

CALIFORNIA TAHOE CONSERVANCY

PUBLIC ACCESS AND RECREATION PROGRAM GUIDELINES

Grant Guidelines and Application Process



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1. PURPOSE AND BACKGROUND

California Tahoe Conservancy Mission

The California Tahoe Conservancy (Conservancy) is a California state agency with a mission to preserve, protect, restore, enhance, and sustain the unique and significant natural resources and recreational opportunities of the Lake Tahoe Basin. Established in 1984, the Conservancy's jurisdiction extends throughout the California side of the Lake Tahoe Region, as defined in California Government Code Section 66905.5. The Conservancy develops and implements projects to improve water quality, preserve Lake Tahoe's scenic beauty, provide recreational opportunities and public access, preserve wildlife habitat areas, and manage and restore lands to protect the natural environment.

Public Access and Recreation Program Overview

The Conservancy's Public Access and Recreation Program implements projects that are consistent with the Tahoe Region's Environmental Improvement Program (EIP) and has four primary objectives:

- To increase and enhance significant regional public access and public recreational opportunities consistent with natural resource preservation.
- To provide a range of public access opportunities to locations with regionally significant lakefront, riverfront, cultural/historical and natural characteristics.
- To increase regional waterborne and non-motorized transportation and recreation opportunities.
- To support environmental education, interpretation, and wayfinding efforts that promote stewardship, provide information, and lessen confusion for recreationists.

To support the program, the Conservancy allocates funds for projects undertaken by the Conservancy itself as lead agency and for grants to eligible project sponsors. These grant guidelines provide guidance to local governments, nonprofit organizations, and others seeking Conservancy grant funding for public access and recreation projects.

Types of Projects Funded

The Conservancy provides grants for three types of public access and recreation projects: site improvement, planning, and acquisition.

Site Improvement Grants. Site Improvement grants are the primary focus of the grants program. Site improvement grants fund new or enhanced facilities that will increase or improve recreation and public access opportunities and experiences. Examples include:

- New or enhanced parks or facilities
- Trailheads or trailside facilities
- Bicycle or multi-use pathways
- Interpretive facilities
- Shoreline land acquisition, facilities, and access opportunities

Planning Grants. The Conservancy also provides planning grants for the planning and design of EIP projects that are likely to qualify for subsequent Conservancy site improvement funding. The Conservancy does not fund planning efforts that do not directly lead to implementation of projects, such as recreation master planning efforts.

Acquisition Grants. Acquisition grants are also available, for both fee simple property acquisition and for the acquisition of other interests in land, when such acquisitions would support a recreation or public access project that is eligible for Conservancy funding. Acquisitions must be from willing sellers.

How Much Funding is Available?

As a State agency, the Conservancy receives annual appropriations through the State budget process. The Conservancy then allocates funds to support a wide variety of environmental and recreational projects on the California side of the Lake Tahoe Basin.

Funds for these appropriations come from bonds passed by the voters of California and from revenues from Lake Tahoe license plate sales and other special funds. Because the funds available from these sources fluctuate from year to year, applicants should contact Conservancy staff to discuss the potential availability of funds for grants for public access and recreation projects. There are no minimum or maximum levels of funding for individual grants.

Who Can Apply?

The following entities are eligible to apply for grants under the Public Access and Recreation Program:

- Local public agencies, State agencies, and federal agencies;
- Federally recognized Indian tribes, including the Washoe Tribe of Nevada and California;
- The Tahoe Transportation District (established under California Government Code Section 66801); and
- Eligible nonprofit organizations. California Government Code section 66905.9 defines an eligible nonprofit organization as any private, nonprofit organization which qualifies for exempt status under section 501(c)(3) of the United States Internal Revenue Code, and having among its principal charitable purposes the preservation of land for scientific, historic, educational, recreational, scenic or open space opportunities, or protection of the natural environment, or preservation or enhancement of wildlife. Grants to eligible nonprofit organizations for the acquisition of real property or interests therein are subject to the specific conditions found in section 66907.7 of the California Government Code.

