2021 Nonpoint Source Grant Program Guidelines

A. Introduction

The 2021 Nonpoint Source (NPS) Grant Program supports projects to reduce and mitigate the effects of nonpoint source pollutants - such as sediment, pesticides, and nutrients - to waters of the state. The funding source for this grant program is a United States Environmental Protection Agency (U.S. EPA) Clean Water Act (CWA) section 319 grant (CWA 319 grant) to the State Water Board. Execution of grant agreements is contingent on receipt of funds from U.S. EPA. In fiscal year 2021-2022, the State Water Resources Control Board anticipates receiving approximately $4,000,000 from the CWA 319 grant for project implementation. Unencumbered funds from previous grant years may also be used for eligible projects in accordance with these Grant Guidelines and fund requirements.

The State Water Board considered the Human Right to Water while establishing the criteria in these Guidelines.

B. Application, Eligibility, Review, and Selection Process

1. Application

To apply for funding, applicants must submit a complete proposal per Section D, E, F, or G, depending on project type, through the Financial Assistance Application Submittal Tool (FAAST). See grant solicitation notice for application submittal dates and deadlines.

2. Project Types

The bulk of funding in the NPS Grant Program is awarded to implementation proposals for impaired waters, or projects that implement practices to improve impaired waters. However, funding may be awarded to planning proposals if sufficient funding is available. In addition, some funding may be awarded to proposals for post-fire recovery and for protection of high-quality waters (see Definitions section for high-quality waters definition).

The proposal instructions and minimum eligibility criteria differ by project type. Please pay close attention to the proposal instructions and minimum eligibility requirements for different project types (Table 1). Minimum eligibility requirements are listed in section B.3.

Table 1: Proposal Instructions and Waived Minimum Eligibility Criteria for Project Types

Project Type	Proposal Instructions	Waived minimum eligibility criteria
Implementation of practices to improve impaired waters	Section D, Proposal Instructions for Impaired Waters	None

Project Type	Proposal Instructions	Waived minimum eligibility criteria
Implementation of practices to protect or improve high-quality waters	Section E, Proposal Instructions for High-Quality Waters	Requirement to implement an adopted or nearly adopted total maximum daily load (TMDL) or TMDL alternative
Implementation of practices for post-fire recovery	Section F, Proposal Instructions for Post-Fire Recovery	Match requirement Requirement to implement an adopted or nearly adopted total maximum daily load (TMDL) or TMDL alternative Requirement to implement a 9-element watershed-based plan (note: an alternative watershed-based plan still required)
Planning **NOTE:** planning proposals can be for post-fire recovery, high-quality waters, or impaired waters	Section G, Proposal Instructions for Planning	Requirement to implement on-the-ground management measures (MMs) and/or management practices (MPs) Requirement to implement an adopted or nearly adopted total maximum daily load (TMDL) or TMDL alternative Requirement to implement a 9-element watershed-based plan

3. Eligibility Requirements

Proposals must meet the following eligibility requirements excluding any criteria waived based on project type. Proposals that do not meet eligibility requirements will not be approved for funding. Criteria waived for post-fire recovery proposals are marked with an asterisk (✸), criteria waived for planning proposals are marked with a diamond (♦), and criteria waived for high-quality water proposals are marked with a cross (✚).

Table 2: Key to Symbols for Project Types

Symbol	Description
✸	Waived for post-fire recovery proposals
♦	Waived for planning proposals
✚	Waived for high-quality water proposals

a) Applicant must consult with the Regional Water Board grant coordinator of the region in which the project will be implemented (see Appendix 6, Grant Coordinators List); consultation consists of sharing the proposal, scope of

work, and budget with the Regional Water Board grant coordinator and incorporating feedback into the proposal. This consultation is important because Regional Water Board staff ultimately determine whether proposals meet regional program preferences.

b) Proposals must be submitted by the deadline.
c) Applicant must be a nonprofit 501(c)(3) organization, Federally Recognized Tribe, or federal, state, local, or other public agency or public college. Federally Recognized Tribes must provide a limited waiver of sovereign immunity for the purposes of grant enforceability to be eligible for funding.
d) Project must address an NPS Grant Program Preference (Section H).
e) Project must meet funding match requirements unless eligible for match waiver per Appendix 4. See Section D and Appendix 4 for additional information on match funding.✸
f) Project should be completed in three years or less.
g) Project must demonstrate climate change resilience.
h) Proposals must meet the funding ranges in Table 3. The total cost of a project including match can exceed $800,000 but award amount is limited to $800,000 for impaired waters, high-quality waters, and post-fire recovery project types.
i) Project must implement on-the-ground management measures (MMs) and/or management practices (MPs) that reduce nonpoint source pollutant loads to NPS-impaired or high-quality surface waters and groundwater.♦
j) Project must demonstrate water quality improvement as an outcome of the proposed project.
k) Projects must demonstrate water quality improvement through quantifiable pollutant load or concentration reductions. Planning proposals may estimate anticipated pollutant load or concentration reductions from planned activities instead of demonstrating such results.
l) Project must implement an adopted or nearly adopted total maximum daily load (TMDL) or TMDL alternative (see definition of TMDL and TMDL alternative in Appendix 2, Definitions).✸,♦,+
m) Project must implement a nine-element watershed-based plan or combination of plans that fulfill USEPA's nine minimum elements (see Appendix 1: Minimum Elements for Watershed-Based Plans per CWA section 319).✸,♦

Table 3: Award Minimums and Maximums by Project Type

Project Type	Minimum award	Maximum award
Implementation of practices to improve impaired waters	$250,000	$800,000
Implementation of practices to protect or improve high-quality waters	$250,000	$800,000
Implementation of practices for post-fire recovery	$250,000	$800,000
Planning	$80,000	$200,000

Ineligible Entities and Projects

- Private entities, other than 501(c)(3) organizations, are ineligible.
- Projects necessary to satisfy an enforcement or civil settlement or judicial order are ineligible.
- Projects that directly support the production of cannabis are ineligible.
- Projects or activities that are required by or that implement a National Pollutant Discharge Elimination System (NPDES) permit, including urban, area-wide stormwater programs covering discharges from a storm sewer system, and general industrial and construction stormwater permits, or an order applicable to regulated stormwater discharges under CWA section 402(p) are ineligible. Projects may address urban stormwater activities that do not directly implement a final NPDES permit or order applicable to regulated stormwater discharges under CWA section 402(p).
- Projects that convert or upgrade individual septic systems are ineligible. However, large-scale upgrades or conversion of an entire community, or portion of a community, or a group of individual upgrades within proximity of each other that address a common impairment to the same waterbody and are part of one grant project, may be supported, as long as the project meets all other eligibility requirements.
- Projects that are either entirely or primarily education and outreach are ineligible.
- Research studies and pilot projects are ineligible.

4. Selection Process

State Water Board anticipates that it will announce proposal solicitation in September 2020. Upon closing of the solicitation period (generally about twelve weeks from the announcement date), State and Regional Water Board staff will conduct a preliminary eligibility assessment of the proposals. State Water Board staff will notify applicants of their eligibility status using contact information provided in FAAST.

After the preliminary eligibility assessment, a Review Panel consisting of staff from the State and Regional Water Boards (Water Boards) and U.S. EPA will complete technical reviews of the proposals. Proposals that affect coastal areas may also be reviewed by California Coastal Commission. Applicants may be asked to respond to questions and/or comments from the Review Panel. During the response to comment period, applicants may contact their Regional Grant Coordinator to help ensure that responses satisfactorily address the comments. After responses to comments are received, Water Board staff will not discuss applicant proposals with applicants until the Executive Director has approved the recommended project list.

The Review Panel will review responses to comments, rank proposals, finalize the recommended funding list, and present the recommended funding list to the State Water Board's Executive Director for consideration. After approval by the Executive Director, all applicants will be notified of their funding status via the email addresses provided in their FAAST accounts. Projects that are supported by the Review Panel but

score lower than projects that make up the anticipated amount of funding may be added to a Potential Project List to be considered if funds become available later.

After projects are approved by the Executive Director, the State Water Board will post the Fundable Project List to the NPS website. The Executive Director may, at his or her discretion, modify the Fundable Project List.

C. Award Considerations

Below are additional considerations for funding applicants:

Useful Life: Practices implemented with NPS grant funds shall be operated and maintained for the expected lifespan of the specific practice and in accordance with commonly accepted standards (e.g., Natural Resources Conservation Service (NRCS) practices standard life, U.S. EPA guidance on Management Measures to Control Nonpoint Source Pollution from Urban Areas). Applicants are required to describe the expected useful life of proposed management measures and management practices as part of their proposal.

Grant Agreement Development: Successful applicants will work with their Regional Water Board's NPS Grant Program and Grant Coordinators, as well as State Water Board Division of Financial Assistance and Division of Water Quality staff, to finalize the grant agreements for their projects. Any award of grant funds under the NPS Grant Program is contingent on an applicant accepting the State Water Board's final grant agreement. During grant agreement development, applicant responsiveness to and timely submission of any requested information by the State Water Board and Regional Water Boards will support a timely funding process. Lack of responsiveness during scope of work development may result in withdrawal of the award by the Deputy Director of the Division of Water Quality at the State Water Resources Control Board.

Reimbursement of Costs: Only work performed according to the terms and scope of work of the grant agreement will be eligible for reimbursement. Eligible costs may include reasonable costs for engineering design, legal fees, preparation of environmental documentation, environmental mitigation, pre- and post-project monitoring, project implementation, and indirect costs. Applicants with projects funded by CWA section 319 funds shall be responsible for complying with federal standards set forth in the Uniform Grant Guidance (2 CFR, §§ 200 et seq. and 2 CFR, §§ 1500 et seq.) including Standards for Financial and Program Management in subpart D and federal cost principles set forth in subpart E. Costs that are not reimbursable with grant funding include, but are not limited to:

a) Costs incurred outside the terms of the grant agreement with the State Water Board;
b) Operation and maintenance costs after project is completed or for prior projects;
c) Purchase of equipment not integral to the project;
d) Establishing a reserve fund;
e) Replacement of existing funding sources for ongoing programs;

f) Expenses incurred in preparation of the FAAST application and proposal; and
g) Payment of principal or interest of existing indebtedness or any interest payments unless the debt is specifically authorized under the grant agreement with the State Water Board, the State Water Board agrees in writing to the eligibility of the costs for reimbursement before the debt is incurred, and the purposes for which the debt is incurred are otherwise reimbursable project costs.

Indirect Costs: Federally negotiated indirect cost rates between an applicant and a federal agency will be honored by the State Water Board. The applicant must provide a copy of the negotiated rate agreement to demonstrate how it applies indirect costs and commits to follow it throughout the length of the grant. If an applicant had a federally negotiated indirect cost rate agreement, but has let the agreement lapse or expire and has not renewed the agreement or is not in the process of renewing it, the applicant is not eligible for an indirect cost rate and the indirect cost rate will be 0% in their grant agreement with the State Water Board. If the applicant has never had a federally negotiated indirect cost rate agreement, the State Water Board will allow an indirect cost rate of up to 10% of modified total direct costs (MTDC). MTDC equals the sum of personnel services, operating expenses, travel, and up to the first $25,000 of contracting expenses. MTDC does not include expenses for equipment. See Appendix 7 for further information about indirect costs.

U.S. EPA Conditions: U.S. EPA has final approval authority of all projects funded with CWA 319 funds. CWA 319-funded projects that could result in catastrophic release (liquid or sediments) to surface waters will be required to prepare a contingency plan for approval by U.S. EPA and State Water Board as part of the scope of work (see Appendix 8).

Funding Conditions: Projects and recipients of NPS Grant Program funding are subject to state and federal law requirements. The State Water Board may condition a grant agreement as appropriate to ensure projects are completed successfully, expeditiously, and in compliance with all applicable requirements.

Prevailing Wage: Grant recipients will be required to comply with any applicable prevailing wage requirements under the funding agreement.

D. Proposal Instructions for Impaired Waters Proposals

1. Create an account in State Water Board Financial Assistance Application Submittal Tool (FAAST) and obtain a login and password. State Water Board staff will use the email address(es) associated with the FAAST account for most communication, so please make sure that it is accurate.
2. Complete the FAAST application questionnaire for the *2021 Nonpoint Source – Clean Water Act section 319*.
3. Complete Attachments A-J and upload each attachment separately to FAAST. Include the attachment letter, title of attachment, the FAAST Proposal Identification Number (PIN), title of project, and page number at the top/header of each page. All attachments must be uploaded to FAAST and may not be stored or referenced in a "DropBox" type external location. Attachments must meet page limit requirements. Any information in excess of page limits will not be reviewed. Studies or other reference materials supporting the proposal must be summarized within the page limits.
4. Submit proposals, including all attachments, using FAAST, by 5:00 PM of the application closing date, or the entire application will be disqualified. See grant solicitation notice for application submittal deadline.
5. If requested to respond to comments, include the FAAST PIN, title of project, and page number at the top/header of each page. If the comments require an update or change to one of the attachments (e.g., project description, scope of work, budget, etc.), changes must be flagged or marked so it is easy to see what has changed (e.g., using tracked changes).

