

ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM

2025 Grant Cycle



GUIDELINES AND PROJECT PROPOSAL

**State of California
California Natural Resources Agency**

April 2025



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These guidelines include information to assist applicants in applying for funding. Please read them in their entirety for important information on project eligibility, evaluation criteria, and submission requirements.

For general project evaluation process questions, contact the California Natural Resources Agency at:

Phone: (916) 653-2812
Email: eemcoordinator@resources.ca.gov
Website: <http://resources.ca.gov/grants/>

HOW TO SUBMIT A PROJECT PROPOSAL

This grant program includes a progressive, three-step evaluation process:

Step 1: Project Proposals
Step 2: Field Visits
Step 3: Supporting Documents

All documents are submitted using the Natural Resources Agency's Resources Agency Project Tracking and Reporting (RAPTR) system, which can be found at: <https://raptr.resources.ca.gov/>.

To access RAPTR, applicants must register for a user account. A detailed RAPTR user manual is located on the RAPTR homepage.

RAPTR SYSTEM QUESTIONS

For technical assistance with RAPTR, please e-mail the RAPTR help desk.

Hours: 9:00 AM to 4:00 PM M-F
Email: raptr@resources.ca.gov

When contacting the RAPTR help desk, please provide the following:

- Your name and contact information
- Recipient organization (the grant applicant organization)
- Funding Program (i.e., EEM Program)
- Project Title
- Short description of the problem, including where it is occurring within the application
- A screen shot of the error received, if applicable

TECHNICAL ASSISTANCE WORKSHOPS

The Natural Resource Agency will conduct virtual technical assistance workshops. A list of workshop dates and times can be found on the Natural Resources Agency website at: <https://resources.ca.gov/grants/environmental-enhancement-and-mitigation-eem>.

TABLE OF CONTENTS

INTRODUCTION	1
STATUTORY REQUIREMENTS	2
SELECTION PROCESS	9
EVALUATION/SCORING CRITERIA.....	10
STEP 1 – PROJECT PROPOSAL	11
STEP 2 – FIELD VISITS (Qualifying Projects Only)	21
STEP 3 – SUPPORTING DOCUMENTATION (Qualifying Projects Only)	22
PROJECT ADMINISTRATION (Post Grant Award)	24
STATE AUDIT AND ACCOUNTING REQUIREMENTS	27
APPENDICES FOR STEP 1 – PROJECT PROPOSAL	28
APPENDIX A – SUBMITTAL CHECKLIST: STEP 1 – PROJECT PROPOSAL	29
APPENDIX B – PROJECT PROPOSAL SIGNATURE FORM	30
APPENDIX C – PROJECT PROPOSAL QUESTIONS	31
APPENDIX D – LETTER FROM THE LEAD AGENCY RESPONSIBLE FOR CONSTRUCTION OF RELATED TRANSPORTATION FACILITY (RTF)	32
APPENDIX E – ENVIRONMENTAL COMPLIANCE	34
APPENDIX F – SAMPLE COST ESTIMATE FOR DEVELOPMENT PROJECTS.....	35
APPENDIX G – SAMPLE COST ESTIMATE FOR ACQUISITION PROJECTS	36
APPENDIX H – PROPERTY DATA SHEET	37
APPENDIX I – ELIGIBLE COSTS	38
APPENDIX J – WILLING SELLER LETTER (Acquisitions Only)	42
APPENDICES FOR STEP 3 – SUPPORTING DOCUMENTATION.....	43
APPENDIX K – SUBMITTAL CHECKLIST: STEP 3 – SUPPORTING DOCUMENTATION	44
APPENDIX L – RESOLUTION TEMPLATE.....	45
APPENDIX M – CERTIFICATION LETTER REQUIREMENTS	46
APPENDIX N – SITE CONTROL/LAND TENURE REQUIREMENTS.....	47
APPENDIX O – SIGN GUIDELINES	48
APPENDIX P – MEMORANDUM OF UNRECORDED GRANT AGREEMENT TEMPLATE (Development Projects Only)	50
APPENDIX Q – DEED RESTRICTION TEMPLATE (Fee-Title Acquisitions Only)	52
APPENDIX R – PAYEE DATA RECORD/GOVERNMENT AGENCY TAXPAYER ID FORM	53
APPENDIX S – AVAILABLE RESOURCES	54
APPENDIX T – DEFINITIONS	56

INTRODUCTION

These procedures and criteria guide the evaluation and selection of projects under the Environmental Enhancement and Mitigation (EEM) Grant Program.

This program was created by California Streets and Highways Code Section 164.56, which authorizes the legislature to allocate up to \$6.7 million each fiscal year from the Environmental Enhancement and Mitigation Program Fund for environmental enhancement and mitigation projects that are directly or indirectly related to the environmental impact of modifying existing transportation facilities or for the design, construction, or expansion of new transportation facilities.

EEM projects must mitigate, either directly or indirectly, the environmental impacts caused by construction of a new transportation facility or the modification of an existing transportation facility. Examples of transportation facilities include, but are not limited to, city streets, highways, trains, ports, airports, light rail lines, mass transit stations, park and ride facilities, and high-occupancy vehicle lanes. In the EEM Grant Program, a transportation project used as the basis for the EEM project is referred to as a "Related Transportation Facility" or "RTF".

The California Natural Resources Agency (Agency) prescribes procedures and criteria to evaluate grant project proposals and submits a list of projects recommended for funding to the California Transportation Commission (CTC). The CTC awards grants to projects from the Agency's list.

Maximum Awards

Grants for individual projects are generally limited to \$750,000 each. Applicants must submit a Cost Estimate (Appendix F for Development Projects or Appendix G for Acquisition Projects) itemizing the total EEM project cost, the portion to be funded by the EEM Program grant, and the amount to be funded from other specified sources.

- A. **Matching Funds** – Matching funds are not required for EEM Program grants. However, project proposals which include other sources of funds for the proposed project may be more competitive.
- B. **Other Funding Sources** – Applicants who have obtained, or are planning to obtain, other sources of funds for a project should identify each source of funding separately on the Cost Estimate (Appendix F or G), including other State of California funds and in-kind contributions.
- C. **Acquisitions** – Agency may recommend awards up to \$1,500,000 for acquisition projects, based on consideration of numerous factors, including, but not limited to, maximum benefits in a one-time or limited opportunity, acquisition of resource lands of considerable size, substantial leveraging, and/or projects with statewide significance.

Funding Availability

Grant funding is available for use by Grantee for the limited period described in the Budget Act appropriating the funding. For this funding round, it is anticipated EEM funds will be appropriated until the end of the 2030/2031 fiscal year, unless otherwise specified in a subsequent Budget Act. This means the EEM project must be complete, all grant funds fully expended, and all invoices for reimbursement submitted to Agency by no later than **March 1, 2030**.

STATUTORY REQUIREMENTS

Eligible Applicants

Local, state, and federal agencies and 501(c)(3) nonprofit entities may apply for and receive grants. Federally recognized Native American tribes are eligible as local agencies. The applicant entity is not required to be a transportation- or highway-related organization but must be able to demonstrate adequate charter or enabling authority to carry out the type of project proposed and be eligible for funding under Article XIX of the State Constitution. Partnerships are encouraged; however, a project proposal can only be submitted by one entity.

Nonprofit organizations are defined as any nonprofit public benefit corporation that is formed pursuant to the Nonprofit Corporation Law (commencing with Section 5000 of the Corporations Code), qualified to do business in California, and qualified under Section 501(c)(3) of the Internal Revenue Code. In addition, all nonprofit organizations must be registered and current with the California Secretary of State and the California Department of Justice, Office of the Attorney General Registry of Charities and Fundraisers. **If a nonprofit organization is not qualified under Section 501(c)(3) and operates under the fiscal sponsorship of a qualified 501(c)(3) nonprofit organization, the fiscal sponsor must be the grant applicant.**

For Development projects, only one project proposal may be submitted per eligible applicant. However, more than one project proposal may be submitted per eligible applicant for Acquisition projects.

Eligible Projects

Eligible EEM projects must fit one of the following categories:

A. **Urban Forestry** – projects designed to offset vehicular emissions of carbon dioxide

Urban Forestry projects plant trees and other suitable plants to offset or mitigate the vehicular emissions of carbon dioxide created by the RTF.

Projects where plantings, once established, will thrive without the need for supplemental irrigation will be more competitive in this category (however, habitat and climate factors will be taken into consideration).

B. **Resource Lands** – projects for the acquisition or enhancement of Resource Lands to mitigate the loss of, or the detriment to, Resource Lands lying within the right-of-way acquired for transportation improvements

Resource Lands may include, but are not limited to, natural areas such as inland wetlands, forests, oak woodlands, mountain meadows, creeks, and streams with riparian or riverine fish or wildlife habitat, wildlife corridors and fish passages, coastal estuaries, grazing land, and grasslands, among others. Additionally, Resource Lands may contain features of archaeological or historical value.

Cumulatively, Resource Lands projects address state-wide conservation issues, including climate change, availability of water for fish and wildlife, preservation of California's rich biodiversity and protection of rare species, control of invasive species, protection of large landscape-level land holdings from conversion and fragmentation, preservation of wildlife movement and migration corridors, and expanded public access to outdoor wildlife/nature-oriented recreation compatible with conservation goals.

Resource Lands **must** be impacted by the RTF for projects to qualify in this category. Projects that demonstrate the following will be more competitive:

- Protect biodiversity, ecosystem health, habitat quality, and connectivity to secure the success of wildlife species and populations
- Conserve wilderness and open space threatened by infrastructure development, population growth, and land use decisions exacerbating habitat loss and fragmentation
- Protect watersheds to safeguard clean drinking water and preserve the natural beauty of coasts and waterways
- Restore and enhance natural areas to ensure long-term ecosystem health
- Protect working lands or working forests that foster a healthy agricultural system and create valuable habitat for wildlife species
- Expand opportunities for outdoor wildlife/nature-oriented recreation that is compatible with conservation goals
- Promote education and public awareness to develop current and future generations of land stewards
- Prepare for the impacts of climate change, such as shifting species ranges and changes in the composition of natural communities
- Collaborate in public-private partnerships which leverage investment in priority landscapes, as well as smaller-scale partnerships of local and regional significance
- Employ forward thinking management strategies which anticipate changing conditions and public needs

- C. **Mitigation Projects Beyond the Scope of the Lead Agency** – projects to mitigate the impact of proposed Transportation Facilities or to enhance the environment, where the ability to effectuate the mitigation or enhancement measures is beyond the scope of the lead agency responsible for assessing the environmental impact of the proposed transportation improvement

Related Transportation Facility

Every EEM project must mitigate, either directly or indirectly, environmental impacts caused by the modification of an existing RTF or the construction of a new RTF. The EEM project can be the required mitigation for the RTF or enhancement to mitigation required for the RTF.

- A. For purposes of this program, an RTF is defined as a public street, highway, mass transit guideway (trains, ports, light rail lines, city streets, airports, etc.) or their appurtenant features (e.g., park-and-ride facilities, high-occupancy vehicle lanes, transit stations, etc.).
- B. Applicants must demonstrate either:
1. Construction of the RTF has, or will have, a significant, immediate adverse impact on the environment; or
 2. The RTF itself will have a long-term adverse impact on the environment.
- C. The RTF cannot be the same as the EEM project.

- D. Applicants must demonstrate the connection between the RTF and the EEM project.
1. Applicants must describe the RTF thoroughly and provide location maps or site plans.
 2. Applicants must show what environmental impacts the RTF created and what mitigation was required by law.
 3. The more directly the EEM project mitigates the environmental damage, the higher the project will score.
- E. "Directly" and "indirectly" refer to:
1. The geographic location of the two projects; and

Directly	Indirectly
The EEM project is in the immediate vicinity of the RTF ¹	The EEM project is in the general area of the RTF

2. The type of benefit produced by the two projects.

Directly	Indirectly
The EEM project replaces same habitat lost during the construction of the RTF	The EEM project will protect nearby habitat and open space to mitigate for adverse impacts to habitat during construction of the RTF (similar habitat, same watershed, etc.)

- F. The RTF must be a project:
1. In which construction began after January 1, 1990; or
 2. Which is not yet under construction but is included in an adopted State Transportation Improvement Program (STIP) or in a locally adopted regional transportation improvement program and certified capital outlay program.
- G. The RTF must be fully funded if it has not yet been constructed.
- H. If the RTF is being constructed in separate and distinct phases, each phase may be considered a separate project for purposes of this program, provided that each phase creates an operable transportation improvement.
- I. **Not all transportation facility projects qualify as an RTF.** Projects that are strictly replacement construction or which fall into the category of "maintenance" would not qualify as an RTF. A project which itself mitigates an environmental impact also would not qualify. Only transportation facility projects that result in adverse environmental impacts are eligible RTFs for purposes of this grant program.

¹ The closer the proposed EEM project is to the RTF, the more competitive the project proposal.