2. CONSERVANCY REVIEW PROCESS

Minimum Requirements

To be eligible for Public Access and Recreation Program grants, projects must:

- increase and enhance *regionally significant* public access and recreational opportunities. Consistent with its statutory mandate, the Conservancy does not fund parks or playgrounds that are primarily intended to serve local rather than regional needs.
- be consistent with the EIP and any applicable State or local regulations (including land management or general plans) for the jurisdiction in which the project is located. Applicants should review the EIP to gain a better understanding of the priorities for funding and other public access and recreation projects underway in the basin.
- include a commitment from the applicant to operate and maintain the facilities and/or properties for a minimum of 20 years.
- be located on a project site over which the applicant has adequate control, meaning a lease, special use permit, easement, joint powers agreement, or other long-term interest in the property. The term of the interest must include the grant's full maintenance/operational period (a minimum of 20 years) and such interest cannot be revocable at will by the landowner.

Depending upon the funding source, applicants for Conservancy funds may also be subject to additional requirements and restrictions on how these funds may be used. Appendix B describes the additional requirements for projects funded through Propositions 12, 40, and 84. Applicants should contact Conservancy staff to discuss the potential sources of funds for their projects and any additional restrictions or requirements that may apply.

In addition, the Conservancy Board may impose additional restrictions or requirements when the project is authorized. All approved projects must be implemented in accordance with the terms and conditions of the Conservancy's Board authorization, staff recommendation, the grant agreement, and these Program Guidelines.

Additional Requirements for Bikeways

The Conservancy seeks to fund projects that would help complete the regional bike network, as described in TRPA's *Lake Tahoe Bicycle and Pedestrian Master Plan (BPMP)*. To be eligible for Conservancy funding, bicycle projects must:

- be consistent with the BPMP or provide a strong justification as to why the project should be considered for funding;
- comply with the California Department of Transportation (Caltrans) *Highway Design Manual, Chapter 1000, Bikeway Planning and Design* (2006), as amended;
- provide for a shared-use trail in compliance with the AASHTO *Guide for the Development of Bicycle Facilities* (1999), as amended. This requirement is intended to ensure that the bikeway network in the Tahoe Basin is safe and

accessible to all users.

The AASHTO Guidelines permit deviation from its design standards in limited circumstances. Such circumstances must involve “context sensitive design solutions.” For example, it may be appropriate for the plans for a bikeway that traverses a Stream Environment Zone (SEZ) to be narrower than AASHTO’s design requirements. However, such a design would not be permitted if modifications would compromise the safety of trail users. The Conservancy generally expects projects to meet the AASHTO design standards, but may consider exceptions if a strong justification is made. Applicants should consult with Conservancy staff if they wish to consider any deviations from the AASHTO standards.

Evaluation Criteria

Applications will be evaluated based on how well they address the following criteria:

- **Potential to increase or enhance regionally significant public access and/or recreational opportunities.** Projects with the potential to increase non-motorized transit and recreation, and trails that connect neighborhoods, existing public recreational facilities, and trail networks are higher priorities. Projects in underserved areas that are accessible to people of all abilities are high priorities.
- **Adequacy of design.** Projects should seek to match the anticipated level of use with the environmental setting and desired recreational experience.
- **Cost-effectiveness.** Projects should be designed at a cost commensurate with importance of the recreation experience and the anticipated level of use.
- **Cost-sharing.** While matching funds are not required, projects that leverage other sources of funds have a greater likelihood of receiving Conservancy funding.
- **Feasibility.** Applicants who have a proven ability and commitment to implement projects in a timely manner will receive greater consideration.
- **Communication.** Projects should include high quality environmental education and interpretive elements where feasible.
- **Multiple Benefits.** Projects that provide multiple recreational and environmental benefits are more likely to be funded than single purpose projects.
- **Public and Community Support.** Projects with a high level of community and stakeholder support are more likely to be funded than those that lack support. Interested stakeholders include public agencies, nonprofit organizations, community groups, and neighbors. The presence of opponents does not disqualify a project.

Conservancy staff may also consult with other agencies and organizations with expertise to help evaluate proposals. In some cases, the applicant may be asked to further refine their proposal or provide supplemental information.

3. APPLICATION AND SUBMITTAL PROCESS

How to Apply

Applications are accepted at any time. Applicants should contact Conservancy Public Access and Recreation Program staff before submitting their grant application. Conservancy staff can assist in shaping the proposal to address the evaluation criteria.