Attachment A: Project Narrative (70 points) – limit 13 pages

Project Description (5 points): Describe the purpose of the project and the proposed work. Note any outreach and education components of the project.

Watershed Description (2 points)

a) Describe the project location at the hydrologic unit code (HUC) 12 level (or larger HUC 8 or HUC 10 level if necessary).

b) Describe the land use in the watershed (e.g., how people use the landscape – urban, agriculture, conservation, timber, or mixed uses), and the percentage of each land use in the watershed.

c) Describe the relative size of the project area, in relation to the watershed. Information for this section need not be obtained through field studies or surveys. Information may be obtained from online or literature references, or other sources such as California EcoAtlas, which integrates stream and wetland maps, restoration information, and monitoring results with land use, transportation, and other information important to the state's wetlands in order to create a complete picture of aquatic resources in the landscape, or USGS National Hydrography Dataset (NHD).

Watershed-Based Planning (5 points): Describe how the project fits into a holistic watershed approach as follows:

a) Provide a representative description of activities in the watershed that have improved or will improve water quality. Activities can be completed, ongoing or planned, and can be performed by your organization, or others.
b) Describe watershed plans that identify activities needed to address watershed concerns, and show the proposed project is a priority. Plans could include TMDL implementation plans, Basin Plans, and other watershed-based plans and watershed assessments. List these documents in Attachment C: Watershed-Based Planning Verification Table.
c) Identify stakeholder groups (e.g., environmental interests, commercial interests, homeowners, local government) affected by the project. Describe the mechanisms and processes that will be used to facilitate stakeholder involvement, coordination and communication (e.g., quarterly meetings, technical advisory committee) and the timing or schedule for such interaction.
d) Describe whether the proposed project is part of a larger effort (e.g., part of a phased project, or component of a project that is receiving funding from other sources). Clearly identify what work the State Water Board would be funding. If the project is part of a larger project, provide an overview of phases of work in the larger project and next steps and timing for completing the larger project.

Site Selection Criteria (10 points):

a) Indicate whether project implementation sites have been selected, and describe the project site selection criteria, including the technical and scientific basis for selecting and prioritizing sites. Show proposed project site location(s) on Attachment H: Project Map. Pertinent information should be summarized; review of cited literature, studies or research that support site selection criteria is at reviewer's discretion.

b) If project implementation sites have not been finalized, identify high priority areas within the watershed and the prioritization method and criteria that will be used for final site selection.

c) Funds cannot be used for projects that implement conditions of National Pollutant Discharge Elimination System (NPDES) permits. Verify with the Regional Board Grant Coordinator whether the project location(s) is within the boundaries of a NPDES permit, and if it is within the boundaries, that the project work does not implement any conditions of an NPDES permit.

Project relationship to water quality (10 points)

a) Identify the waterbody or waterbody segments that the project will affect and identify the water quality impairments and designated beneficial uses for those water segments.
b) Identify the specific pollutant(s) that the project will reduce (e.g., sediment, nitrogen, pesticides, temperature).

c) Describe how the project will achieve goals or milestones identified in the pertinent watershed plan (3.b, above).
d) Estimate quantitative water quality benefits in the form of annual pollutant load reductions and describe method for estimating load reductions. All reductions in sediment load must be reported in units of tons/year, and all reductions in phosphorous and/or nitrate must be reported in pounds/year. Other units should match the units in the TMDL as much as possible.
e) For more information on water quality objectives and standards, and/or TMDL targets, contact your Regional Water Board Grant Coordinator (Appendix 6).
f) Provide an estimate of when projected water quality benefits would be measurable (e.g., within 5 years, after 5 years, after 10 years) following implementation of the proposed project.
g) Monitoring is not required, but if it is included in the proposal, please describe what and how you will monitor, and whether the proposed monitoring is part of a regional monitoring program or data collection effort and how the proposed additional data will add value to the existing monitoring program.

Note: If the project is approved for funding, and it includes water quality monitoring, the applicant will be required to use or develop a Monitoring Plan and a QAPP approved by the State Water Board Quality Assurance officer (listed in the Surface Water Ambient Monitoring Program Quality Assurance Program Plan). Additional information about quality assurance can be found on the Surface Water Ambient Monitoring Program's website. In addition, all data collected from water quality monitoring must be compatible with and submitted to California Environmental Data Exchange Network (CEDEN), and must be SWAMP-comparable as described in the Surface Water Ambient Monitoring Program Quality Assurance Program Plan.

Management Measures and Management Practices (10 points)

a) Describe the management measures (MMs) and management practices (MPs) to be implemented. If MPs have not been selected, describe the process and criteria that will be used to select them.
b) Describe the technical and scientific basis for selecting the proposed MMs and MPs such as effect on water quality. Pertinent information should be summarized; review of cited literature, studies or research, or basis of design that support selection is at reviewer's discretion.
c) Describe whether the selection of MPs is based on cost or landowner participation or a combination of these.
d) Provide project design plans and/or engineering designs for MMs/MPs, if available. Include as one or more of the five pages of allowable maps and figures of Attachment H.
e) Describe and provide citation for the expected useful life of the proposed MMs/MPs. See California Management Measures and Natural Resources Conservation Service (NRCS) Practices Service Life for appropriate useful lives for various MMs/MPs or other appropriate references (e.g., California Fish and Wildlife Salmonid Restoration Manual, Mendocino Roads Manual, U.S. EPA guidance).

Project Team (10 points)

a) Provide names of project team members (including partners, contractors and subcontractors) and their roles in the project. Identify members' relevant credentials and qualifications (e.g., education, technical and administrative experience, knowledge, and skills) necessary to complete the project. Applicants may provide examples of past successes for the proposed team in completing previous grant-funded projects.
b) If contractors or consultants have not yet been identified, describe what qualifications and specific expertise is necessary to implement the proposal. See list of businesses and persons disqualified and/or otherwise ineligible to receive new/future work as prime contractors, subcontractors, consultants, sub-consultants, members of a joint venture, vendors or material suppliers.
c) Describe any partnership agreements and institutional structures that will be necessary to support successful completion of the project, such as a memorandum of understanding between entities.
d) Describe how the project team will coordinate and cooperate with relevant local, state, and federal agencies, and the timeframe for coordination. Describe how this coordination and communication will influence decisions made regarding project implementation and/or long-term operation and management of MPs.

Project Management (3 points)

a) Confirm that the project will be completed within three years from grant execution date (see expected grant agreement execution timeframe described in instructions for Attachment D, Schedule).
b) Describe how you will monitor and track the progress of the project to completion (e.g., identify milestones, decision points, project management methods and tools) track overall project implementation and progress of the project tasks, budget expenditures, and conformance to the agreed upon scope of work and schedule.
c) Describe how you will adapt to changes, problems, unexpected challenges, etc.

Project Financing and Funding Match (3 points)

a) Discuss the cost-effectiveness of the project.
b) Indicate whether applying for a full or partial match waiver. If applying for a full or partial match waiver, follow the instructions in Appendix 4, and submit Exhibit A, Certification of Understanding as Attachment F. If applying for a full match waiver, do not complete sub-section c.
c) Describe the cost share, match, in kind services, etc., and how they will be tracked throughout the project.
d) Describe any planning work and the associated cost of such work. Note that all planning paid for by the grant or match must be directly related to the proposed scope of implementation work in the proposal.
e) Describe how the project does or will leverage other local, state and/or federal resources (e.g., programs, projects and funding such as the Fisheries

Restoration Grant Program at California Department of Fish and Wildlife, Proposition 1-funded projects, Integrated Regional Water Management plans, local tax measures, and Drinking and Clean Water State Revolving Fund projects) to accomplish more extensive implementation activities that will result in greater water quality improvements including those in the watershed-based plan and TMDL.

Readiness to proceed (8 points)

a) Describe any project-specific planning that has been completed and any that that remains to be done before or as part of the project (e.g., design plans or environmental permits).
b) Identify and describe any needed assessments or data gaps and how they will be addressed by the project.
c) Identify any permits/approvals that may be required to implement the project (e.g., local, state, federal), their status, and the anticipated timeframe for their completion.
d) If applicable, identify any landowner agreements that will be required and how you plan to obtain them.
e) All projects that receive funding as part of this grant program must comply with CEQA. Describe how CEQA will be addressed (e.g., Environmental Impact Report, Mitigated Negative Declaration, or Notice of Exemption), the lead agency, and where in the environmental analysis process the project is.

Climate Change Resiliency (3 points)

a) In response to California State Water Resources Control Board Resolution No. 2017-0012, Comprehensive Response to Climate Change, all applicants requesting project funding shall provide a short description in their project narrative on how their projects will be resilient to climate change. Describe the potential vulnerabilities of the proposed project to climate change and the adaptation responses to those vulnerabilities (e.g., how the MPs will be designed to accommodate extended dry periods, lower stream flows during dry months and higher stream flow during wet months, sea level rise and sea water intrusion).

b) In addition, describe how the proposed project will increase the overall resiliency of the watershed to climate change and/or how the project will mitigate and adapt to climate change impacts. Examples include:

- Improves water quality
- Increases water supply, groundwater recharge, carbon sequestration
- Maintains instream flow levels
- Decreases streambank erosion, vulnerability to catastrophic wildfire
- Reduces extreme temperature fluctuations, dust and soil loss, conditions promoting toxic algal blooms

Other:

a) Adaptability/Transferability (2 points): If applicable, discuss how the project has been adapted from a past effort and how the project utilizes established techniques as well as the benefits beyond the immediate project by demonstrating the applicability of the proposed activities to other watersheds or regions.
b) Environmental Justice and Human Right to Water (2 points): Environmental Justice (EJ) is defined by California statute as "The fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of all environmental laws, regulations, and policies" (Gov. Code, § 65040.12.). Further, the Human Right to Water Law (Wat. Code, § 106.3.) establishes that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking and sanitary purposes. If the project will address an EJ issue including those that implement the Human Right to Water Law, include the following information:
    - EJ needs and issues within the project area and how they were identified;
    - How the proposed project will directly address an EJ issue in the community;
    - Demographics of the community in the project area (race, income, etc.);
    - How the community within the project area have been or will be involved in project process;
    - Water supply, water quality, and other environmental needs of the community and how these needs have been or will be addressed by the project;
    - Any negative impact the project may have on the community; if applicable; and
    - How the project leverages diverse local efforts and community-based collaborative strategies to involve people of all races, cultures and incomes, including minority populations and low-income populations or other disadvantaged populations and ensure that benefits are distributed equitably.

Attachment B: Scope of Work (10 points) – limit 5 pages

Provide a concise scope of work, suitable for use in preparing the grant agreement. Examples can be found on the NPS Grant Program webpage (NPS Grant Program webpage). Competitive applicants will work closely with their Grant Coordinator at the applicable Regional Board when developing the scope of work.

a) Briefly state the purpose for which funding is being requested.
b) Write the Scope of Work as a series of tasks. Describe the specific purpose of each task, starting with an action verb and including details (as sequential steps or subtasks, etc.) of how, when, who, and/or where the task will be accomplished. Include minimum number of management practices (e.g.,

number of miles of road treated, linear feet of cattle fencing installed, acres of revegetation, etc.).

c) Include all California Environmental Quality Act (CEQA) – related tasks, and identify permits needed.
d) Include a task for preparing the project's draft and final reports.
e) Provide a table of deliverables for tasks with the due date relative to the start date (e.g., 30 days after start date). See grant agreement execution timeframe described in the instructions for Attachment D, Schedule, to help with developing a schedule.

Attachment C: Watershed-Based Plan Verification Table (pass/fail)

Complete the nine-element verification table (located on the NPS Grant Program webpage). Include title(s) of and links to applicable existing and adopted Watershed Plans or documents that collectively address all the U.S. EPA's "Nine Minimum Elements to Be Included in a Watershed Plan for Impaired Waters Funded Using Incremental section 319 Funds". More information on U.S. EPA's nine-element watershed plans can be found in Appendix 1: Minimum Elements for Watershed-Based Plans per Clean Water Act section 319 of these grant guidelines, and U.S. EPA's Handbook for Developing Watershed Plan to Restore and Protect Our Waters (March 2008).

Attachment D: Schedule (3 points) – limit 3 pages

Provide a Gantt chart or Gantt chart-like table of the project schedule by month, totaling three pages or less. Show deliverables and other milestones identified in the scope of work (see Attachment B, above) to demonstrate an understanding of critical path elements for moving forward with this project or phase of project. Do not include tasks that have already occurred, such as early planning activities, or tasks that are expected to occur outside of the 3-year grant timeline. The project tasks proposed for funding must be limited to 3 years. If end date or critical due dates are not yet known, identify at what point in the project they will be available (e.g., monitoring, watershed prioritizing, deliverables).

a) Show the sequence and timing for implementation of each task in the proposed project;
b) Include CEQA (level of analysis needed, and expected timeline) and permitting tasks; and
c) Identify project start and end dates. See expected grant agreement execution timeframe below. Start date should be planned between February and June 2022, but no later than June 30, 2022. The project end date cannot be later than June 30, 2025.