For example, pavement resurfacing, repainting a bridge or a replanting project would not, under most circumstances, create an adverse environmental impact and would be considered maintenance. A bicycle lane or a sound barrier, which in itself mitigates an environmental impact, would not qualify as an RTF.

In contrast, projects which involve a significant change in the capacity, configuration, or physical layout of the transportation facility may qualify as an RTF.

For example, widening a highway, adding a High Occupancy Vehicle (HOV) lane, or constructing a frontage road likely would have an adverse environmental impact and may qualify as an RTF.

J. Environmental Review for the RTF

Environmental Review compliance must be **completed** for the RTF at the time of project proposal submission, even if construction of the RTF has not yet begun. Completed environmental review under the California Environmental Quality Act (CEQA) means a Notice of Determination or Notice of Exemption has been filed with the State Clearinghouse and/or the relevant county clerk, as appropriate. A copy of the RTF's environmental compliance documents need not be submitted with the project proposal; however, **a letter from the CEQA Lead Agency for the RTF project is required. The letter must document:**

1. What environmental damage the RTF created or is anticipated to create; and
2. What mitigation was required or is anticipated to be required.

Detailed instructions for the Lead Agency letter can be found in Appendix D.

K. Under circumstances where a transportation project's environmental review resulted in a Negative Declaration or Categorical Exemption and did not require mitigation, Applicants may be aware of cumulative impacts which had unforeseen adverse environmental impacts. In such a case, the project might be eligible for EEM Program funding if applicants:

1. Establish the cumulative impacts of the RTF; and
2. Demonstrate how the EEM project would mitigate for those cumulative impacts.

For example, an EEM project may propose to offset the cumulative impacts of a transportation project which resulted in an unforeseen increase in urban traffic or in accidents involving animals in a wildlife corridor.

L. Applicants can identify eligible RTFs by contacting their city or county transportation department, Regional Transit Agency, Metropolitan Transit Authority (MTA), Council of Local Governments (COG), Metropolitan Planning Organization (MPO), or Caltrans District Office.

Please give the transportation agency sufficient lead time to provide the required documentation.

North/South Split

Pursuant to sections 187 and 188 of the Streets and Highways Code, an attempt will be made to award 40 percent of the total funding to projects in northern counties and 60 percent of the total funding to projects in southern counties. The following are defined as southern counties:

San Luis Obispo, Kern, Mono, Tulare, Inyo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside, San Diego, and Imperial. All other counties are considered northern counties.

Minimum Requirements

Projects must meet **all** the following minimum requirements to be considered for funding.

1. Applicants must establish and demonstrate a direct or indirect relationship between the EEM project and the modification or construction of an RTF.
2. The RTF must have an adverse impact on the environment.
3. The EEM project must be different from the RTF.
4. The EEM project must mitigate the environmental damage caused by the RTF.
5. The EEM project, if in or near the RTF right-of-way, must be compatible with and not interfere with the operation or safety of the RTF.
6. The EEM project must not limit currently planned or anticipated future improvements to the RTF.
7. The EEM project must comply with the Model Water Efficient Landscape Ordinance (MWELo) or local agency landscape water ordinance (if as strict or stricter than MWELo) and use low-water, drought-tolerant plantings. The use of non-native plantings require justification. **Trees planted must be in containers no larger than 15 gallons, regardless of funding source.**
8. If the EEM project is located on a state-owned right-of-way, applicable state design and construction standards and practices must apply.
9. If the EEM project is not located on a state-owned right-of-way, applicable design and construction standards and practices of the local government having jurisdiction over the project location shall apply.
10. The EEM project must comply with the California Environmental Quality Act (CEQA). **CEQA review for the proposed EEM project must be complete at the time of project proposal submission.** A copy of the County Clerk and/or State Clearinghouse filed compliance documents must be included as part of the project proposal (see Appendix E).

Statewide Project Goals

Agency grant programs assist state and local entities to develop more sustainable communities, increase adaptability to climate change using nature-based strategies, and protect biodiversity in compliance with [Executive Order N-82-20](#), the [Pathways to 30 x 30 California](#), and the [Natural and Working Lands Climate Smart Strategy](#). EEM projects that demonstrate the following multiple benefits will be more competitive:

- Improved air and/or water quality
- Reduced consumption of natural resources and energy
- Increased reliability of local water supplies
- Increased adaptability to climate change

- Increased protection and restoration of biodiversity

Examples of Eligible Projects

The list below provides examples of project elements that meet statutory conditions. It is not a comprehensive list.

Urban Forestry:

- Planting of trees and other plants along urban streets and medians
- Greening existing public lands and structures, including school campuses and urban parks
- Greening vacant lots and abandoned sites
- Restoration of urban creeks

Resource Lands:

- Removal of invasive vegetation and restoration of natural plant species
- Enhancement or restoration of natural areas such as inland wetlands, forests, oak woodlands, mountain meadows, creeks, and streams with riparian or riverine fish or wildlife habitat, wildlife corridors and fish passages, coastal estuaries, grazing land and grasslands
- Acquisitions in fee title or through conservation easements to safeguard regional water supplies, protect riparian and wildlife habitats, conserve agricultural lands for secure wildlife migration corridors and other purposes, and provide public access for compatible wildlife/nature-oriented recreation by the wider community
- Acquisitions to preserve in perpetuity Resource Lands for agricultural uses, open space, wetlands, biodiversity, etc.

Mitigation Projects Beyond the Scope of the Lead Agency:

Any of the project examples listed under Urban Forestry and Resource Lands categories may be eligible under the Mitigation Projects Beyond the Scope of the Lead Agency category, if the mitigation or enhancement measures for the RTF were either not feasible or beyond the jurisdiction and/or authority of the Lead Agency for the RTF.

Carbon Offset Projects

At the sole discretion of Agency, carbon offset projects within the project area may be allowed for improved forest management projects. Projects will be more competitive where all proceeds of carbon sales in the project area will be used towards the purchase of the property, conservation easement, or other valuable restriction running with the land (so long as this does not exceed fair market value when coupled with State acquisition funds) or where all proceeds will be reinvested into the project for restoration, management, or monitoring. For evaluation purposes, applicants must disclose in their project proposal **any** plans for carbon offset projects in the project area. **Failure to disclose the possibility of carbon offset projects in project proposals may preclude Agency approval of terms permitting carbon offset projects in conservation easements acquired with EEM grant funding or of implementation of carbon offset projects on land purchased in fee with EEM grant funding.**

Examples of Ineligible Projects

The list below provides examples of projects and elements that are not eligible under the EEM Program. It is not a comprehensive list.

- Projects with no specific RTF clearly identified or where construction of the RTF started before 1990
- Project proposals that do not clearly demonstrate a connection between environmental damage caused by the RTF and the proposed EEM project
- Projects where CEQA has not been completed
- Planning-only, or operation and maintenance-only projects
- Commuter trails
- Projects that plant invasive plants or trees, or plant for aesthetic purposes only
- Projects to construct parking lots or bridges (may be funded only as a necessary but minor component)
- Educational or training programs
- Projects that create or improve roads for motorized use
- Acquisition of property that cannot be purchased at or below fair market value
- Acquisition of property from a person or entity that does not own the property at the time of Project Proposal submission
- Development projects contingent on future acquisition for project implementation
- Projects that include both acquisition and development (must be one or the other, not both)
- Acquisitions involving eminent domain
- Projects that are intended to correct problems caused by inadequate maintenance
- Project proposals that include more than one project
- Projects where applicants cannot demonstrate satisfactory permission to develop/maintain project site
- Resource Lands projects in which the RTF does not specifically impact "Resource Lands"

Other Funding Considerations

In evaluating projects, scores are used to determine initial rankings and facilitate discussions for each proposal. To achieve equitable distribution of funds, the State may consider additional factors including, but not limited to, economic benefits, statewide significance, geographic distribution of funds, previous grant performance, progress on existing grants, disadvantaged community status, and other potential project benefits, as well as feasibility to accept partial funding.

All projects must:

1. Comply with the California Environmental Quality Act (CEQA)
2. Comply with all labor codes

3. Provide public access, where feasible
4. Engage with the local community to develop and support the project
5. Provide multiple benefits (environmental, social, health benefits, etc.) to the community
6. Comply with the Model Water Efficient Landscape Ordinance (MWELO) or local agency landscape water ordinance (if as strict or stricter) and use low water, drought-tolerant plantings
7. Be developed on parcels that are contiguous

In addition, acquisition projects must:

1. Be acquired from a willing seller in an amount at or below fair market value, as approved by the State
2. Include parcels that are contiguous
3. Once funds are awarded and a grant agreement signed with the State, another property cannot be substituted for the property specified in the project proposal. It is imperative applicants demonstrate the seller is negotiating in good faith and discussions between the parties have proceeded to a point of confidence.

Website addresses and links to legislation and other available resources and reference materials can be found in Appendix T.

SELECTION PROCESS

Step 1

- Applicants submit Project Proposals through the Resources Agency's Project Tracking and Reporting (RAPTR) system. No hardcopy Project Proposals are required.
- Project Proposals are reviewed and evaluated. Incomplete or ineligible Project Proposals may be removed from the competitive process.

Step 2

- Field visits are conducted for the most competitive projects. Applicants may be required to provide site control documents or other documentation prior to a field visit.

Step 3

- Applicants selected to further compete submit additional documentation about their projects.
- Documentation is evaluated, with the most competitive projects being recommended for funding.

Once Step 3 evaluations have been completed, recommendations for funding are submitted to the California Secretary for Natural Resources (Secretary). The Secretary makes funding recommendations to the CTC. The CTC approves the recommendations and grant awards are announced.

All information contained in the Project Proposal and supporting documentation is confidential until grant awards are announced.

The State reserves the right to reject an applicant who is in violation of law or policy at any other public agency. Potential violations include, but are not limited to, being in default of performance requirements in other contracts or grant agreements issued by the State, being engaged in or suspected of criminal conduct that could poorly reflect on or bring discredit to the State or failing to have all required licenses necessary to carry out the project.

The State further reserves the right to reject any applicant who has a history of performance issues with past grants or other agreements with any public entity.

Tribal Outreach and Consultation

For projects that affect California Native American tribes and tribal communities, Grantees will be required to show early, often, and meaningful outreach and attempt to collaborate with local California Native American tribes throughout project implementation.

Meaningful outreach includes, but is not limited to, writing letters and emails, and following up with phone calls updating the tribe throughout the development, implementation, and completion of the project, inviting tribal leadership to attend planning meetings, and meeting with local tribal government lead consortiums or other inter-tribal governmental organizations. Collaborating with local California Native American tribes can include developing the project with tribal leadership, ensuring the project provides benefits to the local tribe and its membership, and providing contracting opportunities to local tribes and their members where appropriate.

Conflict of Interest

All applicants and individuals who participate in the review of submitted project proposals are subject to state and federal conflict of interest laws. Any individual who has participated in planning or setting priorities for a specific solicitation over and above the public comment process or who will participate in any part of the grant development and negotiation process on behalf of the public is ineligible to receive funds or personally benefit from funds through that solicitation. Failure to comply with conflict-of-interest laws, including business and financial disclosure provisions, will result in the project proposal being rejected from consideration, and any subsequent grant agreement being declared void. Other legal actions may also be taken. Applicable statutes include, but are not limited to, California Government Code section 1090 and Public Contract Code sections 10365.5, 10410, and 10411. Applicants should also be aware that certain state agencies may submit project proposals that will compete for funding.

EVALUATION/SCORING CRITERIA

Information provided during the evaluation process should demonstrate how effectively the proposed project meets statutory requirements and program objectives. Projects will be evaluated using the established criteria and any additional funding considerations. Projects will receive an initial ranking, with a score of 100 points possible. The initial ranking will be used to facilitate discussions about each proposal among a multidisciplinary team. These discussions result in the selection of projects invited to advance in the competitive process. For the initial ranking, points will be attributed to each section and not to individual questions. Applicable sections left blank will receive zero points for the section.

General Criteria	0-50
➤ Mitigation and Enhancement	0-15
➤ Statewide Project Goals	0-10
➤ Project Readiness/Organizational Capacity	0-15
➤ Community Participation and Other Benefits	0-10
Project Criteria	0-50
➤ Urban Forestry	
○ Suitability	0-20
○ Sustainability.....	0-20
○ Cost Effectiveness.....	0-10
➤ Resource Lands	
○ Resource Value of Lands Lost or Injured by the RTF	0-10
○ Resource Value of EEM Project Lands	0-20
○ Sustainability.....	0-10
○ Cost Effectiveness.....	0-10
➤ Mitigation Project Beyond the Scope of the Lead Agency	
○ Suitability	0-20
○ Sustainability.....	0-20
○ Cost Effectiveness.....	0-10
Total Points Possible	100

STEP 1 – PROJECT PROPOSAL

Applicants are required to submit an online project proposal in <https://raptr.resources.ca.gov/> the Resources Agency's Project Tracking and Reporting (RAPTR) system. Applicants should refer to the solicitation notice for the submission due date. Hard copies of the Project Proposal are not required. Applicants proposing the most competitive eligible projects will be invited to compete in the next phase of the evaluation process, which includes a field visit. The most competitive projects that receive a field visit will be invited to submit additional supporting documentation to continue in the competitive process.

