Region 9:

http://www.waterboards.ca.gov/sandiego/water_issues/programs/basin_plan/index.shtml

Watershed protection activities in the San Gabriel and Los Angeles watersheds must be consistent with the San Gabriel and Los Angeles River Watershed and Open Space Plan as adopted by the San Gabriel and Lower Los Angeles Rivers and Mountain Conservancy and the Santa Monica Mountains Conservancy. (CWC, Section 79508)

E. RELATED LITIGATION

Grant agreements funded by the State Water Board will specify the following:

UNDER NO CIRCUMSTANCES MAY A GRANTEE USE FUNDS FROM ANY DISBURSEMENT UNDER THIS GRANT AGREEMENT TO PAY COSTS ASSOCIATED WITH ANY LITIGATION THE GRANTEE PURSUES AGAINST THE STATE WATER RESOURCES CONTROL BOARD OR ANY REGIONAL WATER QUALITY CONTROL BOARD. REGARDLESS OF THE OUTCOME OF ANY SUCH LITIGATION, AND NOTWITHSTANDING ANY CONFLICTING LANGUAGE IN THIS AGREEMENT, THE GRANTEE AGREES TO COMPLETE THE PROJECT FUNDED BY THIS AGREEMENT OR TO REPAY ALL OF THE GRANT FUNDS PLUS INTEREST.

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F. PROJECT ASSESSMENT & EVALUATION PLANS

All FPs must include the performance measure tables that form the basis of the Project Assessment and Evaluation Plan (PAEP) to summarize how project performance will be assessed, evaluated, and reported. Information for developing a PAEP is available on the State Board Website under 'Developing a Project Assessment and Evaluation Plan' on the [Grants and Loan Webpage](#) and [Appendix 5](#) of the Program Guidelines.

G. MONITORING AND ASSESSMENT

All projects affecting water quality should include a monitoring component that, where applicable, allows integration of data into statewide monitoring efforts, including the Surface Water Ambient Monitoring Program (SWAMP) and/or the Groundwater Ambient Monitoring Assessment (GAMA) Program. Both programs include data quality assurance and quality control requirements. The NPS Program (CWA Section 319[h]) requires all grant projects with sample collection work to be conducted under an approved, SWAMP-comparable Quality Assurance Project Plan (QAPP). The Scope of Work for projects must include tasks for development of an appropriate monitoring plan and a QAPP. It is acceptable for a project to adapt a previously developed and approved QAPP for its use, provided the monitoring activities for which the QAPP was developed and that are to be conducted for the project are comparable. The adapted QAPP must also conform to current QAPP specifications. However, new projects must conform to the SWAMP QAPP requirements.

SWAMP provides several tools to aid in the development of the QAPP. Samples shall only be collected under an approved, SWAMP-comparable QAPP. The Data Comparability Factsheet prepared by the SWAMP provides information about the concept of SWAMP Comparability and provides tools and guidance to ensure that data is SWAMP comparable. Please click on the following link for the guidance and tools.

- [SWAMP Comparable Factsheet](#)
- [Quality Assurance Plan Guidance](#)
- [Quality Assurance Standard Operating Procedures](#)

To ensure consistency and accuracy of results, project managers are encouraged to utilize the Quality Assurance Standard Operating Procedures (link above) for sample collection. For more information on SWAMP methods for collecting (field measurements, water and sediment samples, bioassessment, physical habitat and/or algae see [Appendix 6](#)).

Projects funded through the federally funded NPS Program (CWA Section 319[h]) must comply with specific requirements that include reporting project geo-location, nutrient and sediment load reductions or estimates, management practices (MPs) to be implemented and annual rainfall data. Geo-locations of the project, and aerial extent of implementation of individual management measures or MPs implemented, must be

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reported at the stream reach level, including any information on lakes and other water bodies.

The stream reaches identified should be limited to only those reaches that the project directly affects.

Projects must include the development and submittal of progress reports and a final report. The proposals should identify the frequency of progress report submittal.

H. DATA MANAGEMENT

Projects must include appropriate data management activities so that project data can be incorporated into appropriate statewide data systems. Project-generated data will be available to the stakeholders, agencies, and the public in the State Water Board and Regional Water Board's (Water Board's) files. Web links to additional information about the State Water Board's statewide data management efforts are provided at the [SWAMP Tools Webpage](#), the [SWAMP Comparable Factsheet](#), and [Database Standard Operating Procedures](#).

I. GRANT MANAGER NOTIFICATION

Grantees will be required to notify the Water Boards staff overseeing their agreements prior to conducting any construction, monitoring, demonstration, or other implementation activities in order to allow Water Boards staff to observe and verify that activities are conducted in accordance with the grant agreement. Water Boards staff may document the inspection with photographs, digital media (including, but not limited to moving images and audio) or notes, which may be included in the project file.