Expected Grant Agreement Execution Timeframe:

Grant agreements are not expected to be executed before April 2022. When developing a project schedule, applicants should note the anticipated timeframe described below.

Step 1. Project selection and Executive Director Approval (April 2021)

Step 2. Award announced to applicants (May 2021)

Step 3. State Water Board receives CWA 319 grant from U.S. EPA (July – October 2021)

Step 4. Scope of Work development with Regional Water Board Grant Managers and applicants (July 2021 through December 2021)

Step 5: Grant agreement development and execution with Division of Financial Assistance (October 2021 – June 2022)

Attachment E: Budget (7 points)

Complete both tables in the budget template. An MS Excel version of the detailed and summary budget tables is provided on the NPS Grant Program webpage. Budget should have sufficient detail for reviewer to assess cost effectiveness of proposed work, and the detailed budget should address all applicable tasks and sub-tasks in the scope of work. All costs must be directly related to the project. Provide a reasonable estimate of the project costs for all items including planning and design costs, construction, and indirect costs. The tables should be submitted in MS Excel format. Do not change the format in the budget tables.

Attachment F: Funding Match (pass/fail)

Applicants must complete Match Commitment Form below (a downloadable copy is available on the NPS Grant Program webpage and/or request a waiver of match (partial or full) as described in Appendix 4: Request for Reduction of Funding Match for Disadvantaged Communities. If requesting partial waiver of match, the Match Commitment Form is required for the remaining match funding.

Note that if the project is ultimately approved for funding, and matching funds are found to be unavailable at the time of executing the grant agreement, this will cause grant funds to be withdrawn. If requesting a waiver or reduction of the funding match, provide the information required in Appendix 4: Request for Reduction of Funding Match for Disadvantaged Communities, and sign Exhibit A: Certificate of Understanding.

Attachment G: Project Performance Table (3 points) – limit 2 pages

Complete a draft Project Performances Measures Table per Appendix 5, not to exceed two pages in length. Applicants will be required to complete a final Project Assessment and Evaluation Plan (PAEP) following grant execution.

Attachment H: Project Maps and Figures (5 points) – limit 3 pages

Provide up to three pages of maps and figures. Maps must be submitted in .jpg or .pdf format and be readable when printed on 11”x17” paper. Maps must show the following:

a) Watershed location within the state;
b) Watershed boundary;
c) Polygon(s) where the project is located, and denoting the HUC-12 number(s) on the map;
d) Waterbodies that are affected by the Project

e) Locations of priority implementation sites
f) Other relevant information that will help reviewers understand the proposed project (e.g., other key landmarks, major land uses, implementation activities, sampling sites and/or stream gages).

Attachment I: Environmental Clearance Checklist (pass/fail)

Projects must comply with CEQA and Federal environmental regulations. Complete the Environmental Clearance Checklist, located on the NPS Grant Program webpage. See Appendix 3: Environmental Review Process for more information on CEQA requirements.

Attachment J: Letters of Support (optional)

Letter(s) of Support – Letter(s) of Support from collaborating agencies or community members may be included as Attachment J. Letters of support are not required and will not affect scoring. Letters of support should be addressed to the Regional Water Board Grant Coordinators shown in Appendix 6**.**

E. Proposal Instructions for High-Quality Waters Proposals

Follow all instructions in Section D except the following:

In the FAAST application questionnaire for the *2021 Nonpoint Source – Clean Water Act section 319* as prompted by FAAST, complete the following sections as follows.

a) Question #4: Either a 9-element watershed plan or an alternative plan is required for high-quality waters. Details on alternative watershed plans is described below, specifically in Attachment C. In this question, indicate whether a 9-element watershed plan or an alternative plan has been used to inform the need for the proposed project
b) Question #7: enter “N/A” as no TMDLs would exist for a high-quality waterbody.

Attachment A, #5a: Confirm that there are no impairments in the proposed high-quality watershed.

Attachment C – Watershed-Based Plan Verification Table: Where the state has assessed that the watershed waters are attaining water quality standards and the project is located in watershed where only protection actions are needed, an alternative watershed-based plan may be warranted instead of a 9-element watershed plan.

If relying on a 9-element watershed plan, complete the original version of Attachment C, Watershed-Based Plan Verification Table. If relying on an alternative plan, complete the modified version of Attachment C. Both versions of the Watershed-Based Plan Verification Table are available on the State Water Board Nonpoint Source Grant Program website.

Alternative Watershed Plan Minimum Elements (subject to U.S. EPA approval)

1. Identification of the causes or sources of nonpoint source pollution impairment, water quality problem, or threat to water quality;
2. Watershed project goal(s) and explanation of how the proposed project(s) will achieve or make advancements towards achieving water quality goals;

3. Schedule and milestones to guide project implementation;
4. Proposed management measures (including a description of operation and maintenance requirements) and explanation of how these measures will effectively address the nonpoint source pollution impairment identified above; and
5. Water quality results monitoring component, including description of process and measures (e.g., water quality parameters, stream flow metrics, biological indicators) to gauge project success.

F. Proposal Instructions for Post-Fire Recovery Proposals

Follow all instructions in Section D except as follows.

In the FAAST application questionnaire for the *2021 Nonpoint Source – Clean Water Act section 319* as prompted by FAAST, complete the following sections as follows.

a) Project Budget Tab: Local cost match not required but may be entered if matching funds are available and will be used toward the proposed project.
b) Question #4: Either a 9-element watershed plan or an alternative plan is required for post-fire recovery projects. Details on alternative watershed plans is described below, specifically in Attachment C. In this question, indicate whether a 9-element watershed plan or an alternative plan has been used to inform the need for the proposed project.
c) Question #5: Enter "yes"
d) Question #6: Enter "post-fire recovery"
e) Question #7: Okay to enter "N/A" if an adopted or nearly-adopted TMDL doesn't exist for the waterbody affected by the project
f) Question #8: Okay to enter "N/A"
g) Question #16: Enter "N/A"

Attachment C – Watershed-Based Plan Verification Table: For projects responding to urgent nonpoint source pollution emergencies or public health risks in areas for which a watershed based plan does not exist, an alternative watershed-base plan may be developed Alternative plans need to address the five elements below.

If relying on a 9-element watershed plan, complete the original version of Attachment C, Watershed-Based Plan Verification Table. If relying on an alternative plan, complete the modified version of Attachment C. Both versions of the Watershed-Based Plan Verification Table are available on the State Water Board Nonpoint Source Grant Program website.

Alternative Watershed Plan Minimum Elements (subject to U.S. EPA approval)

- Identification of the causes or sources of nonpoint source pollution impairment, water quality problem, or threat to water quality;
- Watershed project goal(s) and explanation of how the proposed project(s) will achieve or make advancements towards achieving water quality goals;
- Schedule and milestones to guide project implementation;
- Proposed management measures (including a description of operation and maintenance requirements) and explanation of how these measures will

effectively address the nonpoint source pollution impairment identified above; and
- Water quality results monitoring component, including description of process and measures (e.g., water quality parameters, stream flow metrics, biological indicators) to gauge project success.

Attachment F – Funding Match - not required.

G. Proposal Instructions for Planning Proposals

Follow all instructions in Section D except as follows:

In the FAAST application questionnaire for the *2021 Nonpoint Source – Clean Water Act section 319* as prompted by FAAST, complete the following sections as follows.

a) Question #4: Okay to enter "N/A"
b) Question #7: Okay to enter "N/A" if an adopted or nearly-adopted TMDL doesn't exist for the waterbody affected by the project
c) Question #8: Okay to enter "N/A"

Attachment A, #4a and #4b not required

Attachment A, #5d and #5e not required

Attachment A, #6a, #6d, and #6e not required

Attachment A, #9e not required

Attachment C: Watershed-Based Plan Verification Table not required

H. Nonpoint Source Grant Program Preferences

Post-Fire Recovery

Applicants may submit post-fire recovery proposals to address recovery needs in areas affected by fire where the fire has occurred in the last two years and the area has been covered by an emergency proclamation by the California Governor. Post-fire recovery projects that reduce threats to endangered and threatened species and/or municipal drinking water supplies will be preferentially considered for funding. In addition, some funds may be available for planning for the restoration of and/or assessment of fire-impacted areas.

Please indicate "post-fire recovery" in the title of the proposal if submitting a post-fire recovery proposal. The State Water Board has discretion to determine if a proposal qualifies as a post-fire recovery project. For these projects, the Deputy Director of the Division of Water Quality may waive certain application and eligibility requirements to the extent that the waiver is not contrary to the requirements of the Federal Grant and other applicable law.

Planning

Applicants may submit planning proposals that focus on any of the waterbody-pollutant combinations listed in the Regional Water Board Program preferences, or for planning for the restoration of and/or assessment of fire-impacted areas.

North Coast Regional Water Board (Region 1)

Waterbody: Elk River

Pollutant: Sediment

Project Types: Implement management measures to address sediment. Projects may include one or more of the following:

- Sediment remediation measures
- High flow channels
- Creation of inset floodplains
- Placement of instream large woody debris
- Off-channel sediment detention basins
- Infrastructure improvements
- Vegetation management
- Levee modification or removal to restore natural watershed function

Water Body: Scott River

Pollutant: Sediment

Project Types: Implement management measures to address sediment. Projects may include one or more of the following:

- Placement of instream large woody debris to increase floodplain connectivity
- Erosion Control BMPs on upland unpaved roads, including culvert crossing repair/upgrades
- Implementation of instream projects that increase channel roughness and floodplain connectivity
- Floodplain improvement projects that increase riparian function and develop depositional areas for fine sediment.

Pollutant: Temperature

Project Types: Implement management measures to increase effective shade. Projects may include one or more of the following:

- Riparian plantings and instream large woody debris to increase effective shade, especially in areas of identified thermal refugia
- Riparian protection management measures that allow for the establishment of native riparian vegetation, including off-stream stock watering systems, riparian fencing, cross fencing to facilitate rotational grazing, etc
- Management measures that minimize, control, or prevent the flow of warm tailwater into waterways

Waterbody: Salmon River

Pollutant: Temperature

Project Types: Implement management measures or practices to reduce instream water temperatures and increase groundwater recharge through: tailwater reduction, cold-water spring connection, rainwater capture, off-stream storage, groundwater recharge, flow augmentation, beaver dam analogues, riparian planting, large wood augmentation, and/or channel complexity projects.

Waterbody: Russian River

Pollutant: Pathogens/Indicator Bacteria

Project Types: Implement management measures or practices to reduce pathogen and fecal indicator bacteria waste discharges to surface waters in areas of the Russian River Watershed. Projects should address fecal indicator bacteria inputs from one or more of the following:

- Discharges from humans
    - onsite wastewater treatment systems
    - water recreation
    - encampments of people experiencing homelessness
- Discharges from domestic and farm animals
    - grazing

Waterbody: Trinity River

Pollutant: Sediment

Project Types: Implement management measures or practices to reduce sediment discharges to surface waters from unpaved roads, landings, watercourse crossings, and other similar infrastructure. Restore riparian vegetation and reconnect floodplains to restore natural functions of the river for improved water quality. Implement large wood augmentation or enhancement projects and/or projects to address channel incision/aggradation and/or degradation. Projects should be focused in, along and/or areas of impact to watercourses that provide salmonid habitat.

Waterbody: Shasta River

Pollutant: Dissolved Oxygen and Temperature

Project Types: Implement management measures to address low dissolved oxygen and elevated temperatures. Projects may include one or more of the following:

- Management measures that minimize, control, or prevent the flow of warm, nutrient-laden tailwater into waterways
- Management measures that allow for the establishment of natural riparian vegetation and minimize the discharge of cattle waste directly to surface waters, including off-stream stock watering systems, riparian fencing, cross fencing to facilitate rotational grazing, etc.
- Reconnection of cold-water springs to waterways and irrigation infrastructure to facilitate reconnection

- Riparian plantings and instream large woody debris to increase effective shade, especially in areas of identified thermal refugia

Waterbody: Eel River

Pollutant: Sediment

Project Types: Implement management measures or practices to reduce sediment discharges to surface waters from unpaved roads, landings, watercourse crossings, and other similar infrastructure such as:

- Restore riparian vegetation and reconnect floodplains to restore natural functions of the river for improved water quality.
- Implement large wood augmentation or enhancement projects and/or projects to address channel incision/aggradation and/or degradation.
- Projects should be focused in and along watercourses that provide salmonid habitat.

Pollutant: Temperature

Project Types: Implement management measures or practices to reduce instream water temperatures and increase groundwater recharge through: tailwater reduction, cold-water spring connection, rainwater capture, off-stream storage, groundwater recharge, flow augmentation, beaver dam analogues, and/or riparian shade restoration projects

San Francisco Bay Regional Water Board (Region 2)

Waterbody: Tomales Bay (including tributaries)

Pollutant: Pathogens

Project Types: Design and implement management measures/management practices according to ranch water quality plans (Ranch Plans), manure management plans (Manure Plans), and nutrient management plans (Nutrient Plans) developed to comply with grazing waiver, dairy and equestrian facility permit requirements.