The [Project Proposal Questions](#) are contained in downloadable forms available on the EEM website or in RAPTR based on the category for which you are applying: Urban Forestry, Resources Lands, or Mitigation Projects Beyond the Scope of the Lead Agency. Select one set of questions for your proposed EEM project and provide responses to all the questions in that set. If a question does not apply to the project, indicate "Not Applicable" with a brief explanation. Do not leave blank fields. Once completed, upload your responses as an attachment into RAPTR.

Templates for some materials can be found at <http://resources.ca.gov/grants/environmental-enhancement-and-mitigation-eem/>.

All Project Proposals will include the following:

Project Summary

Describe the discrete EEM project including expected project deliverables, current site conditions, and extent of public access, if applicable. Include a brief description of the EEM project's relationship to the RTF and how the EEM project mitigates the environmental damage caused by the RTF.

Project Questions

A. General Criteria Questions

Applicants must answer all the questions in this section. If a question does not apply to the project, indicate "Not Applicable" with a brief explanation. *Do not leave blank fields.*

Mitigation and Enhancement (0-15 points)

EEM projects that provide the greatest and most appropriate degree of mitigation (or enhancement to mitigation) for the environmental damage caused by the RTF will be more competitive.

1. Detail the adverse environmental impacts of the RTF including impacts to the larger biological area, complex or system.
2. Provide a concise but complete explanation of the required mitigation for the RTF and differentiate it from the EEM project, if applicable.
3. Describe the geographic proximity of the EEM project to the RTF.

Statewide Project Goals (0-10 points)

Agency grant programs assist state and local entities to develop more sustainable communities, increase adaptability to climate change using nature-based climate solutions, and protect biodiversity in compliance with [Executive Order N-82-20](#), the [Pathways to 30 x 30 California](#), and the [Natural and Working Lands Climate Smart Strategy](#). EEM projects that demonstrate multiple benefits will be more competitive.

4. Describe how the EEM project contributes to **two or more** of the following:
 - a. Decreased air and/or water pollution
 - b. Reduced consumption of natural resources and energy
 - c. Increased reliability of local water supplies
 - d. Increased adaptability to climate change using nature-based strategies
 - e. Increased protection of biodiversity
 - f. Increased protection of landscape that delivers multiple ecosystem services
 - g. Achieving carbon neutrality through limiting future carbon losses, sequestering carbon, or storing carbon
5. Explain how the EEM project is consistent with local, state, and/or federal plans (e.g., General Plans, Transportation Plans, Climate Action Plans, etc.)

Project Readiness/Organizational Capacity (0-15 points)

Projects that can be started and completed most readily may be more competitive.

6. On a scale of 1-10, how ready is the project for implementation? Please explain.
7. Describe the status of the following items for the EEM project, including anticipated timing for completion of each, as applicable:
 - a. Preliminary design
 - b. Necessary permits and long-term operation and maintenance commitments/agreements
 - c. Willing seller negotiation documents (e.g., purchase agreement, purchase option)
 - d. Acquisition valuation documents (e.g., appraisal and/or comparable sales data)
 - e. Title due diligence review (e.g., preliminary title report, etc.)
8. List the legal owners for each parcel within the project footprint and the status of notifications, negotiations, agreements, etc. to implement the project.
9. List all other entities with jurisdiction over the project and the status of notifications, agreements, meetings, etc.
10. Describe applicant's experience in completing similar projects (e.g., urban forest, restoration, conservation easement or fee-title acquisition projects).
11. Describe applicant's fiscal capacity to carry out the proposed EEM project on a reimbursement-only basis.
12. Identify the sources and amount of funds already committed to the EEM project and the expected timing of those funds.
13. Identify any funding gap and how it will be bridged including the expected timing.
14. Describe applicant's experience in managing other grant-funded projects.

Community Participation and Benefits (0-10 points)

Projects that demonstrate community support and provide other community benefits will be more competitive under this criterion.

15. Describe the past, present, and future meaningful outreach and collaboration efforts with local tribes about the EEM project.
16. Are you aware of any potential effects to California Native American tribes from the proposed EEM project? If so, please describe them.
17. Explain how the EEM project will:
 - a. Provide access to outdoor wildlife/nature-oriented recreational opportunities
 - b. Increase opportunities for interpretive and/or environmental education
 - c. Be ADA-accessible

- d. Maximize citizen involvement in project planning and implementation
- e. Provide community stewardship opportunities
- f. Benefit low-income/disadvantaged communities, particularly those vulnerable to the impacts of extreme heat, hazardous air quality, and/or with the least access to nature
- g. Provide additional benefits not previously discussed

B. Project Criteria Questions

The [Project Proposal Questions](#) are contained in downloadable forms available on the EEM website based on the category for which you are applying: Urban Forestry, Resource Lands, or Mitigation Projects Beyond the Scope of the Lead Agency. Select **one** set of questions for your proposed EEM project and provide responses to **all** the questions in the **selected category**. If a question does not apply to the project, indicate "Not Applicable" **with a brief explanation**. Do not leave blank fields. Once completed, upload your responses, as an attachment, into RAPTR.

Urban Forestry

For purposes of this program, Urban Forestry projects are designed to offset vehicular emissions of carbon dioxide through the planting of trees and other suitable vegetation.

Suitability (0-20 points)

1. Explain specifically how vehicular emissions of carbon dioxide created by the RTF will be mitigated by the EEM project.
2. Describe the existing Urban Forest and how the EEM project fits within or will enhance it.
3. Does the EEM project align with a local Urban Forest Plan?
4. Describe how the project uses the principle of "the right tree for the right place," to ensure the species selection process considers climate, water usage, native plantings, and locally specific circumstances.

Sustainability (0-20 points)

Projects where plantings, once established, will thrive without the need for supplemental irrigation will be more competitive in this category (however, habitat and climate will be taken into consideration).

5. Describe the proposed number and species of trees to be planted. If proposing non-native species, explain the rationale behind the selections.
6. Explain how the project actively preserves and promotes biological diversity in the existing urban forest.
7. Describe how the following is included in the project design:
 - a. Water use efficiencies
 - b. Use of reclaimed or recycled water
 - c. Use of permeable surfaces, bioswales, or other methods to capture, treat, infiltrate and/or reuse stormwater for groundwater recharge and/or reuse

8. Describe the plans and funding source for operating and maintaining the project.

Cost Effectiveness (0-10 points)

Projects that maximize the number of trees and plants within the project footprint and yield the greatest potential for long-term carbon dioxide uptake/sequestration, in a cost-effective way, will be more competitive under this criterion. Consideration will be given for the type of habitat (urban, forest, riparian/wetlands, restoring natives, etc.)

9. Estimate the number of trees to be planted and the size of the planting area.
10. Estimate the establishment cost per tree (including irrigation) over the first five years following planting.
11. Will the project use volunteer labor and/or donated materials for the EEM project? If so, please describe.

Resource Lands

Resource Lands projects include the acquisition, restoration, or enhancement of Resource Lands to mitigate the loss of, or the detriment to Resource Lands lying within the right-of-way of the RTF. **Resource Lands MUST be impacted by the RTF for projects to qualify in this category.**

Resource Value of Lands Lost or Injured by the RTF (0-10 points)

1. Describe the environmental value of the Resource Lands impacted by the RTF.
2. Describe how the Resource Lands were directly impacted by the RTF and whether they are within the RTF right-of-way.

Resource Value of EEM Project Lands (0-20 points)

3. Describe the environmental condition of the Resource Lands to be acquired or enhanced by the EEM project, including the number of acres.
4. Describe how the EEM project does **at least one** of the following:
 - a. Protects biodiversity, ecosystem health, habitat quality, and wildlife species
 - b. Conserves wilderness and open space threatened by infrastructure development, population growth, and land use decisions
 - c. Protects watersheds to safeguard clean drinking water and preserve the natural beauty of coasts and waterways
 - d. Restores and enhances natural areas to ensure long-term ecosystem health
 - e. Protects working lands or working forests that foster a healthy agricultural system and creates valuable habitat for wildlife species
 - f. Expands opportunities for outdoor wildlife/nature-oriented recreation that is compatible with conservation goals
 - g. Preserves special wildlife features such as wildlife corridors, nesting and breeding areas, wetlands, woodlands, and riparian habitats
5. Describe any rare, threatened, or endangered species that use the EEM project area.

6. Describe shared benefits between the EEM project and nearby permanently protected areas.

Sustainability (0-10 points)

Projects that provide the most reasonable assurance that the project will be maintained and/or protected will be more competitive under this criterion.

7. Describe plans and the funding source for operating and maintaining restoration projects or ongoing stewardship of acquired or conserved lands.
8. Describe how the following is included in the project design, as applicable:
 - a. Water use efficiencies
 - b. Use of reclaimed or recycled water
 - c. Use of permeable surfaces, bioswales or other methods to capture, treat, infiltrate and/or reuse stormwater for groundwater recharge and/or reuse
9. Describe any mining activities on the property including oil or gas extraction, the status of remediation, and if the landowner is reserving mining rights.
10. Describe any hazardous materials stored on the property in the past or present and the status of any required remediation.

Cost-Effectiveness (0-10 points)

Projects that provide the greatest benefit by acquiring, restoring, or enhancing the most extensive or most critical Resource Lands will be more competitive under this criterion. Consideration will be given to the type of habitat and location.

For acquisition projects:

11. What is the fair market value of the property?
12. Has an appraisal been completed? If not, what is the basis for the fair market value assessment?
13. Has the seller discounted the sale price? If yes, by how much?
14. Explain the cost effectiveness of the proposed acquisition. If a fee title acquisition, explain the cost/benefit of acquiring fee title to the land versus a conservation easement.
15. Does the EEM project include a proposed and/or future carbon offset project in the project area?

For restoration or enhancement projects:

11. Describe methodologies planned for removal of exotic/invasive species and revegetation.
12. List the proposed number and species of trees and plants to be used and describe how the selections are habitat appropriate. If proposing non-native species, explain the rationale behind the selections.

13. Describe the use of volunteer labor and/or donated materials for the EEM project.

Mitigation Projects Beyond the Scope of the Lead Agency

Mitigation Projects Beyond the Scope of the Lead Agency mitigate the impact of proposed transportation facilities or enhance the environment, where the ability to effectuate the mitigation or enhancement measures are beyond the scope of the lead agency responsible for assessing the environmental impact of the proposed transportation improvement.

Suitability (0-20 points)

1. Name the lead agency responsible for assessing the environmental impact of the RTF and, if different, the entity responsible for carrying out the RTF project.
2. Describe the environmental impacts of the RTF and the mitigation measures required to reduce the impacts to a less than significant level that are beyond the scope of the lead agency to effectuate.
3. If not a mitigation measure, describe the enhancement measures considered in the RTF's environmental document that are beyond the scope of the lead agency to effectuate.
4. Explain why the mitigation or enhancement measures for the RTF are beyond the scope of the lead agency to effectuate.
5. Explain why the proposed EEM project is not an Urban Forestry or Resource Lands project as defined in these guidelines.
6. Describe how the EEM project does **at least** one of the following:
 - a. Protects biodiversity, ecosystem health, habitat quality, and wildlife species
 - b. Conserves wilderness and open space threatened by infrastructure development, population growth, and land use decisions
 - c. Protects watersheds to safeguard clean drinking water and preserve the natural beauty of coasts and waterways
 - d. Restores and enhances natural areas to ensure long-term ecosystem health
 - e. Protects working lands or working forests that foster a healthy agricultural system and creates valuable habitat for wildlife species
 - f. Expands opportunities for outdoor wildlife/nature-oriented recreation that is compatible with conservation goals
 - g. Preserves special wildlife features such as wildlife corridors, nesting and breeding areas, wetlands, woodlands, and riparian habitats
7. Describe any rare, threatened, or endangered species that use the EEM project area.

Sustainability (0-20 points)

Projects that provide the most reasonable assurance that the project will be maintained and/or protected will be more competitive under this criterion.

8. Describe plans and the funding source for operating and maintaining the EEM project, or for the ongoing stewardship of acquired lands.
9. Describe how the following is included in the project design:
 - a. Water use efficiencies
 - b. Use of reclaimed or recycled water
 - c. Use of permeable surfaces, bioswales or other methods to capture, treat, infiltrate and/or reuse stormwater for groundwater recharge and or reuse
10. If applicable, explain how the EEM project's plant palette has or will be chosen and whether the species selection process considers climate, water usage, native plantings, and locally specific circumstances.
11. If applicable, describe any hazardous materials stored on the property in the past or present and the status of any required remediation.

Cost Effectiveness (0-10 points)

Projects that provide the greatest benefit in a cost-effective way will be more competitive under this criterion.