Applications must include the following information:

- **Completed Project Application Form.** (See Appendix A)
- **Project Description.** Provide a detailed overview of the project, anticipated schedule, and the elements for which Conservancy funding is requested. Discuss any project constraints or issues to be addressed.
- **Project Location.** Provide a map with enough detail to allow a person unfamiliar with the area to locate the project.
- **Response to the Project Evaluation Criteria.** Describe how the project meets the Minimum Requirements and Evaluation Criteria. For *acquisition projects*, the Conservancy recognizes that less detail may be available for planned improvements at the project site. Applicants should provide as much information as possible for the Conservancy to evaluate the benefits of the acquisition. There should be a strong nexus between the need to acquire lands or rights of use and the goals of the project.
- **Project Cost Estimate and Conservancy Funding Request.** Provide a cost estimate and a summary of the grant amount sought, by project element and task, and any other relevant documentation.
- **Funding Partners.** List all other secured funding sources, other funding sources applied for, other proposed grant applications (and their associated application deadlines), and/or funding or in-kind assistance to be provided by the applicant.
- **Goals and Performance Measures.** Describe the specific goals of the project and expected outcomes. Identify measurable data to be collected and methods for collecting and tracking it, consistent with the performance measures in the EIP. Explain how evaluation findings will be used to modify or improve the project.
- **Project Sustainability.** Describe how the project will be sustained, monitored, and evaluated after the grant term ends.
- **Public Involvement.** Describe the type and level of public involvement anticipated during the development of the project.
- **Support for the Project.** Describe the support anticipated from interested stakeholders, such as public agencies, nonprofit organizations, community groups, and landowners.
- **Photos of project site.**

If applicable, also provide the following information:

- *If the applicant does not own fee title to the land*, a letter of support for the project from the landowner and proof of adequate control over the project site, or a description of needed acquisitions.
- *If the applicant proposes to develop a bikeway segment that is not listed in the BPMP*, a justification that discusses why the proposed bike trail segment should be given consideration for funding.
- *If the applicant proposes to develop a bikeway segment that is not AASHTO compliant*, a justification for the use of an alternative bikeway standard need for the deviation, clearly describing why context sensitive modifications to full AASHTO compliance are necessary.
- *If the applicant's project administration or contingency request is over 10% of the total grant amount*, a justification of the special circumstances that warrant consideration of the proposed amount.

Grant Augmentations. Grantees seeking to augment an existing grant should notify the Conservancy. The Conservancy will consider these requests when grantees are faced with unforeseen circumstances or unanticipated costs or opportunities. To be considered for grant augmentations, grantees must submit a new grant application addressing the same requirements and evaluation criteria that apply to new projects.

Requirements for Projects Recommended for Funding

Once the Conservancy staff decides to recommend a project to the Conservancy Board, the applicant will be asked to supplement their application with the following information. Such information is necessary for preparation of the staff recommendation and grant agreement:

- **Project Schedule, Budget, and Workplan.** The project schedule lists the completion date for each product and a final project completion date. The project budget should be based upon accurate estimates. The workplan includes the specific tasks to be performed and products to be produced.
- **Environmental Documentation.** The completed environmental documentation for the site improvement or acquisition project that encompasses all aspects of the work to be performed;
- **Operations and Maintenance Plan.** This requirement applies to site improvement and acquisition projects. The plan should address staffing, season of operation, fire prevention, maintenance of Best Management Practices, and other day to day operations.
- **Project Monitoring and Evaluation.** A site improvement project monitoring and evaluation plan consistent with the performance measures developed as part of the EIP. With the approval of the Conservancy, the grantee may transfer the project's long-term monitoring responsibility to another entity.
- **Governing Body Approval.** A resolution by the governing body or administrator of the project sponsor confirming their commitment to the project

For *site improvement projects*, the resolution must specify that: (1) the grantee will implement and manage the project in a manner consistent with the objectives of the Conservancy's Public Access and Recreation Program; and (2) the grantee will fund

the operations and maintenance of the project improvements for a minimum of 20 years.

For *planning projects*, the resolution must state that the grantee intends to develop a site improvement project after the planning phase is completed.

For *acquisition projects*, the resolution must specify that: (1) the grantee intends to proceed with the project for which the acquisition was proposed to support; and (2) the grantee will maintain the purpose of the acquisition into perpetuity.