Pollutant: Sediment

Project Types: Design and implement sediment reduction management measures/management practices as per Lagunitas Creek sediment TMDL, including but not limited to: creation of floodplain and secondary channels, the addition of large woody debris (LWD), and road sediment reduction projects.

Waterbody: Walker Creek

Pollutant: Mercury

Project Types: Implement management measures/management practices according to ranch water quality plans (Ranch Plans) developed to comply with the grazing waiver and dairy permit requirement. Grazing management practices such as streambank stabilization and/or revegetation, fencing, filter strips, management of pasture residual dry matter and road stabilization, should control and reduce the remobilization of mercury-laden sediments along Walker Creek; thereby reducing the potential for

methylmercury formation and bioaccumulation within the aquatic food web (helping to meet TMDL targets).

Waterbody: Sonoma Creek

Pollutant: Pathogens

Project Types: Design and implement management measures/management practices according to ranch water quality plans (Ranch Plans), manure management plans (Manure Plans), and nutrient management plans (Nutrient Plans) developed to comply with grazing waiver and dairy permit requirements.

Pollutant: Sediment

Project Types: Develop and implement vineyard management plans per the Sonoma Creek sediment TMDL. Develop and implement road sediment reduction plans and management practices per the Sonoma Creek sediment TMDL. Implement reach-scale projects to restore stream-riparian habitat complexity and connection to floodplains, and to balance fine and coarse sediment budgets per the Sonoma Creek sediment TMDL.

Waterbody: Napa River

Pollutant: Sediment

Project Types: Develop and implement vineyard management plans per the Napa River sediment TMDL. Implement reach-scale projects to restore stream-riparian habitat complexity and connection to floodplains, and to balance fine and coarse sediment budgets per the Napa River sediment TMDL. Develop and implement rural road sediment reduction plans and management practices per the Napa River sediment TMDL.

Waterbody: Guadalupe River (including tributaries)

Pollutant: Mercury

Project Types: Develop and implement mining waste remediation and erosion control per the Guadalupe River Mercury TMDL. Develop and implement stream bank stabilization.

Waterbody: Pescadero-Butano Watershed

Pollutant: Sediment

Project Types: Develop and implement sediment reduction plans and management practices for unpaved roads per the Pescadero-Butano watershed sediment TMDL. For farmlands and grazing lands, develop and implement erosion control plans and management practices to control surface erosion and to prevent additional gully and landslide erosion per the Pescadero-Butano watershed sediment TMDL.

Waterbody: Petaluma River (including tributaries)

Pollutant: Bacteria

Project Types: In support of the Petaluma River Bacteria TMDL, design and implement management measures/management practices according to ranch water quality plans

(Ranch Plans), waste management plans, and nutrient management plans developed to comply with grazing waiver and confined animal facility permit requirements.

Central Coast Regional Water Board (Region 3)

Waterbody: Pajaro, Lower Salinas, Santa Maria/Oso Flaco

Pollutant: Nutrients, Pesticides and Toxicity

Project Types:

- Implement source control and edge of field management measures (e.g. on-farm irrigation and nutrient management, integrated pest management, hedge rows, vegetated grassed diches, denitrifying biofilters/bioreactors, carbon filtration, conversion to organic, sprayer calibration, cover crops) to eliminate, reduce or treat discharges and pollutant loading to priority groundwater basins and address adopted TMDLs and Basin Plan water quality objectives.
- Establish, re-establish, rehabilitate, and/or enhance riparian, wetland, post-fire, streambank and aquatic habitats to support beneficial uses and meet water quality objectives, improve pollutant capture and filtration, and improve watershed functions.
- Update, as needed, streamlined permits for 319(h) funded project sites to incentivize implementation of habitat restoration and water quality improvement projects.

Planning Project Types:

- Monitor surface water and groundwater quality (e.g. nitrate, toxicity) on or near 319(h) funded project sites to demonstrate effectiveness of 319(h) funded project sites in improving surface or groundwater quality or provide regulatory compliance assistance for agricultural operations.
- Monitor discharge, surface water and/or groundwater at or adjacent to project sites to demonstrate project outcomes (e.g. determine effectiveness of practices in improving water quality, provide regulatory compliance assistance for agricultural operations, meet water quality standards).

Waterbody: Los Osos Creek, Chorro Creek and Franklin Creek

Pollutant: Nutrients

Implementation Project Types:

- Implement source control and edge of field management measures (e.g. on-farm irrigation and nutrient management, vegetated grassed diches, denitrifying biofilters/bioreactors, cover crops) to eliminate, reduce or treat discharges and pollutant loading to priority groundwater basins and address adopted TMDLs and Basin Plan water quality objectives.
- Establish, re-establish, rehabilitate, and/or enhance riparian, wetland, post-fire, streambank and aquatic habitats to support beneficial uses and meet

water quality objectives, improve pollutant capture and filtration, and improve watershed functions.

Planning Project Types:

- Update, as needed, streamlined permits for 319(h) funded project sites to incentivize implementation of habitat restoration and water quality improvement projects.
- Monitor discharge, surface water and/or groundwater at or adjacent to project sites to demonstrate project outcomes (e.g. determine effectiveness of practices in improving water quality, provide regulatory compliance assistance for agricultural operations, meet water quality standards).

Waterbody: Pajaro River, San Lorenzo River, Salinas River, Chorro and Los Osos Creeks, and/or other waterbodies draining to sensitive coastal and marine areas, such as Critical Coastal Areas

Pollutant: Sediment and sediment-bound pollutants (e.g., pesticide toxicity)

Implementation Project Types: Implement management measures (e.g. culvert crossing repair or upgrade, off-channel sediment basin, streambank and riparian restoration, placement of instream large woody debris) for erosion control and to establish, re-establish, rehabilitate, and/or enhance riparian, wetland, and aquatic habitat to support threatened and endangered anadromous steelhead and Coho salmon fisheries.

Planning Project Types:

- Update, as needed, streamlined permits for project sites to incentivize implementation of habitat restoration and water quality improvement projects.
- Establish and utilize function-based wetland and riparian assessment protocols (e.g., CRAM, RipRAM, Bioassessment) to prioritize and evaluate effectiveness of project sites in protecting and enhancing water quality and anadromous fish habitat or to provide compliance assistance for agricultural operations.
- Monitor water quality at or adjacent to project sites to demonstrate project outcomes (e.g. determine effectiveness of practices, provide regulatory compliance assistance, meet water quality standards).

Waterbody: Scott Creek, Santa Cruz County (High-Quality Water)

Pollutant: NA

Project Types: Implement management measures or enhance habitat in high-quality waters to protect beneficial uses such as preventing degradation to aquatic habitat for cold and warm water fish species.

Waterbody: San Lorenzo River

Pollutant: Fecal Coliform

Project Types: Install facilities (e.g. hydration stations, sanitary facilities, trash receptacles, and showers) in priority sub-watersheds to foster the Human Right to Water for homeless populations and disadvantaged communities (DACs), and reduce surface water impacts from fecal indicator bacteria discharged from homeless encampments to address adopted TMDLs and achieve Basin Plan water quality objectives.

Los Angeles Regional Water Board (Region 4)

Waterbody: Calleguas Creek

Pollutant: Nutrients and pesticides

Project Types: Implement, at individual farms or regional sites, sediment retention management practices, infiltration/filtration management practices, tailwater recovery systems, tile drain treatment systems, irrigation management practices, and nutrient management practices.

Waterbody: Santa Clara River

Pollutant: Nutrients and pesticides

Project Types: Implement, at individual farms or regional sites, sediment retention management practices, infiltration/filtration management practices, tailwater recovery systems, tile drain treatment systems, irrigation management practices, and nutrient management practices.

Waterbody: Malibu Creek

Pollutant: Nutrients and sediment

Project Types: Implement sediment retention management practices, nutrient management practices, and irrigation management practices at farms and golf courses; manure management practices and runoff reduction management practices at horse/livestock facilities and ranches; sediment reduction management measures and stream-riparian habitat restoration projects.

Waterbody: McGrath Lake

Pollutant: Pesticides

Project Types: Implement sediment retention management practices, filtration management practices, tailwater recovery systems, tile drain treatment systems, irrigation management practices, and nutrient management practices.

Waterbody: Ventura River

Pollutant: Nutrients and pesticides

Project Types: Implement nutrient management practices, irrigation management practices, sediment retention management practices, and filtration management practices.

Pollutant: Nutrients

Project Types: Upgrade or convert septic systems on a large scale to address nutrient discharge from all or a portion of a community.

Central Valley Regional Water Board (Region 5)

Central Valley Regional Water Board is not accepting proposals for this round of funding.

Lahontan Regional Water Board (Region 6)

Waterbody: Blackwood Creek

Pollutant: Sediment and/or Nutrients

Project Types: Implement management measures to reduce sediment discharges such as watershed restoration, enhancement, and protection projects targeting nutrients and sediment; instream habitat and riparian restoration, and stream bank stabilization projects to reduce sediment and nutrient sources. May include project-level planning, design and monitoring.

Waterbody: Indian Creek Reservoir

Pollutant: Nutrients

Project Types: Implement management measures to reduce nutrient discharges such as watershed restoration, enhancement, and protection projects targeting nutrients; engineered nutrient treatment/ removal (passive or active) projects; small-scale, or large-scale implementation, nutrient management/control projects. May include project-level planning, design and monitoring.

Waterbody: Squaw Creek

Pollutant: Sediment

Project Types: Implement management measures to reduce sediment discharges such as watershed restoration, enhancement, and protection projects targeting sediment; instream habitat and riparian restoration including floodplain connectivity and stream bank stabilization projects to reduce sediment sources. May include project-level planning, design and monitoring.

Waterbody: Tahoe, Lake

Pollutant: Nutrients and/or sediment

Project Types: Implement management measures to reduce nutrient and sediment discharges such as watershed restoration, enhancement and protection projects targeting nutrients and sediment. May include project-level planning, design and monitoring.

Waterbody: Middle Truckee River Watershed

Pollutant: Sediment

Project Types: Implement management measures to reduce sediment discharges to the Truckee River reach from Lake Tahoe dam through Town of Truckee such as watershed restoration, enhancement, and protection projects targeting sediment;

riparian restoration and stream bank stabilization projects to reduce sediment sources. May include project-level planning, design and monitoring.

Waterbody: Truckee River, Upper

Pollutant: Sediment

Project Types: Implement management measures to reduce nutrient discharges such as watershed restoration, enhancement, and protection projects targeting nutrients and sediment; riparian restoration, including floodplain connectivity and stream bank stabilization projects to reduce nutrient and sediment sources. May include project-level planning, design and monitoring.

Colorado River Regional Water Board (Region 7)

Waterbody: Alamo River

Pollutant: Sediment

Project Types: Implement management measures in TMDL-required water quality management plans (Water Management Plans) for agricultural drain discharges to reduce pollutants in impaired water bodies.

Waterbody: New River (International Boundary to Salton Sea)

Pollutant: Sediment

Project Types: Develop and implement TMDL-required Water Management Plans and other management measures for agricultural drain discharges to reduce pollutants in impaired water bodies.

Pollutant: Bacteria, trash, dissolved oxygen

Project Types: Develop and implement CWA 319-fundable projects contained in the Strategic Plan: New River Improvement Project (December 2011). New River Pathogen and Trash TMDLs cover the whole stretch of river in the U.S. New River dissolved oxygen TMDL covers the segment of the New River from International Boundary to 0.8 miles downstream in U.S.

Waterbody: Imperial Valley Drains

Pollutant: Sediment

Project Types: Develop and implement TMDL-required Water Management Plans and other management measures for agricultural drain discharges to reduce pollutants in impaired water bodies.

Waterbody: Coachella Valley Storm Channel

Pollutant: E.coli

Project Types: Develop and implement TMDL-required Water Management Plans and other management measures to reduce pollutants in impaired water bodies.

Santa Ana Regional Water Board (Region 8)

Waterbody: Newport Bay – Upper

Pollutant: Copper; Metals; Pathogens; Sediment; Organochlorine Compounds

Project Types: Implement management measures/management practices to control ambient and 'natural' known sources of impairments; implement sediment control projects in areas not subject to the municipal separate storm water sewer system permit (Municipal Stormwater Permit) (e.g., undeveloped, open-space in or upstream of watershed).

Waterbody: Newport Bay – Lower

Pollutant: Copper; Metals; Pathogens; Organochlorine Compounds

Project Types: Implement management measures/management practices to control ambient and 'natural' known sources of impairments; implement source control projects.

Waterbody: Newport Coast Watersheds (south of Newport Bay mouth)

Pollutant: Selenium, sediments, and pathogens

Project Types: Implement management measures/management practices that control ambient and 'natural' known sources of impairments; implement source control projects.