For acquisition projects:

12. What is the fair market value of the property?
13. Has an appraisal been completed? If not, what is the basis for the fair market value assessment?
14. Has the seller discounted the sale price? If yes, by how much?
15. Explain the cost effectiveness of the proposed acquisition. If a fee title acquisition, explain the cost/benefit of acquiring fee title to the land versus a conservation easement.
16. Does the EEM project include a proposed and/or future carbon offset project in the project area?

For other projects:

12. Explain the cost effectiveness of the proposed EEM project.
13. Will the project use volunteer labor and/or donated materials for the EEM project? If so, please describe.

END OF PROJECT PROPOSAL QUESTIONS

REQUIRED DOCUMENTATION FOR PROJECT PROPOSAL

The following documents must be uploaded into RAPTR as part of the Project Proposal:

For All Projects

1. **Project Proposal Signature Form** – The Project Proposal Signature Form can be accessed, completed, and electronically signed within DocuSign [here](#). Instructions on how to complete the form are provided at the link above (Google Chrome or Microsoft Edge web browsers are recommended for use with DocuSign). The form should be signed by the same Authorized Representative to be identified in the resolution. Note: resolutions are not due until Step 3.
2. **Project Proposal Questions** – The Project [Proposal Questions](#) are contained in downloadable forms available on the EEM website or on RAPTR based on the category for which you are applying: Urban Forestry, Resource Lands, or Mitigation Projects Beyond the Scope of the Lead Agency. Once completed, upload the responses as an attachment into RAPTR.
3. **Letter from the Lead Agency Responsible for the RTF** – The letter must provide responses to specific questions included in the template (Appendix D) and be signed by the Transportation Agency Representative.

Applicants can identify eligible Related Transportation Facilities by contacting their city or County Transportation Department, Regional Transit Agency, Metropolitan Transit Authority (MTA), Council of Local Governments (COG), Metropolitan Planning Organization (MPO) or Caltrans District Office.

Be sure to give the transportation agency sufficient lead time to provide the required documentation.

4. **Environmental Review Compliance Documents for the EEM Project** – California Environmental Quality Act (CEQA) compliance for the EEM project must be complete prior to project proposal submission. (Appendix E). A copy of the Notice of Exemption or Notice of Determination filed with the County Clerk and/or State Clearinghouse, as appropriate, must be submitted.
5. **Photographs** – Provide up to five (5) labeled color photographs of different views of the project site reflecting current conditions.
6. **Cost Estimate** – Provide a cost estimate reflecting all costs associated with the project. Identify costs included in the grant request and costs covered by other funding sources in separate columns. (See Appendix F for a sample format for development projects and Appendix G for a sample format for acquisition projects.) Cost estimates should include an individual line item for funding acknowledgment signage costs (See Appendix P). For audit purposes, it is recommended applicants avoid splitting the cost of project elements across multiple funding sources, where possible.
7. **Project Area Map** – Provide a map of the general project area, with enough detail to allow a person unfamiliar with the area to locate the project site. For Resource Lands projects show nearby permanently protected lands. Sources for permanently protected land is provided in the Appendix S – Available Resources.

8. **Property Data Sheet** - Provide the completed Property Data Sheet for all parcels included in the project (see Appendix H). Be sure to include properties that do not have parcel numbers (e.g., rights-of-way, etc.)
9. **Assessor's Parcel Map** – Provide a photocopy of relevant assessor's parcel maps, with project parcels highlighted and full parcel numbers clearly labeled.

For Development Projects

10. **Site Plan** – Plans should be for the project for which funding is being requested. If the project is part of a larger project, clearly indicate the portions to be grant-funded. Plans should contain specific property details, exterior boundaries, public access points, and location of the proposed improvements described in the Project Proposal (vegetation, amenities, interpretive signage, funding acknowledgment sign, etc.). The plan should be specific enough to allow someone unfamiliar with the project to visualize it in detail.
11. **Plant Palette** – For projects with any plantings, provide genus, species, common name, and stock size (if known). Plantings should be low water, drought tolerant, and native. Provide justification for the use of non-natives in the palette. Trees must not be larger than 15-gallon, regardless of funding source. (See Appendix S for resources to aid in plant selection and planting standards).

For Acquisition Projects

10. **Evidence of Willing Seller** – Provide a letter from each landowner indicating they are a willing participant in the proposed real property transaction. The letter should clearly identify the parcels owned by each seller and state that if grant funds are awarded, the seller is willing to enter into an agreement or negotiation for an agreement for the sale of the real property at a purchase price not to exceed fair market value (see Appendix J for the template). If available, include a copy of the fully executed purchase option agreement.
11. **Preliminary Title Report** – Provide a recent preliminary title report for all parcels to be acquired.

END OF STEP 1 – PROJECT PROPOSAL

STEP 2 – FIELD VISITS (Qualifying Projects Only)

Applicants submitting the most competitive project proposals will be further evaluated during a field visit. During field visits, Applicants should be prepared to respond to project-specific questions including, but not limited to, the cost estimate, funding, site plan, site control, operations and maintenance, partnerships, community involvement, and any possible barriers to successful completion.

Applicants may be required to provide additional documentation about the project before being granted a field visit.

An invitation to Step 2 does not guarantee a project will compete successfully for funding.

END OF STEP 2 – FIELD VISIT INFORMATION

STEP 3 – SUPPORTING DOCUMENTATION (Qualifying Projects Only)

Applicants with the most competitive projects after field visits will be required to submit supporting documentation further demonstrating their ability to carry out the project.

The following required supporting materials must be submitted to RAPTR. If a required item is not applicable to the project, upload an attachment with a brief explanation of why it is not applicable. Templates for some materials can be found at <http://resources.ca.gov/grants/environmental-enhancement-and-mitigation-eem/>.

For All Projects

1. **Signed Authorizing Resolution or Certification Letter** – Provide a signed authorizing resolution from the applicant's governing board or a certification letter (only for entities without a governing board). See Appendix L or M for the required format and content. The resolution or certification letter must include all assurances contained in the template.
2. **Eligibility for Nonprofit Applicants** – Provide evidence of a. through c. below:
 - a. The corporation is qualified under Section 501 (c)(3) of the Internal Revenue Service Code. An IRS 501(c)(3) Determination letter or a printout from the IRS tax-exempt organization search tool on the official IRS website is sufficient. See <https://apps.irs.gov/app/eos/>; and
 - b. The corporation has an active status with the Secretary of State. A printout from the Secretary of State business search web page showing the corporation is Active is sufficient. See <https://bizfileonline.sos.ca.gov/search/business>; and
 - c. The corporation is current with the Attorney General's Registry of Charities and Fundraisers. A printout from the Department of Justice Registry Search Tool showing the corporation's registration is Current is sufficient.
See <https://rct.doj.ca.gov/Verification/Web/Search.aspx?facility=Y>.
3. **Project Timeline** – Provide an estimated timeline for major project milestones.
4. **Funding Plan** – Provide a plan with specific information about the status of other funding needed to complete the project, including where applicant is in the process with each funder and a timeline for funding decisions.
5. **Proof of Ownership** – Provide copies of documents verifying current ownership of each parcel listed on the Property Data Sheet. Examples of such documents include tax records, owner data sheets from county records, recorded deeds, title reports, etc. All documents verifying ownership must have the parcel numbers clearly indicated on the document (handwritten acceptable).
6. **Payee Data Record/Government Agency Taxpayer ID Form** – Nonprofit applicants must provide a completed and signed STD 204 Payee Data Record form. Government Agency applicants must provide a completed and signed Government Agency Taxpayer ID Form. (See Appendix S for links to both forms.) These forms are required to receive payment from the State of California.

For Development Projects

7. **Adequate Site Control/Land Tenure** – For parcels not owned by the applicant, provide a copy of an agreement giving the applicant legal access to and permission to construct and maintain the project on the property. If applicable, the agreement should also permit public access to the project for the required number of years (see Appendix N).

If an agreement has not yet been executed at the time of submitting supporting documentation, the applicant may submit a signed letter from each landowner identifying the affected parcel(s) and indicating that, if awarded funding, the owner is willing to enter into an agreement with the applicant to allow long-term access for construction, maintenance, and public use of the project.

For encroachment permits, provide evidence that the entity with jurisdiction (including Caltrans) is aware of the project and willing to work with the applicant to issue the permit.

8. **Operation and Maintenance** – If operation and maintenance will be performed by an entity other than the applicant, explain and provide evidence of the entity's concurrence (e.g., operational agreements, letters of intent, memoranda of understanding signed by all parties, etc.). If an agreement has not yet been executed at the time of submitting supporting documentation, the applicant may submit a signed letter by the entity indicating its intent to enter into such an agreement.

For Acquisition Projects

7. **Purchase and Sale Agreement**, if available.
8. **Appraisal** – If available. Generally, escrow must close within one year of the appraisal date of valuation.

END OF STEP 3 – SUPPORTING DOCUMENTATION INFORMATION

PROJECT ADMINISTRATION (Post Grant Award)

All projects awarded funding will follow the general administrative procedure outlined below:

1. Grantee attends grant management workshop which addresses project administration, including proper submission of payment requests.
2. State grants administrator works with grantee to develop and execute a grant agreement.
3. For acquisition projects, grantee submits appraisal and purchase documents for Department of General Services' (DGS) review.
4. Grantee submits final site control documents.
5. Grantee commences preliminary project work (planning, design, permitting, etc.) and submits reimbursement requests for eligible costs (subject to retention).
6. Prior to commencing construction, grantee submits final design plans for the State's review, as well as evidence of funding acknowledgment sign installation.
7. Grantee notifies the State of public events related to the initiation of project construction.
8. Grantee commences project construction work.
9. Grantee submits periodic progress reports and periodic reimbursement requests for eligible costs (payment requests are subject to retention).
10. For acquisition projects, grantee may request an advance of funds into escrow (subject to retention).
11. For fee title/simple acquisitions, grantee records the deed with restrictions (See Appendix Q).
12. For conservation easement acquisitions, grantee records the conservation easement subject to restrictions (See pg. 26, Use of Project Property).
13. As applicable, grantee records Memorandum of Unrecorded Grant Agreement/Deed Restriction (MOUGA) (See Appendix P).
14. Grantee completes project and submits project completion packet.
15. The State conducts final project inspection (development projects only) and approves final payment request(s).

Changes to Approved Project

Grantees seeking changes or amendments to an approved project must obtain the State's approval. Changes in project scope must continue to meet the need cited in the original proposal. Grantees jeopardize funding should changes be made without prior notice to and approval by the State.

For acquisition projects, grantees cannot substitute another property for the property specified in the application once funds are awarded and grant agreement is signed with Agency.

Eligible Costs

Direct project-related costs incurred during the project performance period specified in the grant agreement are eligible for reimbursement. All eligible costs must be supported by appropriate documentation. Costs incurred outside of the project performance period are not eligible for reimbursement. Indirect costs are limited to 15% of the grant-funded project budget for development grants. Indirect costs are not allowed for acquisition grants. (See Appendix I for further information on eligible costs).

Up to 25% of the grant request may be budgeted for non-construction costs and incidental costs that are directly related to construction or acquisition including, but not limited to, design, permitting, outreach, etc. (see Appendix I for further information on eligible costs).

Site Visits

The State may make periodic visits to the project site, including a final inspection. The State will determine if the work is consistent with the approved project scope and ensure compliance with signage requirements.

Payment of Grant Funds

Funds will not be disbursed until there is a fully executed grant agreement between the State and the grantee. Funds for **construction/implementation** cannot be disbursed until final design plans have been submitted for review, and the funding acknowledgment sign is installed at the project site.

Development Projects

- Generally, payments will be made on a reimbursement basis. This means the grantee pays for services, products, or supplies; submits invoices; and is then reimbursed by the State. It generally takes six to eight weeks to receive payment after grantee submits a completed payment request.
- Ten percent (10%) of the amount requested for reimbursement may be retained and issued as a final payment upon project completion.
- Upon compelling need, advances up to twenty-five percent (25%) of the grant award at a time may be available. Advances must be reconciled at least quarterly.

Acquisition Projects

- Properties must be acquired at a price that does not exceed fair market value.
- The property appraisal must be reviewed and approved by the Department of General Services (DGS).
- Generally, escrow must close within one year from the date of valuation in the property appraisal.
- The State-approved purchase price, together with eligible acquisition costs, may be advanced into an escrow account within 60 days of close of escrow. All disbursements are subject to a ten percent (10%) retention.
- Any remaining grant funds may be available on a reimbursable basis for other eligible costs.
- Acquisitions are subject to the State's interest expressly stated in the deed.

Loss of Funding

The following are examples of actions that may result in a grantee's loss of funding. It is not a comprehensive list.

- Grantee fails to execute a grant agreement
- Grantee changes the project scope without prior notice to and approval by the State
- Grantee fails to submit evidence of environmental compliance as specified in the grant agreement
- Grantee fails to timely submit all required documentation as specified in the grant agreement
- Grantee loses willing seller(s)
- Property cannot be acquired at or below approved fair market value
- Grantee fails to complete the project
- Grantee fails to provide project updates as requested

Use of Project Property

Grantee must maintain and operate project property acquired or developed in a manner consistent with the grant agreement and grant guidelines for a period commensurate with land tenure/site control requirements (see Appendix N).