Eligible Costs

For *site improvement projects*, eligible grant expenses include project management/administration; preparation of contract documents, including preliminary and final design plans; project specifications, engineering and cost estimates; needs for environmental documentation requirements; preparation and processing of permit applications; construction of recreation and/or access related site improvements, including utility relocation and undergrounding; project inspection; project monitoring, evaluation, and reporting; and other relevant costs approved by Conservancy staff.

For *planning projects*, eligible grant expenses include review of existing data; site analysis and base mapping; project design (conceptual and final); opportunities and constraints analysis; environmental review and documentation (including surveys and other environmental assessments); project administration; interagency and public coordination; preparation of preliminary and final plans; specifications and cost estimates; pre-acquisition activities; pre-construction monitoring related to the goals and permitting of the project; preparation and processing of permit applications; preparation of construction bid packages; project bidding; and other relevant costs approved by Conservancy staff.

For *acquisition projects*, eligible expenses include acquisition of land or interests in land up to the current fair market value of the interest(s) being acquired; pre-acquisition costs; escrow, title, and other closing costs; project administration; and other relevant transactional costs approved by Conservancy staff.

Ineligible Costs

For *all projects*, ineligible grant expenses include all costs incurred before grant award; all costs related to the preparation and submittal of the grant application; staff time to oversee contracted project management services; ongoing site operations and maintenance; and project elements that are not substantially related to the purpose of public access and recreation.

For *acquisition projects*, ineligible grant expenses include any funding for a purchase price above the appraised fair market value.

4. GRANT ADMINISTRATION PROCESS

Grants awarded by the Conservancy are administered in accordance with the terms and conditions of the Conservancy's Board authorization and staff recommendation, which are incorporated into the grant agreement. Grantees may request modifications to their project workplan by providing the Conservancy with a revised workplan and letter of justification. The term of a planning grant is typically three years, and the term of a site improvement grant is typically 20 years (to incorporate the minimum 20-year operations and maintenance requirement).

- **Payment of Funds.** Once the grant agreement is fully executed, Conservancy grants are generally reimbursed in arrears upon the submittal of invoices, although advance requests for a percentage of the grant amount may be approved. All reimbursement requests must be supported by appropriate invoices, purchase orders, canceled warrants/checks, and other approved documents. Only actual and direct project-related costs incurred during the approved term of the grant agreement and as specified in the grant agreement budget are eligible for reimbursement.

Recipients of *acquisition grants* may request that land acquisition costs be paid directly to the escrow holder. All other expenses will be paid as a reimbursement upon the submittal of invoices.

Disbursements of grant funds are made incrementally, as each element of the project is satisfactorily completed. The Conservancy will retain a ten percent retention for each reimbursement until all tasks outlined in the grant agreement are completed. (The retention does not apply to amounts actually paid to the grantee's construction contractors where the contractors are subject to a ten percent withholding by the grantee.) *Acquisition grants* are not subject to the ten percent retention.

- **Progress Reports.** Grantees must submit quarterly reports which document progress and expenditures in accordance with the grant agreement.
- **Review of Draft Documents.** The grantee shall submit to the Conservancy for review all consultant contracts and draft work products.
- **Site Visits.** The Conservancy may conduct periodic site visits, including a final inspection, to determine if the work performed is in accordance with the terms of the grant agreement.
- **Final Payment.** Grantees must submit their final invoice to the Conservancy at least three months before the appropriation deadline identified in the grant agreement. This will provide adequate time for the Conservancy to review the final invoice for completeness, conduct the final inspection, verify that the project was completed in accordance with the grant agreement, and process the final payment (including retention).
- **Audits.** An audit may be performed before or after final payment.

APPENDIX A

**CALIFORNIA TAHOE CONSERVANCY
PUBLIC ACCESS AND RECREATION PROGRAM
GRANT PROJECT APPLICATION**

PUBLIC ACCESS AND RECREATION PROJECT APPLICATION

This Form and Required Attachments Must Be Submitted for Each Conservancy Planning, Site Improvement, or Acquisition Project

PROJECT NAME	AMOUNT OF GRANT REQUESTED	\$
	Estimated TOTAL PROJECT COST <i>(Conservancy Grant and other funds)</i>	\$
Grant Applicant <i>(Agency and Address)</i>	COUNTY	
	PROJECT ADDRESS	
	NEAREST CROSS STREET	

Grant Applicant's Authorized Representative

Name	Title	Phone
Person with day-to-day responsibility for project <i>(if different from authorized representative)</i>		
Name	Title	Phone

Brief description of site improvement or acquisition project (please do not use additional sheets to continue)

For Site Improvement Projects -- *Land Ownership*. If project site is not owned by applicant, submit letter of support from landowner.