Waterbody: San Diego Creek Reach 1

Pollutant: Organochlorine Compounds, Nutrients, Sediments, Pathogens, Selenium

Project Types: Implement management measures/management practices to control ambient and 'natural' known sources of impairments; implement sediment source control projects in areas not subject to the municipal separate storm water sewer system permit (Municipal Stormwater Permit) (e.g., undeveloped, open-space in or upstream of watershed).

Waterbody: San Diego Creek Reach 2

Pollutant: Nutrients, Sediments, Pathogens, Selenium

Project Types: Implement management measures/management practices to control ambient and 'natural' known sources of impairments; implement sediment source control projects in areas not subject to the Municipal Stormwater Permit (e.g., undeveloped, open space in or upstream of watershed).

Waterbody: Big Bear Lake and tributaries

Pollutant: Nutrients (and sediment to which nutrients bind)

Project Types: Implement nutrient and sediment control and source control management measures/management practices in areas not subject to Municipal Stormwater Permit (e.g., undeveloped, open space in or upstream of watershed).

Waterbody: San Jacinto River/Canyon Lake

Pollutant: Nutrients; Pathogens

Project Types: Implement management measures/management practices to help control or manage nutrient exchange from sediment into the water column. Implement management measures/management practices identified in the Lake Elsinore nutrients TMDL Agricultural Nutrient Management Plan. Implement management practices to

assist agricultural growers to meet the requirements of the Agricultural Conditional Waiver of Waste Discharge (CWAD).

San Diego Bay Regional Water Board (Region 9)

Waterbody: San Mateo Creek watershed

Pollutant: Invasive species

Project Types: Implement management practices to reduce adverse effects to Steelhead Trout from predation and competition of invasive organisms and flow impediments as outlined in the National Marine Fisheries Service 2012 Southern California Steelhead Recovery Plan.

Waterbody: Shelter Island Yacht Basin – San Diego Bay

Pollutant: Copper

Project Types: Implement management practices to reduce copper loading from boats as required by Resolution No. R9-2005-0019, Total Maximum Daily Load for Dissolved Copper in Shelter Island Yacht Basin, San Diego Bay.

Waterbody: Rainbow Creek Watershed

Pollutant: Total Nitrogen; Total Phosphorus

Project Types: Implement management practices to reduce total nitrogen and total phosphorus loading as required by Resolution No. R9-2005-0039, Basin Plan Amendment and Final Technical Report for Total Nitrogen and Total Phosphorus Total Maximum Daily Loads for Rainbow Creek or the requirements of the San Diego Water Board's General Agricultural Orders.

Waterbody: Santa Margarita River Estuary Watershed

Pollutant: Nutrients

Project Types: Implement management practices to reduce nonpoint sources of nitrogen and phosphorus that lead to eutrophic conditions as required by the Alternative TMDL, Draft Staff Report: Santa Margarita River Estuary, California Nutrients Total Maximum Daily Load Project, with Tentative Investigative Order (documents are draft and tentative until Board approved).

Waterbody: Beaches in the San Diego Region

Pollutant: Indicator Bacteria

Project Types: Implement management practices to reduce nonpoint sources of bacteria as required by Resolution No. R9-2010-0001, Revised Total Maximum Daily Loads for Indicator Bacteria, Project I – Twenty Beaches and Creeks in the San Diego Region (including Tecolote Creek) or the requirements of the San Diego Water Board's General Agricultural Orders.

Waterbody: Baby Beach in Dana Point Harbor

Pollutant: Indicator Bacteria

Project Types: Implement management practices to reduce nonpoint sources of bacteria as required by Resolution No. R9-2008-0027, Total Maximum Daily Loads for Indicator Bacteria, Baby Beach in Dana Harbor and Shelter Island Shoreline Park in San Diego Bay.

Waterbody: Tijuana River Valley

Pollutant: Sediment, Trash, Bacteria

Project Types: Implement management practices to reduce nonpoint sources of bacteria, sediment, and trash as identified in Resolution No. R9-2012-0030, A Resolution Endorsing the Tijuana River Valley Recovery Team's Strategy "Living with the Water" dated January 2012, the Tijuana River Valley Recovery Team Recovery Strategy Living with the Water, or Resolution No. R9-2015-0035, A Resolution Endorsing the Tijuana River Valley Recovery Team Five-Year Action Plan, March 2015.

Waterbody: Loma Alta Slough Watershed

Pollutant: Phosphorous

Project Types: Implement management practices to reduce nonpoint sources of phosphorus as required by Resolution No. R9-2014-0020, Resolution of Commitment to an Alternative Process for Achieving Water Quality Objectives for Biostimulatory Substances in Loma Alta Slough.

I. Appendices

Appendix 1: Minimum Elements for Watershed-Based Plans per Clean Water Act section 319

All projects supported with Clean Water Act section 319 funds must implement activities based on sound watershed-based plans (WBPs) as defined by the United States Environmental Protection Agency (U.S. EPA) in its Handbook for Developing Watershed Plans to Restore Our Waters (U.S. EPA's Handbook). U.S. EPA's Handbook is based on the idea that significant environmental results are more likely where plans provide detailed information to ensure that priority activities are being undertaken to achieve water quality objectives and beneficial uses within a specific time frame. This is important for a wide range of reasons including the need to (1) ensure that limited resources address significant pollutant sources, (2) accelerate the pace of restoration, (3) provide information to leverage related resources, and (4) establish feedback mechanisms for adjustments to ensure ongoing progress.

WBPs are holistic documents that are designed to protect and restore a watershed. These plans provide a careful analysis of the sources of water quality problems, their relative contributions to the problems, and alternatives to solve those problems. WBPs should also deliver proactive measures to protect waterbodies. In watersheds where a TMDL has been developed and approved or is in process of being developed, WBPs should be designed to achieve the load reductions called for in the TMDL.

U.S. EPA has identified nine elements that are critical for achieving improvements in water quality and strongly recommends that they be included in all WBPs intended to address water quality impairments. U.S. EPA's Handbook identifies the nine elements that WBPs must address. These elements are listed below. However, they do not necessarily take place sequentially. The level of detail needed to address each of the nine elements of a WBP will vary.

Element 1: Identification of Causes and Sources

Identification of causes of impairment and pollutant sources or groups of similar sources that need to be controlled to achieve needed load reductions and any other goals identified in the watershed plan.

Element 2: Expected Load Reductions

An estimate of the load reductions expected from management measures.

Element 3: Management Measures

A description of the nonpoint source management measures that will need to be implemented to achieve load reductions, and a description of the critical areas in which those measures will be needed to implement this plan.

Element 4: Technical and Financial Assistance

Estimate of the amounts of technical and financial assistance needed, associated costs, and/or the sources and authorities that will be relied upon to implement the plan.

Element 5: Information/Education

An information and education component used to enhance public understanding of the project and encourage their early and continued participation in selecting, designing, and implementing the nonpoint source management measures that will be implemented.

Element 6: Schedule

Schedule that is reasonably expeditious for implementing the nonpoint source management measures identified in the plan.

Element 7: Measurable Milestones

A description of interim measurable milestones for determining whether nonpoint source management measures or other control actions are being implemented.

Element 8: Evaluation of Progress

A set of criteria that can be used to determine whether loading reductions are being achieved over time and whether substantial progress is being made toward attaining water quality standards.

Element 9: Monitoring

A monitoring component to evaluate the effectiveness of the implementation efforts over time, measured against the criteria established in Element 8.

The U.S. EPA Handbook addresses the watershed planning process, highlighting these elements in detail to show how to develop and implement watershed plans that will achieve water quality and other environmental goals. Please see Chapter 2, Section 6 of the U.S. EPA's Handbook for more information.

U.S. EPA requires that projects funded under CWA section 319 directly implement a WBP addressing the nine elements (except in select cases). U.S. EPA encourages utilization of relevant planning documents that contain some or all the information needed to fulfill the elements of a WBP. Where information already exists, is representative of current conditions, and is of enough quality and detail for planning, the information may be used to fulfill appropriate WBP elements. Examples of such documents include various state and local watershed planning documents, TMDLs and TMDL implementation plans, source water protection plans, National Estuary Program Comprehensive Conservation and Management Plans (CCMPs) or NEP annual project work plans.

Applicants may work with the Regional or State Water Board Grant Coordinators listed in Appendix 6 to verify that the combination of plans address the nine elements, are readily accessible to watershed stakeholders, and provide a roadmap that can effectively guide restoration and protection efforts. Elements that are inadequate in existing plans will need to be incorporated into the plans, as appropriate, to be eligible for Clean Water Act 319 funds. As part of their project proposal, applicants will complete a table (see nine-element verification table on the NPS Grant Program webpage)

(https://www.waterboards.ca.gov/water_issues/programs/nps/docs/319grants/2017/2017_fp_attach%20_h_9_element_verify%20_table.pdf) to indicate where each watershed plan element is addressed. Grant awards for 319 funds may be denied if all nine elements are not adequately addressed.

Additional information is included in EPA's 2013 Nonpoint Source Program and Grants Guidelines for States and Territories (https://www.epa.gov/sites/production/files/2015-09/documents/319-guidelines-fy14.pdf)

Appendix 2: Definitions

Applicant - an entity that files an application for funding under the provisions of the NPS Grant Program with the State Water Resources Control Board (State Water Board).

Application - the electronic submission to the State Water Board that requests grant funding for the project that the applicant intends to implement. It includes the responses to the questions included in the on-line application system (FAAST) as well as the proposal.

Beneficial Uses - the uses that streams, lakes, rivers, and other water bodies, have to humans and other life. They are outlined in the Regional Water Board's Water Quality Control Plan (i.e., basin plan). Categories of beneficial uses include water contact recreation, non- water contact recreation, municipal water supply, cold freshwater habitat, and more. Each body of water in the State has a set of beneficial uses it supports that may or may not include all categories of beneficial uses. Different beneficial uses require different water quality objectives. Therefore, each beneficial use has a set of water quality objectives designed to protect that beneficial use.

Community – for the purposes of this grant program, a community is a population of persons residing in the same locality under the same local governance.

Disadvantaged Community – a community with an annual median household income that is less than 80% of the statewide annual median household income (Wat. Code, § 79505.5 (a).).

Environmental Justice – the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies. Fair treatment means that no group of people, including racial, ethnic, or social-economic groups should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations, or the execution of Federal, State, local, and tribal programs and policies.

Forest lands – per California Public Resources Code section 12220(g), land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

Funding Match – funds made available by the applicant, for work performed according to the grant agreement terms and scope of work, to be applied toward eligible project costs. Match may include state funds and services, federal funds and services, local funding, or donated and volunteer services from non-state sources. Eligible reimbursable expenses incurred after the applicant is notified of funding approval and prior to the project completion date can be applied to the funding match. Additionally, education and outreach may qualify as a portion of the funding match. Unless the applicant qualifies for a funding match waiver or reduction, the match must be 25% or more of the total project cost, and for septic system upgrades, match must be 75% or more of the total project cost.

Grantee – a recipient of grant funding under these Guidelines.

Granting Agency – the agency that is funding a proposal and with which an applicant has a grant agreement. The State Water Board is the granting agency for the Nonpoint Source Grant Program.

High-Quality Water –waters in Category 1 of the 2014-2016 California Integrated Report as approved by State Water Board and U.S. EPA.

Human Right to Water – declaration per Assembly Bill 685 that legislatively recognizes the human right to water. In Water Code section 106.3, the state recognizes that "every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes." The human right to water extends to all Californians, including disadvantaged individuals and group and communities in rural and urban areas.

Hydrologic Unit Code - a sequence of numbers or letters that identify a hydrological feature like a river, river reach, lake, or area like a drainage basin (also called watershed or catchment). The United States Geological Survey created a hierarchical system of hydrologic units originally called regions, sub-regions, accounting units, and cataloging units. Each unit was assigned a unique Hydrologic Unit Code. As of 2010, there are six levels in the hierarchy, represented by hydrologic unit codes from 2 to 12 digits long, called regions, subregions, basins, subbasins, watersheds, and subwatersheds.

Impaired Water Body – surface waters identified by the Regional Water Boards as impaired because water quality objectives are not being achieved or where the designated beneficial uses are not fully protected after application of technology-based controls. A list of impaired water bodies is compiled by the State Water Board pursuant to Clean Water Act section 303(d).

Implementation – on-the-ground TMDL/watershed plan actions targeted toward achieving water quality goals.

Ineligible Applicant - an applicant that does not meet the eligibility requirements specified in Project Eligibility Requirements.

Local Public Agency – any city, county, city and county, or district.

Management Measures – economically achievable methods for the control of the addition of pollutants from existing and new categories and classes of Nonpoint Source pollution, which reflect the greatest degrees of pollutant reduction achievable through the application of the best available nonpoint source pollution control practices, technologies, processes, siting criteria, operating methods, or alternatives. In January 2000, the State Water Board and California Coastal Commission released California's Management Measures for Polluted Runoff (CAMMPR) (https://www.waterboards.ca.gov/water_issues/programs/nps/docs/plans_policies/nps_progplan_vii.pdf), which describes a total of 61 management measures in each of the major categories of nonpoint source pollutions: (1) agriculture; (2) forestry; (3) urban areas; (4) marinas and recreational boating; (5) hydromodification; and (6) wetlands, riparian areas, and vegetated treatment systems.