Grantee must own the land or hold a lease or other legal, long-term interest in the land that is satisfactory to the State. For fee title/simple acquisitions, grantees include deed restrictions with the State's interest in the property (See Appendix Q). The final deed language is subject to input, review, and approval by the State.

Conservation easement proposals must include the proposed restrictions and reservations for the easement and the funding mechanism available to support long-term stewardship. The final conservation easement terms and conditions are subject to input, review, and approval by the State. Conservation easements will be required to contain language that ensures the State's interests are protected in perpetuity.

Grantee is responsible for ensuring the project complies with all applicable state and federal laws and regulations, including, but not limited to: CEQA/NEPA, legal requirements for construction, building codes, health and safety codes, state contractor's and other licenses, and disabled access laws. Grantee must certify that all applicable permits have been obtained.

Project Reporting

Grantee is required to keep the State informed of the project's progress throughout the project performance period. Grantee must submit periodic status reports as requested by the grant administrator.

STATE AUDIT AND ACCOUNTING REQUIREMENTS

Audit Requirements

Projects are subject to audit by the State annually and for three (3) years following the final payment of grant funds. If the project is selected for audit, grantee will be contacted in advance. The audit shall include all books, papers, accounts, documents, or other grantee records, as they relate to the project for which the funds were granted. All project expenditure documentation should be available for an audit, whether paid with grant funds or other funds.

Grantee must have project records, including source documents and evidence of payment, readily available and provide an employee with knowledge of the project to assist the auditor. Grantee must provide a copy of any document, paper, record, etc., requested by the auditor. Further, grantees must include planning, monitoring, and reporting necessary to ensure successful implementation of the project objectives and have documentation available for State review upon request.

Accounting Requirements

Grantee must maintain an accounting system that:

- Accurately reflects fiscal transactions, with the necessary controls and safeguards.
- Provides a good audit trail, including original source documents such as purchase orders, receipts, progress payments, invoices, employee paystubs and timecards, evidence of payment, etc.
- Provides accounting data so the total cost of each individual project can be readily determined.

Records Retention

Records must be retained for a period of three (3) years after final payment is made by the State. Grantee must retain all project records for at least one (1) year following an audit.

APPENDICES FOR STEP 1 – PROJECT PROPOSAL

(All Projects)

APPENDIX A – SUBMITTAL CHECKLIST: STEP 1 – PROJECT PROPOSAL

APPENDIX B – PROJECT PROPOSAL SIGNATURE FORM

APPENDIX C – PROJECT PROPOSAL QUESTIONS

**APPENDIX D – LETTER FROM THE LEAD AGENCY RESPONSIBLE FOR CONSTRUCTION
OF RELATED TRANSPORTATION FACILITY (RTF)**

APPENDIX E – ENVIRONMENTAL COMPLIANCE

APPENDIX F – SAMPLE COST ESTIMATE FOR DEVELOPMENT PROJECTS

APPENDIX G – SAMPLE COST ESTIMATE FOR ACQUISITION PROJECTS

APPENDIX H – PROPERTY DATA SHEET

APPENDIX I – ELIGIBLE COSTS

APPENDIX J – WILLING SELLER LETTER (Acquisitions Only)

APPENDIX A – SUBMITTAL CHECKLIST: STEP 1 – PROJECT PROPOSAL

The following is entered directly into RAPTR:	
• Proposal Summary	
The following will be uploaded into RAPTR as attachments:	
• Project Proposal Signature Form	
• Project Proposal Questions – Select One: Urban Forestry, Resource Lands, or Mitigation Beyond the Scope of the Lead Agency (Appendix C)	
• Letter from the Lead Agency Responsible for the RTF (Appendix D)	
• Environmental Compliance (CEQA, for the EEM project) (Appendix E)	
• Photographs	
• Cost Estimate (Appendix F or G)	
• Project Area Map	
• Property Data Sheet (Appendix H)	
• Assessor's Parcel Map(s)	
• Site Plan (development projects only)	
• Plant Palette (development projects only)	
• Willing Seller Letter (Appendix J) (acquisitions only)	
• Preliminary Title Report (acquisitions only)	

APPENDIX B – PROJECT PROPOSAL SIGNATURE FORM

The Project Proposal Signature Form can be accessed, completed, and signed within DocuSign [here](#). **Google Chrome or Microsoft Edge web browsers are recommended for use with DocuSign.**

Instructions on how to complete the form are provided at the link above. The form should be electronically signed by the same Authorized Representative to be identified in the resolution. An example template is provided on the following page.

APPENDIX C – PROJECT PROPOSAL QUESTIONS

The [Project Proposal Questions](#) are downloadable forms found on the EEM website or in RAPTR based on the category for which you are applying: Urban Forestry, Resource Lands, or Mitigation Projects Beyond the Scope of the Lead Agency.

Select **one** set of questions for your proposed EEM project based on the category and provide responses to **all** the questions in the **selected category**. If a question does not apply to the project, indicate “Not Applicable” **with a brief explanation**. Do not leave blank fields.

Once completed, upload the questions, as an attachment, into RAPTR.

APPENDIX D – LETTER FROM THE LEAD AGENCY RESPONSIBLE FOR CONSTRUCTION OF RELATED TRANSPORTATION FACILITY (RTF)

This letter is required with each EEM Project Proposal

Instructions to the Lead Agency responsible for construction of the RTF: The Environmental Enhancement and Mitigation (EEM) Program awards up to \$6.7 million each fiscal year for grants to mitigate the environmental impacts of modified or new public transportation facilities. Please provide a letter describing the construction of a new Transportation Facility or modification/enhancement of an existing Transportation Facility.

Send this letter, on Lead Agency stationery, to the **applicant** for inclusion in their project proposal package **prior** to the online submission deadline.

Provide the following information about the **RTF**:

1. Describe the RTF construction or modification or planned construction or modification.
2. What is the location of the RTF?
3. When did the RTF construction or modification begin? When was it completed?
4. What type of Environmental Review was required?
5. When was the Environmental Review completed?
6. Provide State Clearinghouse Number of the completed Environmental Review, if applicable.
7. Was mitigation required? If so, please describe the type of habitat impacted and list the required mitigation.
8. Have the environmental mitigation measures been started or completed?
9. If the RTF is planned, what is the projected construction start date? Completion date?
10. What is the funding source for the RTF? Is the RTF fully funded?
11. What is the location of the required mitigation?

Provide the following information about the proposed **EEM project**:

12. Name of the EEM project
13. Is the EEM project the required mitigation for the RTF? If yes, please describe how the project mitigates the impacts of the RTF.
14. If applicant is applying under Mitigation Projects Beyond the Scope of the Lead Agency Category, please provide a statement of concurrence explaining how the ability to effectuate the mitigation or enhancement measures are beyond the scope of the lead agency responsible for assessing the environmental impact of the proposed transportation improvement.
15. Is the proposed EEM project incompatible with the RTF? If so, does it interfere with the operation or safety of the RTF? (Please explain).

16. Does the proposed EEM project limit or interfere with planned or anticipated future improvements to the RTF? (If it interferes, please explain).
17. Describe any concerns about the proposed EEM project (e.g., design, safety, tree density, other).
18. Are you aware of another EEM project previously undertaken to mitigate the impact of this RTF? (If you have knowledge of the project, please explain).
19. Do you have any knowledge why the applicant would not be able to complete this project?

Please include:

- Signature of Transportation Agency Representative, Title, Date Signed
- Name of Transportation Agency
- Contact information (address, phone, email)

This letter is purely informational and does not indicate support for the proposed EEM project. If the proposed EEM project is on property owned by the Lead Agency, a separate letter of permission must be provided.

APPENDIX E – ENVIRONMENTAL COMPLIANCE

All projects shall comply with the California Environmental Quality Act, Division 13 (commencing with section 21000; 14 California Code of Regulations section 15000 et seq. ["CEQA"]), applicants must submit one of the following:

The State of California, acting through its administering agencies and departments, will typically act as a responsible agency for the purposes of CEQA. For the EEM program, applicants must demonstrate compliance with CEQA for the proposed project at the time of project proposal submission. To demonstrate compliance, applicants **must** submit all documentation according to the appropriate scenario listed below.

- a. The Notice of Exemption filed with the County Clerk **and** State Clearinghouse* (as applicable) if the proposed project is categorically or statutorily exempt, with the appropriate Public Resources Code section citation to the exemption(s) being relied upon by the lead agency.
- b. The Negative Declaration or Mitigated Negative Declaration adopted by the lead agency and Initial Study, including a copy of the Environmental Checklist Form located in Appendix G of the CEQA Guidelines and the Notice of Determination filed with the County and with the State Clearinghouse* (as applicable). If the lead agency has adopted a Mitigated Negative Declaration, the applicant must also provide the adopted mitigation monitoring and reporting program*.
- c. The Final Environmental Impact Report certified and adopted by the lead agency with Initial Study, including a copy of the Environmental Checklist Form located in Appendix G of the CEQA Guidelines, the adopted mitigation monitoring and reporting program, and the Notice of Determination filed with the County and the State Clearinghouse. Please include any State Clearinghouse Responses received by the applicant**.
- d. Projects that tier from a Programmatic, Master, or other Environmental Impact Report shall include a copy of any subsequent Initial Study for the proposed project together with a copy of any supplementary environmental documentation adopted by the lead agency, including, if applicable, any required findings pursuant to Public Resources Code section 21157.1, subdivision (c), and the Notice of Determination, filed with the County Clerk and with the State Clearinghouse, as applicable.

Pursuant to section 75102 of the Public Resources Code, before the adoption of a Negative Declaration or Environmental Impact Report, the lead agency shall notify the proposed action to a California Native American tribe, which is on the contact list maintained by the Native American Heritage Commission, if that tribe has traditional lands located within the area of the proposed project.

*For a and b, include documentation the State of California Department of Fish and Wildlife CEQA fee was paid or is not applicable.

**Beginning January 1, 2024, Senate Bill (SB) 69 (Cortese, 2023) requires electronic filing of all notices of determination (NODs) and notices of exemption (NOEs), normally filed with the local county clerk, to also be filed with the State Clearinghouse in the Governor's Office of Planning and Research (OPR).

APPENDIX F – SAMPLE COST ESTIMATE FOR DEVELOPMENT PROJECTS

In preparing a cost estimate for the project, applicants should comply with the following:

1. All project elements should be detailed and customized to fit the project. Each element should be clearly described in the project narrative.
2. Each funding source must have its own column. Other Funding Source column headings should specify source of funds and whether these are cash or in-kind contributions.
3. The EEM Grant and Other Funding Source columns should sum up in the Total Cost column.
4. Whenever possible, the cost of project elements funded by the EEM Grant should not be split between the grant and other funding sources.
5. In-service payroll may not include a “billable rate” or administrative cost allocation.

PROJECT ELEMENTS (Examples)		Total Cost*	EEM Grant	Other Funding Source (Indicate Cash or In-Kind)	Other Funding Source (Indicate Cash or In-Kind)
NON-CONSTRUCTION (not to exceed 25% of grant)					
1.0	Direct Project Management & Administration**				
1.1	Staff Time				
1.2	Technical Consultants				
2.0	Planning, Design & Permitting				
2.1	Design & Engineering				
2.2	Permits				
TOTAL NON-CONSTRUCTION (not to exceed 25% of grant)					
CONSTRUCTION					
3.0	Site Preparation				
3.1	Mobilization				
3.2	Demolition				
3.3	Grading				
4.0	Construction & Materials				
4.1	Trees (15-gallon)				
4.2	Plants				
4.3	Bioswales				
4.4	Irrigation				
5.0	Other				
5.1	Hazard Insurance/Bond				
5.2	Funding Acknowledgment Sign (Required)				
TOTAL CONSTRUCTION					
Indirect Costs (not to exceed 15% of direct costs)***					
Contingency (not to exceed 10% of grant)					
PROJECT GRAND TOTAL					

*All invoices and receipts for project expenditures from all funding sources will be retained and made available for state audit.

**Only direct project management costs are eligible. In-service payroll may not include a “billable rate” or administrative cost allocation.

***Acquisition projects excluded.

APPENDIX G – SAMPLE COST ESTIMATE FOR ACQUISITION PROJECTS

(Complete one form for each separate escrow)

Project Title:					
Assessor's Parcel Number(s)	Acreage	Indicate Fee or Easement	Willing Seller Name and Address		
ACQUISITION COST ESTIMATE					
	Total Cost*	EEM Grant	Other Funder	Other Funder	Other Funder
Estimated Fair Market Value					
Relocation Costs					
Preliminary Title Reports, Appraisal					
Escrow Fees, Title Insurance, Closing Costs					
Surveying (limited to boundary line adjustments)					
Direct Costs - Staff and Consultants (limited to \$15,000 per grant)**					
State appraisal/transaction review, etc. (budget ≈ \$10,000)	\$10,000				
Baseline Conditions Report (required for conservation easements only)					
Contingency (not to exceed 10% of grant)					
Funding Acknowledgement Sign (Required)					
Other (specify)					
Grand Total					

*All invoices and receipts for project expenditures from all funding sources will be retained and made available for state audit.