Project is _____ acres

_____ Acres owned in fee simple by Grant Applicant

_____ Acres available under a _____ year lease (Owner: _____)

_____ Acres other interest *(explain)* _____

_____ Acres proposed for acquisition (include Assessor's Parcel Numbers) _____

I certify that the information contained in this project application form and application requirements are accurate.

Signed _____

I certify that this Project is consistent with the Recreation Element of the applicable city or county General Plan, the Regional Plan for the Lake Tahoe Region, and the Environmental Improvement Program, and will satisfy a high priority need for my jurisdiction or organization.

Grant Applicant's Authorized Representative Date

APPENDIX B

CALIFORNIA FUNDING REQUIREMENTS

Grantees who are awarded bond funds from Propositions 12, 40 or 84 must comply with the following requirements:

Accounting and Audit Requirements: The Department of Finance is required to audit and report annually on the expenditure of bond funds. Accordingly, the Conservancy and grantees receiving bond funds are subject to annual audits. The Conservancy's standard grant language for site improvement, acquisition, and planning grants requires that grantees maintain, for three years following final payment, satisfactory financial accounts, documents, and records relating to the projects and make them available for audit to the Conservancy and the Bureau of State Audits. The grantees must establish separate accounting records for each project and maintain their records sufficient to reflect the receipt date, deposit, amount and disposition of all project funds, including State funds, interest earned, and any matching funds.

California Environmental Information Catalog Requirements: Grantees shall prepare and submit an online entry form to the California Environmental Information Catalog. See <http://gis.ca.gov/ceic/newcatalog.php>. Of particular interest are those products that characterize site-specific conditions with regard to vegetation, wildlife populations, species occurrences, and other measures of biological diversity, environmental, and ecological condition. The Conservancy shall determine whether a catalog description of any information product or report should be withheld from disclosure in the California Environmental Information Catalog.

Sign Requirements: Projects funded with bonds must post specific sign or signs at the project site identifying the bond funding for the project and display a logo specific to the proposition. Applicable sign requirements are detailed in the grant agreement.

Eligible Use of Bond Funds: Projects funded by Propositions 12, 40, and 84 must be consistent with the following purposes:

Proposition 12: Funds shall be available for expenditure for the development, restoration, acquisition from a willing seller, and enhancement of real property, by the Conservancy within the Lake Tahoe Region pursuant to the Conservancy's enabling legislation (Gov. Code Title 7.42, § 66905 et seq.) for the following purposes:

- Protecting the natural environment through preservation of environmentally sensitive lands, soil erosion control, restoration or enhancement of watershed lands, and restoration or enhancement of streams and other natural areas.
- Providing public access and public recreation opportunities.
- Enhancing and restoring wildlife areas

(see Pub. Res. Code § 5096.351(b)).

Proposition 40: Funds shall be available for the acquisition, development, rehabilitation, restoration, and protection of land and water resources for the purposes of preserving and restoring the natural environment, providing public access and recreation opportunities (*see Pub. Res. Code § 5096.650*).

Proposition 84: Funds shall be available for the protection and restoration of rivers, lakes and streams, their watersheds and associated land, water, and other natural resources for the purposes of preserving and restoring the natural environment, providing public access and recreation opportunities (*see Pub. Res. Code § 75050(k)*).

Lake Tahoe License Plate Fund: Pursuant to California Vehicle Code section 5075, the Department of Motor Vehicles is authorized to issue an environmental license plate depicting a significant feature of Lake Tahoe. Revenue derived from these license plates is deposited in the Lake Tahoe Conservancy Account. The money in the account is allocated to the Conservancy for the exclusive trust purposes of preservation and restoration projects in the Lake Tahoe area and for the purposes of establishing and improving trails, pathways, and public access for nonmotorized traffic in that area.