Management Practices – practices that include, but are not limited to, structural and nonstructural controls. Management Practices can be applied before, during, and after pollution-producing activities to reduce or eliminate the introduction of pollutants into receiving waters.

Nearly Adopted TMDL – scheduled to be adopted by the Regional Water Board by June 30, 2021.

Nonpoint Source Pollution (NPS) – water pollution that does not originate from a discrete point, such as a sewage treatment plant outlet. Nonpoint source pollution is a by- product of land use practices, such as those associated with farming, timber harvesting, construction management, marina and boating activities, road construction and maintenance, mining, and urbanized areas not regulated under the point source stormwater program. Primary pollutants include sediment, fertilizers, pesticides and other pollutants that are picked up by water traveling over and through the land and are delivered to surface and groundwater via precipitation, runoff, and leaching. From a regulatory perspective, pollutant discharges that are regulated under the National Pollutant Discharge Elimination System Permit are considered to be point sources. By definition, all other discharges are considered NPS pollution.

Nonpoint Source Program Implementation Plan for 2020-2025, California – State Water Board plan developed in collaboration with the Regional Water Boards and the California Coastal Commission. Anticipated approval of the plan is September 2020. The plan addresses California's NPS pollution by assessing the State's NPS pollution problems/causes and implementing management programs.

Nonpoint Source Program Pollution Control Program - California's coastal nonpoint pollution control program (coastal nonpoint program), which meets the requirements of section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990. The California coastal nonpoint program was approved by NOAA and EPA in July 2000.

Nonpoint Source (NPS) Program Preferences - areas and waterbodies identified by the Water Boards for which funding will be prioritized (see Section E: NPS Grant Program Preferences).

Nonprofit Organization – any organization under sections 501c (3), 501(c)(4), or 501(c)(5) of the Federal Internal Revenue Code.

Section 501(c)(3) defines nonprofit organizations as:

"Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which incurs to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation (except as otherwise provided in subsection (h)), and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office."

Section 501(c)(4) defines nonprofit organizations as:

A) "Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, or local associations of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality, and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes."

B) "Subparagraph (A) shall not apply to an entity unless no part of the net earnings of such entity inures to the benefit of any private shareholder or individual."

Pollutant Load Reduction – the decrease of a pollutant (in mass or concentration) in the impaired waterbody resulting from the implementation of the project.

Private Party/Entity – an entity that is not a unit of government including, but not limited to, a corporation, partnership, company, nonprofit organization or other legal entity or natural person.

Project – the entire set of actions, including planning, permitting, constructing, monitoring, and reporting on all the proposed activities, including structural and non-structural implementation of management measures and practices.

Project Area - the geographical boundaries, as defined by the applicant, which encompass the area where the project will be implemented/constructed including the area where the benefits and impacts of project implementation or planning activities extend. For projects to develop local watershed management plans, the project area includes the entire area included in the planning activities.

Proposal – all the supporting documentation submitted by the applicant that details the project and actions that are proposed for funding pursuant to an application for a grant.

Public Agency – any city, county, city and county, district, the State, or any agency or department thereof.

Public Colleges – State Universities, University of California, and California community colleges.

Public Works – as defined in the California Labor Code, section 1720.

Regional Agency – a public agency with statutory authority over land use or water management whose jurisdiction encompasses an area greater than the jurisdictional boundaries of any one local public agency.

Section 303(d) List – a list of impaired waters prepared by states per Clean Water Act section 303(d). Once the impaired waters are identified and placed on the list, section 303(d) requires that the State establish TMDLs that will meet water quality standards for each listed water body.

State Responsibility Area – a legal term defining the area where the State of California has financial responsibility for wildland fire protection. See Board of Forestry and Fire Protection State Responsibility Area Viewer (https://bofdata.fire.ca.gov/projects-and-programs/state-responsibility-area-viewer/) for a map of state responsibility areas.

Stakeholder – an individual, group, coalition, agency, or others who are involved in, affected by, or have an interest in the implementation of a specific program or project. Stakeholders for NPS projects include people and organizations invested in the watershed and outcome of the watershed-based plan.

Technical Review Panel (Review Panel) – panel of State and Regional Water Board staff, U.S. EPA representative(s), and the Coastal Commission that reviews the eligibility of the applicant and project, in addition to evaluating, scoring, and ranking the proposals for funding.

Total Maximum Daily Load (TMDL) – the document presenting the calculation of the maximum amount of a pollutant that can be discharged into a water body so that the waterbody will meet and continue to meet water quality standards for that particular pollutant, determination of pollutant reduction targets, and allocation of load reductions necessary to the source of the pollutant. In California, TMDLs include an implementation plan to achieve the pollutant reduction targets.

Total Maximum Daily Load (TMDL) Alternative – a locally-controlled pollution control program that is not a TMDL, that is expected to solve pollution problems, that has many of the same elements as a TMDL, and that has some legal or financial guarantee that it will be implemented. To meet the objectives of a TMDL Alternative for purposes of applying for funding, the pollution control program must:

- Be problem-specific and waterbody-specific.
- Have reasonable time limits established for correcting the specific problem, including load reduction or interim targets when appropriate.
- Have a monitoring component to evaluate effectiveness.
- Have adaptive management built into the plan to allow for course corrections if necessary.
- Have enforceable pollution controls or actions stringent enough to attain the water quality standard(s).
- Be feasible, with enforceable legal or financial guarantees that implementation will occur.
- Be actively and successfully implemented and show progress on water quality improvements in accordance with the plan.
- Describe management measures and actions designed to meet water quality standards.
- Have an implementation schedule and measurable milestones.
- Describe criteria that are used to determine loading reductions achieved over time.
- Contain an information/education component.

Appendix 3: Environmental Review Process

Purpose

This appendix details steps the applicants must take to comply with environmental review requirements for the Nonpoint Source Grant Program administered by the State Water Resources Control Board (State Water Board). Generally, the process is accomplished through compliance with the California Environmental Quality Act (CEQA). Detailed requirements are given in the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3). For information on how to obtain a copy of CEQA and the CEQA Guidelines, contact the State Clearinghouse at (916) 445-0613.

This appendix is intended to supplement the CEQA Guidelines with specific requirements for environmental documents acceptable to the State Water Board when reviewing applications for funding; they are not intended to supersede or replace the CEQA Guidelines. The Nonpoint Source Grant Program also includes funds from federal sources administered by the U.S. EPA and is therefore subject to some federal environmental regulations. The federal requirements are emphasized in this appendix.

CEQA Requirements

All projects funded under the NPS Grant Program must comply with the CEQA. Grantees are responsible for complying with all applicable laws and regulations for their projects, including CEQA. State Water Board selection of a project for a grant does not indicate that the consideration of alternatives or mitigation measures that would reduce or eliminate adverse environmental effects of that project is adequate.

During the CEQA process for the release, consideration, and adoption of a negative declaration (ND), mitigated negative declaration (MND), or environmental impact report (EIR) for a project, the lead agency shall comply with all requirements for notification of and/or consultation with a California Native American tribe, where the project is in geographic area traditionally and culturally associated with the tribe (Pub. Resources Code, §21080.3.1 & 75102.).

Provide the status of all environmental documents required for the project. Attach any draft or final CEQA documents that are available. For guidance on the environmental clearance, please see the California Natural Resource Agency's CEQA website (https://resources.ca.gov/About-Us/Legal/CEQA-Supplemental-Documents).

As defined under CEQA, the applicant may be the Lead Agency if they are a public agency, and will be responsible for the preparation, circulation, and consideration of the environmental document prior to approving the project. If the grantee is a nonprofit organization, then another state agency subcontracting to the grantee must be the lead agency. If the State Water Board will be the Lead Agency, then the applicant should state this in the proposal. The State Water Board and other agencies having jurisdiction over the proposed project are *Responsible Agencies* and are accountable for reviewing and considering the information in the environmental document prior to approving any portion of the project.

The applicant may use a Negative Declaration (ND), a Mitigated Negative Declaration (MND), or an Environmental Impact Report (EIR) to comply with CEQA requirements.

The applicant may use a previously prepared document accompanied by a checklist to determine if the project is adequately covered. If the project is not adequately covered by an existing document, an updated or subsequent document should be prepared. Applicants should contact the Regional Water Board Grant Coordinator before using an existing final document.

Public participation: For all projects, public participation and review are essential to the CEQA process (CEQA Guidelines, section 15087). An earnest public participation program can improve the planning process and reduce the chance of delays due to public controversy. Each public agency, consistent with its existing activities and procedures, should include formal and informal public involvement and receive and evaluate public reactions to environmental issues related to its project. Public comments or controversies not addressed during the planning of a proposed project could result in the need for a subsequent environmental document at a later stage or lead to legal challenges, delaying the project and raising the cost significantly.

Exemptions from CEQA

In many circumstances, the applicant's project may be approved under a statutory or categorical exemption from CEQA. Applicants should submit the exemption findings to the State Water Board for these projects. After the Lead Agency approves the statuary or categorical exemption for the project, the Lead Agency should file a Notice of Exemption with the County Clerk and provide a copy of the Notice to the State Water Board.

A Notice of Exemption should include:

1. a brief description of the project;
2. a finding that the project is exempt;
3. references stating the applicable statutory or categorical exemption in the law or State guidelines; and
4. a brief statement supporting the finding of exemption.

Categorical Exemptions cannot be used if the project may have a "significant effect on the environment" as described in CEQA Guidelines, section 15065, or is considered an exception to a class of categorical exemptions as described in CEQA Guidelines, section 15300.2. Compliance with applicable federal environmental regulations including consultation with federal authorities is required for some exempt projects.

DETAILED PROCEDURES

Preparation of an Initial Study (CEQA Guidelines, section 15063)

An Initial Study is a preliminary analysis prepared by the Lead Agency to determine whether an EIR or a ND should be prepared. The Initial Study uses the fair argument standard to determine if a project may have a significant environmental effect that cannot be mitigated before public release of the environmental document. The criteria for "significance" of impacts (CEQA Guidelines, sections 15064 et seq.) must be based on substantial evidence in the record and includes:

1. direct effects;
2. reasonably foreseeable indirect effects;
3. expert disagreement;
4. considerable contribution to cumulative effects; and
5. special thresholds for historical and archaeological resources.

If an applicant can determine that an EIR will clearly be required for the project, an Initial Study is not required but may still be desirable to focus the analysis of impacts.

The Initial Study must include:

1. a project description;
2. an environmental setting;
3. potential environmental impacts;
4. mitigation measures for any significant effects;
5. consistency with plans and policies; and
6. the names of preparers.

If a checklist is used, it must be supplemented with explanations for all applicable items, including the items that are checked "no impact." Checklists should follow the format used in Appendix G of the most recent revision (1999 or later) of the CEQA Guidelines.

If the project has no significant effect on the environment, the applicant should prepare a ND (or MND) and Initial Study (CEQA Guidelines, section 15371).

Negative Declaration

A Negative Declaration (ND) is a written statement, briefly explaining why a proposed project will not have a significant environmental effect. It must include:

1. A project description;
2. The project location;
3. The identification of the project proponent;
4. A proposed finding of no significant effect; and
5. A copy of the Initial Study.

For MNDs, mitigation measures included in the project to avoid significant effects must be described. The applicant must provide a notice of intent to adopt a ND (CEQA Guidelines, section 15072) specifying:

1. the review period;
2. the time and location of any public meetings or hearings on the proposed project;
3. a brief project description; and
4. the location that copies of the proposed ND or MND is available for review.

A copy of the notice of intent and the proposed ND must be mailed to responsible and trustee agencies, agencies with jurisdiction, and all parties previously requesting notice. The ND/Initial Study also needs to be circulated through the State Clearinghouse (CEQA Guidelines, sections 15072 and 15073). The notice of intent must be posted in the county clerk's office and sent to the State Clearinghouse with fifteen (15) copies of the ND.

After the review period ends, the applicant should review and address comments received. The applicant's decision-making body should make a finding that the project will have no significant effect on the environment based on the commitment to adequately mitigate significant effects disclosed in the Initial Study or the lack of significant effects, and the absence of significant comments received, and adopt the ND.

Notice of Completion

Draft environmental documents must be submitted to the State Clearinghouse for review by state agencies (CEQA Guidelines, section 15205). The applicant must send fifteen (15) copies of the ND to the State Clearinghouse, unless the State Clearinghouse approves a lower number in advance (section 15205(e)).

The applicant may use the standard *Notice of Completion* included in the CEQA Guidelines (see State Clearinghouse Handbook website - Appendix C), or develop a similar form to be used when submitting the documents. The Notice of Completion must include:

1. a brief project description;
2. the project location;
3. the address where the draft environmental document is available; and
4. the public review period.

On the back of the form, applicants should select any of the "REVIEWING AGENCIES" that they would like draft documents to be sent to including "State Water Board – Financial Assistance," otherwise the State Clearinghouse will select the appropriate review agencies.