**Only direct project management costs are eligible; no overhead/indirect costs are reimbursable. In-service payroll may not include a "billable rate" or administrative cost allocation.

ACQUISITION SCHEDULE†	COMPLETION DATE
Complete Appraisal	
Submit appraisal, purchase docs and title report to State	
Open escrow and request advance into escrow	
Submit draft grant deed w/deed restriction language to State for approval	
Close escrow and submit final closing documents to State††	
Install funding acknowledgement sign	
Close-out	

†Grantee should submit evidence of progress on the acquisition within 6 months of grant execution.

††Escrow must close within one year of the date of valuation in the appraisal.

APPENDIX H – PROPERTY DATA SHEET

No	Owner Name	Assessor Parcel Number(s)	Acreage	If parcel(s) owned by applicant(s), indicate type of ownership			For all parcels, indicate document used to demonstrate ownership	If parcel(s) not owned by applicant(s), indicate document verifying long-term permission to develop and maintain					Entity to perform O&M	# of years O&M to be performed
				Fee Simple	Easement	Other (describe)	Proof of Ownership (tax bill, grant deed, etc.)	O&M Agreement	Lease	JPA	Letter from Owner	Other (describe)		
1														
2														
3														
4														
5														
6														
7														
8														
9														
10														
Comments:														

Total Number of Parcels: _____ Total Number of Acres: _____

Complete the Property Data Sheet listing each parcel included in the proposed project, as well as the owner(s) of each parcel. Include any clarifying comments below. Attach additional sheets if necessary.

APPENDIX I – ELIGIBLE COSTS

Direct project-related costs incurred during the project performance period specified in the grant agreement are eligible. All eligible costs must be supported by appropriate documentation. Costs incurred outside of the project performance period are not eligible. Indirect costs are limited to 15% of the grant-funded project budget in development projects only. Indirect costs are not allowed in acquisition projects.

Projects must comply with Labor Code Section 1771.5. Therefore, cost estimates should include prevailing wages, as applicable. See the Department of Industrial Relations' Division of Labor Statistics and Research website at <https://www.dir.ca.gov/OPRL/DPreWageDetermination.htm> for general prevailing wage determinations. For questions about prevailing wage, contact the Department of Industrial Relations.

All Projects

1. **Direct Costs** – Direct costs are costs that are directly tied to carrying out the grant-funded project and are eligible for payment. Direct costs may include materials, equipment, technical consultants, subcontractors, grantee's staff labor, and other eligible costs. Direct costs **do not** include general administrative costs and overhead (see definition of indirect costs below) nor do they include endowments for ongoing project maintenance.
2. **Contingency** – Up to ten percent (10%) of the grant may be budgeted for contingency costs. All contingency costs must be eligible per these guidelines. Contingency funds may not be used to increase the amount of funds that can be used for project management/non-construction (pre-implementation) work.
3. **Signs and Interpretive Aids** – Costs may include construction of exhibits, kiosks, display boards or signs located at and communicating information about the project as well as the required funding acknowledgement sign (see Appendix P).

Development Projects

1. **Project Management/Non-Construction Costs** – Up to twenty-five percent (25%) of development project grant funds may be spent on project management/non-construction (pre-implementation) costs, including, but not limited to, planning and design, architecture and engineering, construction plans, permitting, and direct project administration and management.
2. **Indirect Costs** – Indirect costs (also known as administrative costs, incidental costs, or overhead) are the costs of doing business that are not directly related to carrying out the grant-funded project but are necessary for the general operation of the grantee organization. Examples of indirect costs include rent, electricity, computers, telephones, office supplies, internet access as well as functions such as janitorial, human resources, business services, information technology, etc. Certain types of indirect costs may not be charged to the CNRA grant, including food and beverage, fundraising, lobbying and entertainment. Any cost that is billed as a direct cost may NOT be included in indirect costs.

Indirect costs should be included as a single line item in the project cost estimate and charged as a percentage of the grant-funded project budget (i.e., the direct costs). The maximum indirect rate is 15 percent of direct costs. For example, if direct project costs total \$260,870, the maximum indirect cost that could be budgeted is \$39,130 (15% x \$260,870).

Together, the direct and indirect costs should equal the total grant award, which is \$300,000 in this example (\$260,870 + \$39,130).

Grantees that wish to include indirect costs in their grant budgets must be able to document how the indirect rate was calculated. One typical method for documentation is to have a Cost Allocation Plan. Other methods may also be adequate, but it is the grantee's responsibility to determine this based on Generally Accepted Accounting Principles. It is recommended that grantees work with a Certified Public Accountant (CPA) to develop an appropriate method for calculating their indirect rate and determining what indirect costs may be allocated to a grant. It is the grantee's responsibility to maintain appropriate records for all indirect costs and to be able to provide those records in the event of an audit.

3. **Personnel or Employee Services** – Costs for the services of grantee's employees directly engaged in project execution must be computed according to grantee's prevailing wage or salary scales and may include benefits such as vacation, sick leave, Social Security contributions, etc., that are customarily charged to grantee's various projects, excluding overhead allocations.
 - a. Costs charged to the project must be computed on actual time spent on the project and evidenced by time and attendance records describing the work as well as payroll records. Overtime costs may be allowed under the grantee's established policy, provided the regular work time was devoted to the same project.
 - b. Salaries and wages claimed for employees working on State grant-funded projects must not exceed grantee's established rates for similar positions.
4. **Contracted Services** – The costs of contracted services may be reimbursed if invoices are presented with payment requests that identify the specific project activities. Grantees should retain evidence of invoice payments for audit purposes.
5. **Construction**
 - a. All necessary labor and construction activities to complete the project are eligible, including site preparation (demolition, clearing and grubbing, excavation, grading), monitoring (including soil and water testing during construction), onsite/field implementation, and construction supervision, etc. The grant can pay for up to two years of plant establishment, as deemed appropriate.
 - b. Trees, supplies and materials may be purchased for a specific project or may be drawn from central stock, providing they are claimed at a cost no higher than paid by the grantee. When supplies and/or materials are purchased with the intention of constructing a piece of equipment, a structure or part of a structure, the costs that are charged as supplies and materials may be capitalized according to the grantee's normal practice or policy. If capitalized, only that cost reasonably attributable to the project may be claimed under the project.
 - Grantees in the business of growing plants may not charge retail rates for plants reared for a project; however, charges for materials and staff time are allowable.
 - Trees larger than 15 gallons in size are not eligible for reimbursement.

- c. Equipment necessary to implement the project may be leased, rented, or purchased, whichever is most economical. If equipment is purchased, its residual market value must be credited to the project costs upon completion of the project.

Equipment owned by the grantee may be charged to the grant for each use on the project. Rates charged for grantee-owned equipment must be supported by grantee's established policy and not exceed the rate for similar rental equipment in grantee's local area. The California Department of Transportation equipment rental rates may be used as a guide (refer to <https://dot.ca.gov/programs/construction/equipment-rental-rates-and-labor-surcharge>). If grantee's equipment is used, a use log or source document must describe the work performed, indicate the hours used, relate the use to the project, and be signed by the operator and supervisor.

Grantee-owned vehicles used to transport personnel and supplies on grant-related business may not be charged to the grant as an equipment cost. Instead, grantees may charge mileage for use of their vehicles.

6. **Travel Costs** – Travel costs incurred by grantee staff directly related to the project and reasonable and necessary for the completion of the project are eligible. Reimbursement rates shall be consistent with the grantee's written travel policy. Absent a written policy, per diem shall not exceed the California Standard Per Diem Rate allowable by the U.S. General Services Administration.

Mileage rates shall not exceed the IRS mileage reimbursement rate in effect at the time of travel. Mileage reimbursement covers:

- The cost of maintenance (oil, lube, routine maintenance)
- Insurance (liability, damage, comprehensive and collision coverage)
- Licensing and registration
- Depreciation and all other costs associated with operation of the vehicle

For grantee owned vehicles, a Mileage Log with the date, mileage, destination, and trip purpose (referencing the grant's project scope) must be signed by the operator and supervisor.

7. **Outreach** – Costs of engaging community members through community meetings and events directly related to the project are eligible.
8. **Other Expenditures** – In addition to the major categories of expenditures, grant funding may be used for miscellaneous costs necessary for execution of the project at the discretion of the State. Some of these costs may include:
 - a. Premiums on hazard and liability insurance to cover personnel and/or property
 - b. Work performed by another section or department of grantee's agency that can be documented as direct costs to the project (see above requirements under Personnel or Employee Services)
 - c. Transportation costs for moving equipment and/or personnel

Acquisition Projects

1. **Acquisition** – Costs of acquiring real property are eligible, including but not limited to, the purchase price of the property at or below approved fair market value, appraisals, surveys for boundary adjustments, preliminary title reports, environmental site assessments, escrow fees, title insurance fees; and for conservation easements only, baseline reports and stewardship plans (e.g., forest management plan, grazing management plan).
2. **DGS Appraisal Review** – Costs of obtaining State approvals of purchase price and transaction reviews from the State Department of General Services are also allowable.
3. **Relocation Costs** – Relocation costs are eligible for Acquisition projects that result in displacement of any person and/or business (See State Relocation Act requirements, Chapter 16, Section 7260 et seq., Government Code).
4. **Direct Staff and Consultant Services** – The costs of direct staff and consultant services necessary for the project are eligible and may be reimbursed up to \$15,000. Invoices must be presented with payment requests that identify the specific project activities. Consultants hired by the grantee must be contracted using the customary or established method and rate of the grantee. No consultant fee may be paid to the grantee's own employees without prior approval or unless specifically agreed to by the State.

APPENDIX J – WILLING SELLER LETTER (Acquisitions Only)

All acquisition packages must include Willing Seller letters **from each person on the title**. The letter must include the following information and be signed and dated by the legal owner(s) of each parcel to be acquired. Include the legal owner's name in print and their title. If the letter is signed by a representative of the landowner, include separate legal documents (e.g., trust documents) authorizing them to sign for the landowner.

(Template – Willing Seller Letter)

Date:

To: California Natural Resources Agency
Environmental Enhancement and Mitigation Program

From: Name(s) of Legal Owner (Trust, etc.)
Address of Legal Owner(s)

Re: Parcel number(s):
County:
Property Address:

To Whom It May Concern:

This letter is provided to confirm that (name of owner, trust, etc.), owner of the above-referenced property is a willing participant in the proposed real property transaction. Should grant funds be awarded to the grant applicant, (name of grant applicant), then (name of owner, trust, etc.), as Seller, is willing to enter into negotiations for the sale of the real property for a purchase price at or below fair market value.

Acknowledged:

Printed name and title

Signature of landowner

Date signed

Printed name and title

Signature of landowner

Date signed

APPENDICES FOR STEP 3 – SUPPORTING DOCUMENTATION

(Qualifying Projects Only)

APPENDIX K – SUBMITTAL CHECKLIST: STEP 3 – SUPPORTING DOCUMENTATION

APPENDIX L – RESOLUTION TEMPLATE

APPENDIX M – CERTIFICATION LETTER REQUIREMENTS

APPENDIX N – SITE CONTROL/LAND TENURE REQUIREMENTS

APPENDIX O – SIGN GUIDELINES

**APPENDIX P – MEMORANDUM OF UNRECORDED GRANT AGREEMENT TEMPLATE
(Development Projects Only)**

APPENDIX Q – DEED RESTRICTION TEMPLATE (Fee-Title Acquisitions Only)

APPENDIX R – PAYEE DATA RECORD/GOVERNMENT AGENCY TAXPAYER ID FORM

APPENDIX S – AVAILABLE RESOURCES

APPENDIX T – DEFINITIONS

APPENDIX K – SUBMITTAL CHECKLIST: STEP 3 – SUPPORTING DOCUMENTATION

Qualifying Projects Only

The following will be uploaded into RAPTR as attachments:	
Resolution Template or Certification Letter (Appendix L or M)	
Eligibility for Nonprofit Applicants (SOS, IRS, DOJ)	
Payee Data Record or Government Agency Taxpayer ID Form (Appendix R)	
Updated Cost Estimate, if requested (Appendix F or G)	
Project Timeline	
Funding Plan	
Proof of Ownership Documents	
For Development Projects only <i>additionally</i> upload to RAPTR:	
Site Control/Land Tenure Documents	
Operation and Maintenance Documents	
For Acquisition Projects only <i>additionally</i> upload to RAPTR:	
Appraisal (if completed)	
Draft Conservation Easement (if applicable and available)	

APPENDIX L – RESOLUTION TEMPLATE

Resolution No: _____
RESOLUTION (GOVERNING BODY OF GRANTEE)
APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE
ENVIRONMENTAL ENHANCEMENT AND MITIGATION (EEM) PROGRAM

WHEREAS, the Legislature and Governor of the State of California have enacted Section 164.56 of the California Streets and Highways Code, which is intended to provide grant funds to local, state, and federal agencies and nonprofit entities for projects to enhance and mitigate the environmental impacts of modified or new public transportation facilities; and

WHEREAS, the California Natural Resources Agency has been delegated the responsibility for the administration of this grant program, establishing necessary procedures and criteria, and is required to submit to the California Transportation Commission a list of recommended projects from which the grant recipients will be selected; and

WHEREAS, said procedures established by the California Natural Resources Agency require a resolution certifying the approval of application(s) by the Applicant's governing board before submission of said application(s) to the State; and

WHEREAS, the Applicant, if selected, will enter into an agreement with the State of California to carry out the project.