The applicant must also send a formal transmittal letter to the State Clearinghouse giving them the authority to distribute the copies of the document. If a consultant is preparing the draft environmental document, the consultant must obtain a formal transmittal letter from the applicant stating that they give permission to the consultant to send the copies of the document to the State Clearinghouse. The letter should include the State Clearinghouse number (SCH#).

If the applicant needs a shorter review period than the 30 or 45-day period required by the CEQA Guidelines, the applicant, not the consultant, must submit a written request. This formal request can be included in the transmittal letter stating the reasons for a shorter review period. Use the following address to send documents to the State Clearinghouse:

STATE CLEARINGHOUSE OFFICE OF PERMIT ASSISTANCE

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

P.O. Box 3044

SACRAMENTO, CA 95812-3044

The focal point of the CEQA review is the State Clearinghouse. The review starts when the State Clearinghouse receives your ND/Initial Study or MND at which time it will assign a SCH# to the project. If a Notice of Preparation (NOP) was previously filed, the

State Clearinghouse will use the SCH# assigned to the NOP. This ten-digit number (e.g. SCH# 2002061506) is very important and should be used on all documents, such as inquiry letters, supplemental drafts, final environmental documents, etc. The State Clearinghouse will send the applicant an *Acknowledgment of Receipt* card when the document is received. If applicants have questions about the State Clearinghouse procedures, they should call the State Clearinghouse at (916) 445-0613.

To ensure that responsible agencies, including the Division, will receive copies of the environmental document for review, the applicant should send them directly to the agencies. This submittal does not replace the requirement to submit environmental documents to the State Clearinghouse for distribution (CEQA Guidelines, section 15205(f)). The applicant is also responsible for sending copies of the environmental documents to any local or federal responsible agency with jurisdiction over any part of the proposed project.

After the review period ends, the State Clearinghouse should send the applicant a letter stating that the review process is closed and that they have complied with the review requirements. Any comments from state agencies will be forwarded with the letter. Lack of response from a state or federal agency does not necessarily imply concurrence.

When the comment period closes, the applicant should review all comments received during the review process, including any oral comments received at formal or informal public meetings. The applicant should then consider whether comments are significant enough to require a complete revision of the environmental document or the proposed project, or whether minor changes in the document or addition of mitigation measures could adequately address the issues raised.

Within five days after the applicant's decision making body has made a decision to proceed with the project, the applicant should prepare and file a *Notice of Determination* (NOD) with the Governor's Office of Planning and Research and the local County Clerk (see Appendix D of the CEQA Guidelines).

NPS Implementation Program Funding Requirements

If the applicant applies for Nonpoint Source Grant funding, the State Water Board must ensure that federal agencies are afforded adequate review of environmental documents for projects that will be federally funded. The State Water Board will send copies of the CEQA/National Environmental Policy Act (NEPA) document (draft or final) directly to federally designated agencies as part of the review process. The applicant will need to submit seven (7) copies of their draft or final environmental document, including any NEPA related documents discussed below, to the State Water Board.

Normally, one (1) copy will be used for the State Water Board's review and the other six (6) copies will be distributed to federally designated agencies. The federally designated agencies must have at least thirty (30) calendar days to review a ND/Initial Study. Six (6) days mailing time is also added to the review period, which would then be thirty-six (36) calendar days from the date the environmental document was mailed to the reviewing agency.

If any of these agencies identify an issue of concern, the State Water Board will consult with the agency to determine the necessary and appropriate actions to resolve the issue. Ideally, the federal consultation review should be done concurrently with the CEQA review to allow all comments to be addressed at one time and prevent the need for supplemental documentation. However, federal consultation may also be initiated before or after CEQA review but must be completed before a funding commitment can be approved by the State Water Board.

Mitigation Monitoring & Reporting Program

In an MND, when a potentially significant impact can be mitigated to avoid or substantially reduce the project's significant environmental effect, a Mitigation Monitoring Plan (MMP) should be adopted (CEQA Guidelines, section 15097). The MMP is implemented to ensure that mitigation measures and project revisions identified in the Final MND are implemented; in some cases, they are made a condition of project approval by a Responsible Agency. The MMP must include all changes in the proposed project that mitigate each significant environmental impact and ensure implementation of each mitigation measure. The MMP should also identify how the mitigation measure is to be monitored to determine if it is meeting the specified performance standard or measure of success. The MMP is often made part of the draft MND so that the Lead Agency can make revisions based on public comment.

Effective MMPs:

1. State the objective of the mitigation measure and why it is recommended;
2. Explain the specifics of the mitigation measure and how it will be implemented;
3. Identify measurable performance standards by which the success of the mitigation can be determined;
4. Provide for contingent mitigation if monitoring reveals that the success standards are not satisfied;
5. Identify who is responsible for implementing the mitigation measure;
6. Identify the specific location of the mitigation measure; and
7. Develop a schedule for implementation.

Appendix 4: Funding Match

General Information

Proposals for the NPS Grant Program must include a funding match of 25% of the total project cost (except eligible septic system upgrades or conversions, which require a minimum match of 75% of the total project cost), unless the applicant qualifies and applies for a full or partial match waiver, or the proposal is a post-fire recovery proposal.

Match funding may be provided by state, federal, or local organizations, and may include donated funds, other grants, volunteer services, and in-kind services. The State Water Board reserves the discretion to review and approve funding match sources and expenditures.

Applicants may start using match funds after being formally notified by email from the State Water Board that its proposal has been approved for funding. However, using the funding match before the grant agreement is executed is at the risk of the applicant. The funding match cannot be used to cover expenses incurred prior to formal notification by email from the State Water Board, or expenses incurred during the development of the FAAST application and proposal.

Match funding is calculated using total eligible project cost, or the requested grant amount plus match, as shown in the examples below.

Match Requirement Example 1

Applicant A is submitting a proposal with a total project cost of $350,000 and is required to meet the 25% match for the total cost of the project.

Total Project Cost = $350,000

Funding Match = 0.25 X $350,000 = $87,500

Grant Request = $350,000 - $87,500 = $262,500

Match Requirement Example (Septic System Upgrade or Conversion) 2

Applicant B is submitting a proposal with a total project cost of $1,000,000 and is required to meet the 75% match for the total cost of the project.

Total Project Cost = $1,000,000

Funding Match = 0.75 X $1,000,000 = $750,000

Grant Request = $1,000,000 - $750,000 = $250,000

Request for Reduction or Waiver of Funding Match for Disadvantaged Communities

Purpose

This Appendix provides a method for requesting a waiver or reduction of the funding match for the Nonpoint Source Grants Program for Disadvantaged Communities (DAC). The State Water Board will review the information submitted by the applicant and decide, based on the information provided, whether to grant, amend, or deny, the request for the waiver or reduction. Applicants can use CalEnviroScreen

(https://oehha.ca.gov/calenviroscreen), a database created by the Office of Environmental Health Hazard Assessment that helps identify California communities that are most affected by many sources of pollution, and where people are often especially vulnerable to pollution's effects, to determine if they are eligible for a waiver or reduction of funding match.

Applicants requesting a full or partial reduction in match must submit a signed certificate of understanding (Exhibit A). Applicants requesting a partial reduction in match must submit letters of match commitment (e.g., cost share, cash, in-kind services). Letters must be on the funding entity(ies)'s letterhead and be signed by a person with authority to allocate funds.

At a minimum, the following information must be included in the application:

- Provide a map with sufficient geographic detail to define the boundaries of the disadvantaged community.
- Describe the methodology used in determining the total population of the project area and the total population of the disadvantaged community(ies) in the project area. The applicant must include what census geographies (e.g., census designated place, census tract, census block) were used and how they were applied. Also, the applicant must explain how the disadvantaged communities were identified.
- Provide annual median household income data for disadvantaged communities in the project area.
- Provide information on amount and type of direct benefit(s) the project(s) provides to the disadvantaged community(ies).
- Describe disadvantaged community's(ies') past, current, and/or future efforts to include disadvantaged community representatives in the planning and/or implementation process.
- Letters of support from representatives of disadvantaged communities indicating their support for the project or portion of the proposal designed to provide direct benefits to the disadvantaged communities and acknowledging their inclusion in the planning and/or implementation process.
- The following data requirements must be met:
    - Median household income (MHI) and population data sets must be from the 2010 or later United States Census Bureau data sets, or an income/population survey if no representative census data is available; and
    - Median household income data used in analysis must be from the same time period and geography as the population data.

Allowances

Applicants may estimate total and disadvantaged community population numbers by whatever means that are accessible to them as long as the above data requirements are met.

For assistance with accessing census data see the Census Bureau American FactFinder website (https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml). In determining MHI and population for a disadvantaged community(ies) and the project area, applicants may use a single type of census geography or combinations of 2010 Census geographies that best represent the project area. However, the census geography used must be consistent for both MHI and population. Official census geographies, such as census tract, place, and block group, are acceptable. The intent of including this flexibility is to allow applicants a choice so that population and income data in the project area can be accurately represented.

Use of zero values for populations and MHI for disadvantaged communities are not appropriate in data sets. Text, data, and other information that supports selection of areas as a DAC must be provided. For assistance with accessing census data, see the Census Bureau's website (https://www.census.gov/) or American FactFinder website (https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml). Include the method used for population determination, the population of the project area, population of DACs in the project area, MHI data for DACs, and calculation of the reduced funding match.

I. Steps to Request a Reduced Funding Match

The project must be located within and benefit a DAC. If the project is not located within and does not benefit a DAC, do not apply for a reduced funding match or a match waiver. The DAC should be identified in the description of the project area in the proposal. Applicants should ensure the description of the DAC is adequate to determine whether the community meets the definitions in this Appendix. The DAC should also be shown on maps of the project area. In describing the DAC, include the relationship to the project objectives and information that supports the determination of DAC in the project area.

The mere presence of a project within a DAC area is not enough cause to grant a reduction of the funding match. The DAC must be involved in the implementation process. Supporting information that demonstrates how the DAC is, or will be, involved in the implementation process of the project must be included. The State Water Board will use this supporting information to determine, at its discretion, if an applicant's project proposal is located in or benefits a DAC for the purposes of approving a waiver or reduction of the required funding match.

Information must demonstrate how the DAC or their representatives are participating in the implementation process. As indicated above, include letters from the DAC representatives that verify support of and inclusion and participation in the process. If DAC representation or participation in the implementation process cannot be demonstrated, do not apply for a reduced funding match.

The required funding matches for the Nonpoint Source Grant Program are presented in proposal instructions Section D. Where the project directly benefits a DAC, a reduction in the required funding match may be allowed. The funding match is calculated based on the total project cost.

Applicants must explain anticipated benefits and impacts to the DAC in their project area for the specific work item in their proposal. The explanation should include the nature of the anticipated benefit, the certainty that benefit will accrue if the project is implemented, and which DAC in the project area will benefit and/or be impacted.

Definitions

Block Group – means a census geography used by the Census Bureau that is a subdivision of a census tract. A block group is the smallest geographic unit for which the Census Bureau tabulates sample data. A block group consists of all the blocks within a census tract with the same beginning (block) number.

Census Designated Place – means a census geography used by the Census Bureau that is a statistical entity, defined for each decennial census according to Census Bureau guidelines, comprising a densely settled concentration of population that is not within an incorporated place, but is locally identified by a name.

Census designated places are delineated cooperatively by state and local officials and the Census Bureau, following Census Bureau guidelines.

Census Tract – means a census geography used by the Census Bureau that is a small, relatively permanent statistical subdivision of a county delineated by a local committee of census data users for the purpose of presenting data. Census tract boundaries normally follow visible features but may follow governmental unit boundaries and other non-visible features in some instances; they always nest within counties. Census tracts are designed to be relatively homogeneous units with respect to population characteristics, economic status, and living conditions at the time of establishment. Census tracts average about 4,000 inhabitants.

Disadvantaged Community – a community with an annual MHI that is less than 80% of the statewide MHI (Wat. Code, §79505.5 (a).).

Exhibit A: Certification of Understanding

The undersigned certifies that:

The application submitted by <Insert Name of Applicant> for <Insert Proposal Title> and <FAAST PIN> for a Nonpoint Source Grant contains a request for reduction of funding match based on the presence of a disadvantaged community.

The above-named applicant understands:

- The reduction of the funding match presented in the application is a request that will not be automatically granted.
- The State Water Resources Control Board will, at its discretion, make a decision to accept, modify, or deny an applicant's requested reduction.
- Should the proposal be chosen for funding, but the requested reduction in funding match be rejected or modified, the applicant is responsible for costs exceeding the grant funding amount to complete the project.
- The granting agency will rescind the grant award if the applicant cannot cover increased costs due to rejection or modification of the request for a reduction of the funding match or adequately restructure the grant proposal so that it can meet the intent of the original proposal.

Authorized Representative's Signature: _____

Printed Name: _____

Title: _____

Agency: _____

Date: _____

Appendix 5: Project Assessment and Evaluation Plan

The purpose of this Appendix is to provide background information on Project Assessment and Evaluation Plans (PAEPs) and the Project Performance Measures Tables. A funded grantee will be required to complete a PAEP following grant execution.