NOW, THEREFORE, BE IT RESOLVED that the _____ (Governing Body)

1. Approves the filing of an application for the (name of the project); and
2. Certifies that Applicant understands the assurances and certification in the application; and
3. Certifies that Applicant or title holder will have sufficient funds to operate and maintain the project(s) consistent with the land tenure requirements; or will secure the resources to do so; and
4. Certifies that it will comply with all provisions of Section 1771.5 of the California Labor Code; and
5. If applicable, certifies that the project will comply with any laws and regulations including, but not limited to, the California Environmental Quality Act (CEQA), legal requirements for building codes, health and safety codes, and disabled access laws, and that prior to commencement of construction all applicable permits will have been obtained; and
6. Certifies that Applicant will work towards the State Planning Priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety as included in Government Code Section 65041.1; and
7. Appoints the (designate position, not person occupying position) _____, or designee, as agent to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project(s).

Approved and adopted the __ day of ____ 20__. I, the undersigned, hereby certify that the foregoing Resolution Number _____ was duly adopted by the _____.
(Governing Body)

Following Roll Call Vote: Ayes: _____
 Nos: _____
 Absent: _____

Clerk/Secretary for the Governing Board

APPENDIX M – CERTIFICATION LETTER REQUIREMENTS

If an applicant does not have a governing board, a certification letter from the organization's Director or Chief Executive Officer must be furnished. The letter must:

1. Approve the filing of an application for grant funds from the Environmental Enhancement and Mitigation (EEM) Grant Program under California Streets and Highways Code Section 164.56.
2. Certify that applicant or title holder has or will have sufficient funds to operate and maintain the project consistent with the land tenure requirements; or will secure the resources to do so.
3. Certify that applicant will comply with the provisions of Section 1771.5 of the State Labor Code regarding payment of prevailing wages on Projects awarded EEM Program Funds.
4. If applicable, certify that the project will comply with any laws and regulations including, but not limited to, legal requirements for building codes, health and safety codes, disabled access laws, environmental laws and, that prior to commencement of construction, all applicable licenses and permits will have been obtained.
5. Certify that applicant will record a document against the real property that defines the State's interest in the property whether the Grantee owns the property or not.
6. Certify that applicant will work toward the Governor's State Planning Priorities intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety as included in Government Code Section 65041.1.
7. Appoint the (designate position, not person occupying position), or designee, as agent to conduct all negotiation, execute and submit all documents including, but not limited to applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project.
8. Contain the signature of the Director or Chief Executive Officer.

APPENDIX N – SITE CONTROL/LAND TENURE REQUIREMENTS

The State recognizes that specific activities on the project property may change over time; however, all uses on the property must remain compatible with the EEM Program, in accordance with the following requirements:

Acquisition Projects

Grantee or grantee's successor-in-interest shall hold, in perpetuity, the real property only for the purpose for which the grant was made and make no other use or sale or other disposition of the property without the written permission of the State.

Development Projects

Grantee shall maintain and operate the property developed pursuant to this grant for a period of:

- At least 10 years for grants up to \$100,000
- At least 20 years for grants up to \$1 million
- At least 25 years for grants over \$1 million

All Projects

1. A deed restriction or a Memorandum of Unrecorded Grant Agreement (MOUGA) which defines the State's interest in the property must be recorded on all projects, whether grantee owns the property or not. Exceptions may be granted as appropriate and at the sole discretion of the State (see Appendices P and Q).
2. Grantee shall not use or allow the use of any portion of the real property for additional mitigation (i.e., to compensate for adverse changes to the environment elsewhere) without the written permission of the State.
3. Grantee shall not use or allow the use of any portion of the real property as security for any debt.
4. With the approval of the State, grantee, or grantee's successor in interest in the property may enter into an agreement with another party to maintain and operate the property in accordance with this grant program. At a minimum, the agreement must do the following:
 - Clearly spell out the roles of each party in detail
 - Be signed by both parties signifying their acceptance
 - Not terminate prior to the length of site control/land tenure required by the grant agreement (only agreements that allow early termination for cause or by mutual consent will be acceptable)
 - Include language that grantee will resume responsibility for ongoing operation and maintenance in the event of cancellation
5. Grantee may be excused from its obligations for operation and maintenance of the project site only upon the written approval of the State for good cause. Good cause includes, but is not limited to, natural disasters that destroy the project improvements and render the project obsolete or impracticable to rebuild.

APPENDIX O – SIGN GUIDELINES

Types of Signs

1. Construction – A sign acknowledging the funding source is required during construction.
2. Post Completion – A funding acknowledgment sign must be installed before the final project inspection and remain in place for at least four (4) years from date of project completion. The size of the sign is not prescribed; however, the funding source logo must comply with minimum size requirements and all required language must be included.

If appropriate, the same sign can be used during construction and completion.

Sign Language

All signs must contain the language shown to the right. The name of the director of the local agency or other governing body may be added, as well as the names (and/or logos) of other partners, organizations, individuals, and elected representatives.

Logo(s)

All signs must include a choice of one of the EEM Program logos which must be mounted in an area to maximize visibility and durability. The logo is available at:

<https://resources.ca.gov/grants/Grant-Program-Resources>. The logo must measure a minimum of 12" tall. When appropriate,

exceptions may be approved at the State's discretion.

Signs for projects located in **30x30 Conservation Areas** should also include the 30x30 logo. For the purposes of California's 30x30 goal, an area is considered a "30x30 Conservation Area" if it meets the following definition:

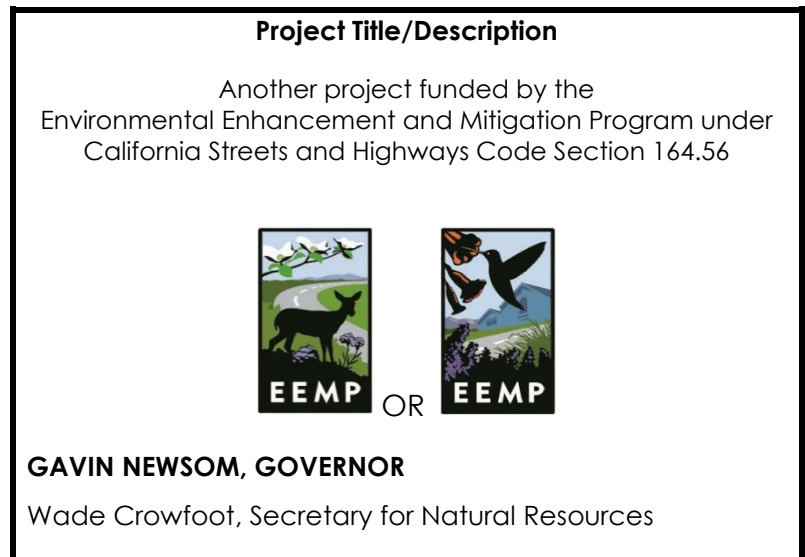
Land and coastal water areas that are durably protected and managed to sustain functional ecosystems, both intact and restored, and the diversity of life that they support. "Durably protected and managed areas" encompass:

- Areas under government ownership or control, managed to maintain natural conditions
- Areas under perpetual easements that protect species, habitats, or natural conditions
- Biodiversity conservation designations that have gone through a formal rulemaking or other enforceable decision-making process not subject to simple reversal

The 30x30 logo is available at <https://resources.ca.gov/grants/Grant-Program-Resources>.

Sign Construction

All materials used shall be durable and resistant to the elements and graffiti. The California Department of Parks and Recreation and California Department of Transportation standards can be used as a guide for gauge of metal, quality of paints used, mounting specifications, etc.



Sign Cost

The cost of the sign(s) is an eligible project cost. Permanent signage is encouraged.

Appropriateness of Signs

For projects where the required sign may be out of place or affected by local sign ordinances, the grants administrator may authorize a sign that is more appropriate to the project.

Signs on State Highways

Signs placed within the state highway right-of-way may require a Caltrans encroachment permit. Contact your local Caltrans District Office early in the planning process for more information. Local Caltrans District Offices can be found by visiting <https://dot.ca.gov/caltrans-near-me>.

State Approval

The Grantee shall submit proposed locations, size, number of signs and language for review prior to ordering signs. Funds for development projects will not be reimbursed until signage has been approved and installed.

APPENDIX P – MEMORANDUM OF UNRECORDED GRANT AGREEMENT TEMPLATE (Development Projects Only)

(**REFERENCE ONLY** DO NOT FILL OUT AS PART OF APPLICATION)

Recording requested by, and)
when recorded, return to:)
State of California)
Natural Resources Agency)
Bonds & Grants)
715 P Street, 20th Floor)
Sacramento, CA 95814)

Space above this line for Recorder's use

MEMORANDUM OF UNRECORDED GRANT AGREEMENT

This Memorandum of Unrecorded Grant Agreement (Memorandum), dated as of _____, 20__, is recorded to provide notice of an agreement between the State of California, by and through the Natural Resources Agency ("Agency") and _____ ("Grantee").

RECITALS

- On or about _____, 20__, Agency and Grantee entered into a certain Grant Agreement, Grant No. _____ ("Grant"), attached and incorporated herein by reference as Exhibit A, pursuant to which Agency granted to Grantee certain funds for the development of certain real property, more particularly described in Exhibit B, attached and incorporated herein by reference (the "Real Property"). **(Must attach a copy of the executed Grant Agreement and any amendments as Exhibit A and the legal description of property including APNs as Exhibit B.)**
- Under the terms of the Grant (Agency reserved certain rights with respect to the Real Property.
- Grantee desires to execute this Memorandum to provide constructive notice to all third parties of certain Agency reserved rights under the Grant.

NOTICE

The Real Property (including any portion of it or any interest in it) may not be sold or transferred without the written approval of the State of California, acting through the Natural Resources Agency, or its successor, provided that such approval shall not be unreasonably withheld as long as the purposes for which the Grant was awarded are maintained.

- The Grantee shall not use or allow the use of any portion of the real property for mitigation without the written permission of the State.
- The Grantee shall not use or allow the use of any portion of the real property as security for any debt.
- For additional terms and conditions of the Grant, reference should be made to the Grant Agreement, which is on file with the Natural Resources Agency, 715 P Street, 20th Floor, Sacramento, California 95814.

GRANTEE (Authorized Representative):

By: _____

Memorandum of Unrecorded Grant Agreement (MOUGA) Instructions

1. Complete the Memorandum by inserting the following information:
 - Date
 - Grantee's name as stated in the Grant Agreement
 - Start date of the Grant Agreement (start date of the Project Performance Period)
 - Grant Agreement number
 - Attach legal description of the properties including the property (APN's) as Exhibit A to the Memorandum
2. Notarize the Memorandum. The grantee's authorized representative (the person holding the position identified in the submitted Resolution and on the Grant Agreement face sheet) signs the Memorandum form in the presence of a notary. The notary then completes the "Notary Acknowledgement" section.
3. Record the Memorandum form at the County Recorder's Office of the county in which the property is located.
4. Ensure a recorded copy of the Memorandum sent to the Natural Resources Agency, Bonds and Grants Unit, address listed at the at the top of the Memorandum form.

APPENDIX Q – DEED RESTRICTION TEMPLATE (Fee-Title Acquisitions Only)

Property acquired in fee with grant funds must be maintained, operated, and used in fulfillment of the purpose funded by the grant.

The property described in this deed was purchased in part or in whole with grant funds provided by the State of California by and through the Natural Resources Agency ("the State") under the Environmental Enhancement and Mitigation Program and is referred to herein as the "Burdened Property". The Burdened Property currently consists of *[project description from appraisal/DGS memo]*. Landowner desires and intends that in order to provide public benefit and meet the terms of the funding, the Burdened Property shall be used only for purposes consistent with the funding.

Use of the burdened property is restricted and shall exclusively be for *[project use based on purpose of the program/project proposal]*. If access for the public ever needs to change location, scope, or scale, landowner will seek consent from the State.

Unless otherwise expressly identified in this deed, all development rights are extinguished.

Landowner acknowledges the restrictions, extinguished development rights, and other dedications in this deed provide a benefit to the burdened property and all other adjacent property, as well as the People of the State of California, and the terms of this deed shall run with the land and bind all successive owners in interest consistent with Civil Code section 815 et seq. No other uses are permitted or granted herein, and any violation of these restrictions or dedications will operate to automatically revert the Burdened Property to the State of California.

The Burdened Property (including any portion of it or any interest in it) may not be sold or transferred without the written approval of the State. Such approval shall not be unreasonably withheld, provided the purposes for which the funding was awarded are expressly assumed by the purchaser as part of the purchase agreement and prior to the close of escrow.

Responsibilities to maintain and operate the Burdened Property in accordance with this deed runs with the land.

Obligations for operation and maintenance of the Burdened Property may be abandoned only upon the written approval of the State and only for good cause. Good cause includes, but is not limited to, natural disasters that destroy the property. Good cause shall not include more expedient or economically beneficial development.

The Burdened Property, or any portion thereof, may not be used for additional mitigation without the written permission of the State.

The Burdened Property, or any portion thereof, may not be used as security for any debt.

These restrictions imposed on the Burdened Property shall run with the land and pass with each and every portion of the Burdened Property and shall apply to and bind the respective successors in interest to the Burdened Property.

APPENDIX R – PAYEE DATA RECORD/GOVERNMENT AGENCY TAXPAYER ID FORM

Nonprofit applicants must provide a completed and signed STD 204 Payee Data Record form. Government agency applicants must provide a completed and signed Government Agency Taxpayer ID Form. These forms are required to receive payment from the State of California.

A fillable STD 204 form can be found at <https://resources.ca.gov/-/media/CNRA-Website/Files/grants/AdminForms/std204.pdf>.

A fillable Government Agency Taxpayer ID Form can be found at https://fiscal.ca.gov/wp-content/uploads/2019/08/GovtTINForm_000.pdf.

APPENDIX S – AVAILABLE RESOURCES

AB 32, Global Warming Solutions Act of 2006
<https://www.arb.ca.gov/cc/ab32/ab32.htm>

CAL Fire's Tree Planting Standards and Specifications
[Tree Planting Guidelines](#)

California Department of Industrial Relations Prevailing Wage Determination
<https://www.dir.ca.gov/OPRL/DPreWageDetermination.htm>

California Invasive Plant Inventory Database
<https://www.cal-ipc.org/plants/inventory/>

California Native American Heritage Commission
<http://nahc.ca.gov/>

California Native Plant Society
<https://www.cnps.org/helpful-tools>

California Protected Area Database and California Conservation Easement Database
<https://www.calands.org/>

California Secretary of State Business Search
<https://bizfileonline.sos.ca.gov/search/business>

California Stormwater Quality Association
<https://www.casqa.org/resources/california-lid-gi>

California Streets and Highways Code Section 164.56 (Article XIX, Section 1, of the State Constitution)
https://leginfo.legislature.ca.gov/faces/billCompareClient.xhtml?bill_id=201320140AB105

California's Updated Climate Adaption Strategy
<https://resources.ca.gov/Initiatives/Building-Climate-Resilience/2021-State-Adaptation-Strategy-Update>

California Water Action Plan
[California Water Action Plan | California State Water Resources Control Board](#)

Caltrans District Local Assistance Offices
<https://dot.ca.gov/programs/local-assistance>

30 X 30 California Website
<https://www.californianature.ca.gov/>

Governor's Executive Order N-82-20
<https://www.gov.ca.gov/wp-content/uploads/2020/10/10.07.2020-EO-N-82-20-.pdf>

Governor's Office of Planning and Research CEQA Documents

<https://opr.ca.gov/sch/document-submission.html>

i-Tree Planting

<https://planting.itreetools.org/>

Model Water Efficient Landscape Ordinance

<https://water.ca.gov/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency/Model-Water-Efficient-Landscape-Ordinance>

Natural and Working Lands Climate Smart Strategy

<https://resources.ca.gov/Initiatives/Expanding-Nature-Based-Solutions>

OPALS - Plant Allergy Scale

<http://www.allergyfree-gardening.com/>

Pathways to 30 X 30 California

<https://resources.ca.gov/Initiatives/Protecting-Biodiversity>

Save Our Water

<http://saveourwater.com/>

SB 32 - confirms the State's continued commitment to reducing GHG emissions

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB32

SelecTree - Urban Forest Ecosystems Institute at Cal Poly

<http://selectree.calpoly.edu/>

Tree Standards & Specifications

http://www.urbantree.org/details_specs.shtml

Urban Tree Canopy Viewer

<https://www.fs.usda.gov/detailfull/r5/communityforests/?cid=fseprd647442&width=full>

Water Use Classification by Landscape Species (WUCOLS)

<https://ccuh.ucdavis.edu/wucols>

APPENDIX T – DEFINITIONS

Unless otherwise stated, the terms used in these grant guidelines have the following meanings:

30 x 30 Conservation Area – Land and coastal water areas that are durably protected and managed to sustain functional ecosystems, both intact and restored, and the diversity of life that they support. “Durably protected and managed areas” encompass:

- Areas under government ownership or control, managed to maintain natural conditions
- Areas under perpetual easements that protect species, habitats, or natural conditions
- Biodiversity conservation designations that have gone through a formal rulemaking or other enforceable decision-making process not subject to simple reversal

See [Pathways to 30 x 30 California](#)

Acquisition – Obtaining a fee interest or any other interest in real property.

Agency – The California Natural Resources Agency.

Americans with Disabilities Act (ADA) – The U.S. Americans with Disabilities Act of 1990 that gives civil rights protections to individuals with disabilities, guaranteeing equal opportunity in employment, public accommodations, transportation, State and local government services, and telecommunications.

Applicant – An eligible organization requesting funding from a program administered by the State.

California Department of Transportation (Caltrans) – The State agency responsible for improving mobility across California with six primary programs: Aeronautics, Highway Transportation, Mass Transportation, Transportation Planning, Administration, and the Equipment Service Center.

CEQA – The California Environmental Quality Act, Public Resources Code Section 21000 et seq.; Title 14, California Code of Regulations, Section 15000 et seq.

Climate Adaptation – The adjustment or preparation of natural or human systems to a new or changing environment which moderates harm or exploits beneficial opportunities.

Climate Change – Any long-term change in average climate conditions in a place or region, whether due to natural causes or the result of human activity.

Community – A population of persons residing in the same locality under the same local governance, such as a city, town, county, or named unincorporated area.

Conservation Easement – Any limitation in a deed, will or other instrument in the form of an easement, restriction, covenant, or condition which is or has been executed by or on behalf of the owner of the land subject to such easement and is binding upon the successive owners of such land, and the purpose of which is to retain land predominantly in its natural, scenic, historical, agricultural, forested, or open-space condition (Civil Code Section 815.1).

Development – Includes, but is not limited to, improvement, rehabilitation, restoration, enhancement, preservation, protection, and interpretation.

Easement – An interest in land entitling the holder thereof to a limited use or enjoyment of the land in which the interest exists.

Enhancement – Modifications to current conditions that result in a natural resource, recreational area, or existing facility realizing desired improvements (e.g., greater public access, increased adaptation to climate change, etc.) while considering the protection of the natural environment. It is distinguished from “Restoration” in that it does not imply merely a return to natural conditions, but may include the provision of recreation, or other aspects that were not originally part of the features.

Fair Market Value – The value placed upon the property as supported by an appraisal that has been reviewed and approved by the State.

Fund or Funds – The California Streets and Highways Code Section 164.56 (Article XIX, Section 1, of the State Constitution).

Grant Agreement – An arrangement between the State and Grantee specifying the payment of funds by the State for the performance of specific project objectives within a specific project performance period by the Grantee.

Grantee – An applicant that has an agreement for grant funding with the State.

Grants Administrator – An employee of the State who manages the grants.

Greenhouse Gases – Atmospheric gases that contribute to the greenhouse effect. Gases include, but are not limited to, carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

Habitat – The place where an animal or plant normally lives, often characterized by a dominant plant form or physical characteristic (e.g., forest habitat, stream habitat, etc.)

Indirect Costs – The costs of doing business that are not directly related to carrying out the grant-funded project but are necessary for the general operation of the grantee organization. Examples of indirect costs include rent, electricity, computers, telephones, office supplies, internet access as well as functions such as janitorial, human resources, business services, information technology, etc. Certain types of indirect costs may not be charged to the CNRA grant, including food and beverage, fundraising, lobbying and entertainment. Any cost that is billed as a direct cost may NOT be included in indirect costs.

In-Kind – Non-cash donations, from governmental or private sources, and includes volunteers, materials, and services.

Interpretation – Includes, but is not limited to, a visitor-serving amenity that enhances the ability to understand and appreciate the significance and value of natural, historical, and cultural resources and that may utilize educational materials in multiple languages, digital information, and the expertise of a naturalist or other skilled specialist.

Lead Agency for CEQA – The public agency with primary responsibility for approving a project that may have a significant impact upon the environment. Normally, the Lead Agency is an agency with general governmental powers such as a city or a county.

Local Agency – Any political subdivision of the State of California, including, but not limited to, any county, city, city and county, district, joint powers authority, local community conservation corps agency, or council of governments.

Mitigation – Human intervention to avoid or compensate for impacts on the natural environment by repairing, rehabilitating, restoring, replacing, or providing substitute resources or

environments. (For purposes of this program, impacts are caused by construction of a new or modification of an existing Transportation Facility).

NEPA – The National Environmental Policy Act which establishes national environmental policy and goals for the protection, maintenance, and enhancement of the environment and provides a process for implementing these goals within federal agencies.

Nonprofit Organization – A nonprofit public benefit corporation that is formed pursuant to the Nonprofit Corporation Law (commencing with Section 5000 of the Corporations Code), qualified to do business in California, qualified under Section 501(c)(3) of the Internal Revenue Code, must be registered and current with the California Secretary of State and the California Department of Justice, Office of the Attorney General Registry of Charities and Fundraisers.

Other Sources of Funds – Cash or in-kind contributions that are required or used to complete the project beyond the grant funds provided by the EEM Program.

Per Diem – A travel allowance for lodging, meals, and incidental costs.

Plant Palette – A recommended list of plants (shrubs, trees, etc.) which are appropriate and sustainable for a given jurisdiction and/or environment, considering economic, environmental, and social factors such as rainfall, terrain, soil, maintenance requirements, appearance, desired function, and public use.

Project – The acquisition or development activity to be accomplished with grant funds, and other funds, if necessary, that meets eligibility requirements.

Project Performance Period – Refers to the beginning and ending dates of the grant agreement. Eligible costs incurred during this period may be funded from the grant.

Project Scope – The description or activity of work to be accomplished by the EEM project.

Public Agency – Any State of California department or agency, a county, city, public district, or public agency formed under California law.

Related Transportation Facility – A transportation project used as the basis for the EEM project, where construction began after January 1, 1990; or which is not yet under construction but is included in an adopted State Transportation Improvement Program (STIP) or in a locally adopted regional transportation improvement program and certified capital outlay program. The Related Transportation Facility (RTF) must be fully funded. Examples of an RTF include city streets, highways, trains, ports, airports, light rail lines, mass transit stations, park and ride facilities, high-occupancy vehicle lanes.

Resource Lands – Includes, but are not limited to, natural areas such as inland wetlands, forests, oak woodlands, mountain meadows, creeks, and streams with riparian or riverine fish or wildlife habitat, wildlife corridors and fish passages, coastal estuaries, grazing land and grasslands, among others. Additionally, Resource Lands may contain features of archaeological or historical value.

Restore or Restoration – To establish some of the structures, functions, or dynamics of an indigenous (native) ecosystem.

Right-of Way – An area of land over which people and goods have the right to pass or travel. A public right-of-way grants passage to all and provides the right to park registered vehicles in

accordance with local parking restrictions. Public right-of-way is a form of easement typically dedicated to the local jurisdiction during subdivision for public use. Right-of-way is not part of the adjacent parcels; the right-of-way boundary usually coincides with adjacent parcel property lines. Right-of-way may also be deeded, in which case, it is not an easement, but land owned in fee by an entity or person(s).

Secretary – The Secretary for Natural Resources or his/her representative.

State – A political subdivision of the State of California.

State Transportation Improvement Program (STIP) – The biennial five-year plan adopted by the CTC for future allocations of certain state transportation funds for state highway improvements, intercity rail, and regional highway and transit improvements.

Traditional Lands – Lands that are synonymous with aboriginal or indigenous cultural territories or areas generally defined by natural boundaries containing static and transient habitation sites used for subsistence hunting, fishing, and gathering that may have fluctuated and overlapped over time and where religious practices were culturally significant to the Native American tribe or their ancestors.

Urban Forestry – The care and management of single trees and tree populations in urban settings for the purpose of improving the urban environment.

Willing Seller – The project property owner(s) is/are a willing participant(s) in the proposed real property transaction and at a purchase price not to exceed fair market value, as verified by the State.

END OF GUIDELINES