Background

Monitoring, assessment, and performance measures must be designed so that the State Water Resources Control Board (State Water Board) can ensure that the projects meet their intended goals, achieve measurable outcomes, and provide value to the state of California. The State Water Board requires that all grant-funded projects monitor and report project performance with respect to the stated benefits or objectives identified in the proposal. Applicants are required to prepare and submit Project Performance Measures Tables, specific to their proposed project, as part of the project proposal. Grantees must prepare a PAEP as part of the grant agreement, which will include the performance measures tables.

The goals of a PAEP are to:

- Provide a framework for assessment and evaluation of project performance;
- Identify measures that can be used to monitor progress towards achieving project goals and desired outcomes;
- Provide a tool for grantees and grant managers to monitor and measure project progress and guide final project performance reporting that will fulfill the grant agreement requirements;
- Provide information to help improve current and future projects; and
- Quantify the value of public expenditures to achieve environmental results.

Many projects include activities that will require measurement of several parameters to evaluate overall project performance. Successful applicants must be prepared to demonstrate the success of the project through the development and measurement of the appropriate metrics. These metrics may include water quality measurements; measurement-based estimates of pollution load reductions; acres of habitat restored; feet of stream channel stabilized; additional water supply; improved water supply reliability and flexibility; groundwater level measurements; stream flow measurements; or other quantitative measures or indicators. These and other measures and/or indicators should be selected to fit the performance evaluation needs of the project.

Project Performance Measures Table

A Project Performance Measures Table must be submitted as part of the project proposal. Applicants are required to complete multiple Performance Measures Tables depending on what types of activities are proposed. A Project Performance Measures Table should be submitted for each project included in the proposal. Use the following guidance when completing tables for a project:

Project Goals: Identify the project goals as they relate to activities or items outlined in the proposal/grant agreement.

Desired Project Outcomes: Identify the measurable results that the project expects to achieve by implementing project activities consistent with the specified goals.

Project Performance Measures: Appropriate project performance measures that include: (1) Output Indicators representing measures to efficiently track outputs (activities, products, or deliverables); and (2) Outcome Indicators, measures to evaluate change that is a direct result of the work and can be linked through a weight-of-evidence approach to project activities or outputs (e.g. improvements in environmental conditions, awareness, participation, or community, landowner, or local government capacity);

Measurement Tools and Methods: Methods of measurement or tools that will be used to document project performance (e.g. California Rapid Assessment Method), California Department of Fish and Game Monitoring Protocols for fisheries restoration projects); and

Targets: Measurable targets that are feasible to meet during the project period, such as a 90% reduction in invasive species acreage, or 50% reduction in pesticide use within the watershed.

Appendix 6: Grant Coordinators List

NORTH COAST REGION (1)

5550 Skylane Boulevard, Suite A Santa Rosa, CA 95403

Program Preference Questions

OFFICE: (707) 576-2666

Elk River – Sediment, Russian River – Sediment/Temperature

Chuck Striplen - Charles.Striplen@Waterboards.ca.gov

OFFICE: (707) 576-2689

Russian River – Pathogens/Indicator Bacteria

Charles Reed – Charles.Reed@waterboards.ca.gov

OFFICE: (707) 576-2752

Jeremiah Puget – Jeremiah.Puget@waterboards.ca.gov

OFFICE: (707) 576-2835

Scott River – Sediment/Temperature & Shasta River – Dissolved Oxygen/Temperature

Eli Scott - Elias.Scott@Waterboards.ca.gov

OFFICE: (707) 576-2610

Eel River – Sediment/Temperature

Bryan McFadin – Bryan.McFadin@Waterboards.ca.gov

OFFICE: (707) 576-2751

Salmon River – Temperature & Trinity River - Sediment

Jake Shannon – Jacob.Shannon@waterboards.ca.gov

OFFICE: (707) 576-2673

General Program Questions

Michele Fortner - Michele.Fortner@waterboards.ca.gov

OFFICE: (707) 576-6706

Carrieann Lopez – Carrieann.Lopez@Waterboards.ca.gov

OFFICE: (707) 576-6745

Katharine Carter - Katharine.Carter@waterboards.ca.gov

OFFICE: (707) 576-2290

SAN FRANCISCO BAY REGION (2)

Laurie Taul

1515 Clay Street, Suite 1400, Oakland, CA 94612

OFFICE: (510) 622-2508

Laurie.Taul@waterboards.ca.gov

CENTRAL COAST REGION (3)

Katie McNeill

895 Aerovista Place, Suite 101, San Luis Obispo, California 93401-5427

OFFICE: (805) 549-3336

Katie.McNeill@waterboards.ca.gov

LOS ANGELES REGION (4)

Shana Rapoport

320 West Fourth Street, Suite 200 Los Angeles, CA 90013

OFFICE: (213) 576-6763

Shana.Rapoport@waterboards.ca.gov

CENTRAL VALLEY REGION (5) – not participating in this year's request for proposal

LAHONTAN REGION (6)

Anne Holden

2501 South Lake Tahoe Blvd. South Lake Tahoe, CA 96150

OFFICE: (530) 542-5450

anne.holden@waterboards.ca.gov

Mary Fiore-Wagner

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mary.fiore-wagner@waterboards.ca.gov

COLORADO RIVER BASIN REGION (7)

Francisco Costa

73720 Fred Waring Drive, Suite 100 Palm Desert, CA 92260

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SANTA ANA REGION (8)

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SueAnn.Neal@waterboards.ca.gov

David Woelfel

OFFICE: (951) 782-7960

David.Woelfel@waterboards.ca.gov

SAN DIEGO REGION (9)

Craig Carlisle

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Craig.Carlise@waterboards.ca.gov

STATE WATER BOARD

Jeanie Mascia

Division of Water Quality 1001 I Street, 15th Floor Sacramento, CA 94244

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Jeanie.Mascia@waterboards.ca.gov

FAAST and Funding Match Questions: Lisa Labrado

Division of Financial Assistance 1001 I Street, 16th Floor Sacramento, CA 94244

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Lisa.Labrado@waterboards.ca.gov

General FAAST Issues with Uploading Documents and Attachments

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FAAST_ADMIN@waterboards.ca.gov

U.S. EPA REGION 9

Sue Keydel

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keydel.susan@epa.gov

Appendix 7: Indirect Cost Guidance

The Office of Management and Budget and federal agencies officially implemented the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (aka "Uniform Guidance") in December 2013. The Uniform Guidance is a government-wide framework for grants management.

The State Water Board is considered a pass-through entity under the Uniform Guidance. The Uniform Guidance imposes requirements on pass-through entities and their subrecipients (i.e., the grantee) to ensure that the Federal award (i.e., CWA section 319 grant) is used in accordance with Federal statutes, regulations, and the terms and conditions of the Federal award (2 CFR 200.331(a)(1)). One requirement of the Uniform Guidance is to fund indirect costs as follows:

- The pass-through entity is required to honor a federally recognized indirect cost rate negotiated between the subrecipient and the Federal Government (2 CFR 200.331(a)(4)).
- If no such rate exists, then the pass-through entity must either negotiate a rate with the subrecipient (in compliance with part 200 of the Uniform Guidance), or apply a de minimis indirect cost rate as defined in 2 CFR 200.414(f), Indirect (F&A) costs (2 CFR 200.331(a)(4)).

Below is a list of questions and answers about how the State Water Board handles indirect costs for the Nonpoint Source Grant Program.

Questions and Answers about Indirect Costs

1) Will the State Water Board honor federally recognized indirect cost rates between applicants/grantees and a Federal agency?

The Nonpoint Source Grant Program will honor federally recognized indirect cost rates between applicants and a Federal agency. The applicant must provide a copy of the negotiated rate agreement to demonstrate how they apply indirect costs and commit to follow it throughout the length of the grant. If an applicant had a federally recognized indirect cost rate agreement, but has let the agreement lapse or expire, the applicant is not eligible for indirect cost rates in their grant from the State Water Board.

2) What if the applicant has never had a federally recognized indirect cost rate agreement?

If the applicant has never had a federally recognized indirect cost rate agreement, the Nonpoint Source Grant Program will allow an indirect cost rate of 10% of modified total direct costs (MTDC).

3) Does the 10% apply to personnel costs or to the entire grant amount?

The 10% applies to modified total direct costs (MTDC). MTDC equals the sum of personnel services, operating expenses, travel, and up to the first $25,000 of sub-contracting expenses. MTDC does not include expenses for equipment.

4) When grantees use subcontractors as match, does the sub-contractor’s indirect cost count as match?

Yes. It is unnecessary for grantees at this time to calculate the portion of indirect costs from their subcontractors' billing rates. However, grantees who enter into agreements with subcontractors that use grant funds must follow the Uniform Guidance.

5) Can grantees use indirect costs in excess of 10% of the MTDC as match funds?

No, grantees may not use indirect costs in excess of 10% of the MTDC toward match.

6) What types of costs qualify as indirect costs?

Note: this answer applies only to applicants who have never had a federally recognized indirect cost rate agreement, and who are therefore eligible for the State Water Board's indirect cost rate.

Indirect costs are those that have been incurred for common or joint objectives and cannot be readily identified with a particular final cost objective. Because of the diverse characteristics and accounting practices of organizations, it is not possible to specify the types of cost which may be classified as indirect cost in all situations. Examples of common indirect costs include administrative/clerical services, rent, utilities, internet and telephone service, maintenance, and general office supplies. **Costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both.** Direct cost of minor amounts may be treated as indirect costs under the conditions described in 2 C.F.R. § 200.413(d). After direct costs have been determined and assigned directly to awards or other work as appropriate, indirect costs are those remaining to be allocated to benefitting cost objectives. A cost may not be allocated as an indirect cost if any other cost incurred for the same purpose, in like circumstances, has been assigned as a direct cost.

7) Do grantees have to submit supporting documentation for their indirect costs with invoices?

No. However, grantees must retain documentation of their indirect costs for audit purposes.

Appendix 8: Catastrophic Release Contingency Plan Requirement

Contingency Plans must be EPA-approved and in place for CWA 319-Funded Mining Projects that have potential for an unplanned discharge of untreated fluid. Below is a contingency plan template, completed for a fictional project with potential for mine drainage release.

A) Name, location and description of the site and how to access to the site:

The Little Frying Pan Treatment System is located at latitude/longitude 39.247789° N/-106.398364° W. The site is located along the Little Frying Pan Gulch, approximately 5 miles west of the town of Leadville, Lake County, CO. Entrance to the site is from County Road 567.

B) Actions taken to minimize the risk for an unplanned release:

Any potential for and unplanned discharge from the site would be associated with high intensity precipitation events. Sediment controls will be installed as a precautionary measure during construction and not removed until the site has been stabilized. The treatment system has been designed to treat a specified design flow and flows in the system are limited to those that are directed into the system by a design flow pipe or rock lined channel. When it is not possible to limit the inflow to design capacity, an emergency spillway will be constructed to direct excessive flows out of the treatment system.

C) Onsite Control Actions to be taken if an unplanned release occurs:

Where appropriate, emergency repair work will consist of reestablishing and redirecting the flow path of the discharge, repairing the treatment system, and repairing other facilities necessary to restore functionality to the treatment system.

D) Who will be notified if an unplanned release occurs:

NOTIFICATIONS TO BE MADE: Prior to any event that may discolor water mine entry

Organization	Contact Name	Contact Number/Info	Notified? When?
City of Leadville Police	Dispatch	(719) 486-1365	DAY OF EVENT
Leadville-Lake County Fire Department	Dispatch	(719) 486-2990	DAY OF EVENT
Lake County Sheriff	Dispatch	(719) 486-1249	DAY OF EVENT
EPA Region 3 Emergency Response Spill Line	On Scene Coordinator on duty	(215) 814-5000 (800) 438-2474 (in Region 3 only)	DAY OF EVENT
EPA Nonpoint Source Program Project Officer			DAY OF EVENT
CDPHE	Statewide Incidence Hotline	(877) 518-5608	DAY OF EVENT

Organization	**Contact Name**	**Contact Number/Info**	**Notified? When?**
Lake County Office of Emergency Management	Mike McHargue	(719) 486-1249	
City of Leadville, Administrator	Sarah Dallas	(719) 486-1040	
Leadville Public Works	Brad Palmer	(719) 486-0259	
CWCB Department of Natural Resources State Engineer's Office	Brian Sutton, Water Commissioner, District 11	(719) 221-0367	
Lake County Director of Administration	Guy Patterson	(719) 486-7491	
Lake County Environmental Health	Jackie Littlepage	(719) 486-7481	
Colorado Division of Water Resources, Arkansas River Basin Water Commission Division 2, District 11	Steve Witte, Division 2 Engineer Brian Sutton, Water Commissioner	(719) 542-3368 Ext. 2126 (719) 221-0367	
CDPHE	Mark Rudolph	(303) 916-2179	Ongoing
DRMS	Craig Bissonnette	(970) 445-8635	Ongoing