



bay restoration commission

STEWARDS OF SANTA MONICA BAY

santa monica bay restoration commission 320 west 4th street, ste 200; los angeles, california 90013
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January 15, 2015

Agenda Item #3 a i

To: Executive Committee, SMBRC

From: Tom Ford, Executive Director

Re: Proposition 84 Request for Proposals (RFP)

Action Requested of the Executive Committee:

Direct staff to work with the State Water Resources Control Board (SWRCB) to finalize the RFP, and submit to Governing Board for approval at the February 2015 Governing Board meeting.

Background

Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, was passed by the voters of California on November 7, 2006. Proposition 84 allocated \$90 million to the SWRCB to distribute for coastal water quality improvement projects pursuant to the Clean Beaches Program (Public Resources Code §30915). Of this amount, \$18 million was made available for projects that implement the Santa Monica Bay Restoration Plan, including projects that protect Santa Monica Bay beaches and coastal waters, prevent contamination and degradation of coastal waters and watersheds, and protect and restore the Bay's marine, freshwater, and terrestrial habitats. Proposition 84 requires the SMBRC and the State Water Board to work together to ensure that all projects are consistent with Clean Beaches Program requirements. The SMBRC reviews projects and the Governing Board recommends to the SWRCB that it grant funds for appropriate projects. The SMBRC has released two prior RFPs for projects to be funded by the Prop. 84 grant program (2008 and 2011). To date, the Governing Board has recommended 10 projects totaling \$9,220,500 to the SWRCB for funding. After SWRCB administrative fees, the SMBRC has approximately \$7.2 million in Proposition 84 funds remaining to recommend for projects.

Update

Since the last RFP was released, a new Municipal Separate Storm Sewer System Permit (MS4 Permit) was adopted by the Los Angeles Regional Water Quality Control Board and became effective on December 28, 2012. The purpose of the MS4 Permit is to ensure the municipal separate storm sewer systems in Los Angeles County are not causing or contributing to exceedances of water quality objectives set to protect the beneficial uses in the receiving waters in the Los Angeles region. The MS4 Permit allows permittees to customize their stormwater programs through the development and implementation of a Watershed Management Program (WMP) or an Enhanced Watershed Management Program (EWMP) to achieve compliance with water quality objectives. This new RFP

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would focus on assisting responsible agencies in meeting the requirements of the new MS4 Permit through projects developed under EWMP and WMP. Projects developed under EWMP/WMP are consistent with the goals of the Bay Restoration Plan as well as the Proposition 84 grant program.

Staff Recommendations

Staff recommends the draft Proposition 84 RFP (attached) be submitted to the Governing Board for consideration at its February 2015 meeting. The RFP would be focused on assisting responsible agencies in meeting the requirements of the 2012 MS4 Permit.

Prior to submission to the Governing Board, staff will submit the Draft RFP to the SWRCB for review. However, following that review, revisions to the RFP may be necessary. Staff recommends that any revisions to the draft RFP be noted in the staff report to the Governing Board and included in the RFP prior to final approval by the Governing Board, as appropriate.





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DRAFT Request for Proposals (RFP) Santa Monica Bay Restoration Commission Proposition 84 Grant Program

On (TBD), the Santa Monica Bay Restoration Commission (SMBRC) will begin accepting applications for the Proposition 84 Santa Monica Bay Restoration Grant Program to support projects that protect and restore Santa Monica Bay.

Background

The SMBRC is an independent, non-regulatory State entity charged with promoting comprehensive watershed and coastal resources management of Santa Monica Bay.

Proposition 84, the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, was passed by the voters of California on November 7, 2006. Proposition 84 allocates \$90 million to the State Water Resources Control Board (State Water Board) for coastal water quality improvement projects pursuant to the Clean Beaches Program (PRC §30915). Of this amount, \$18 million was made available for projects that protect Santa Monica Bay beaches and coastal waters, including projects to prevent contamination and degradation of coastal waters and watersheds, and projects to protect and restore the Bay's marine, freshwater, and terrestrial habitats. The SMBRC reviews proposals and the Governing Board recommends to the State Board that it grant funds for appropriate projects. Proposition 84 requires the SMBRC and State Water Board to work together to ensure that all projects are consistent with State requirements.

The implementing legislation for the Proposition 84 SMBRC grant program requires that the Clean Beaches Task Force (CBTF) review projects prior to recommendation by the Governing Board and approval by the State Water Board. The State Water Board, at its September 2, 2008 meeting, added members of the SMBRC Technical Advisory Committee, which was first appointed at the SMBRC Governing Board Meeting on December 13, 2007, to the CBTF to assist SMBRC staff in project reviews. This expert panel is known as the Clean Beaches Santa Monica Bay Task Force (CBSMB Task Force) and is comprised of technical experts from local agencies, academia, government, and scientific research organizations. The CBSMB Task Force assists SMBRC staff in reviewing projects prior to Governing Board recommendations to the State Water Board for funding under the Proposition 84 CBSMB Grant Program.

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Approximately \$7 million will be available under this invitation to submit proposals. Projects funded under this grant program will be implemented through the execution of a standard grant agreement between the project proponent and the State Water Board. The State Water Board and SMBRC staff will be jointly responsible for the management and oversight of Proposition 84 projects.

Project Eligibility

Consistent with the purpose of Proposition 84, the Santa Monica Bay Restoration Grant Program will recommend funding for capital projects that restore and protect the Bay's water quality and help to achieve one or more of the following goals in accordance with the Santa Monica Bay Restoration Plan (BRP):

- Improve water quality through enhancement of current federal and state framework and collaborative, integrated watershed wide planning and implementation.
- Improve water quality through pollution prevention and source control.
- Protect and enhance water quality through the restoration of wetlands, streams, and riparian zones.
- Protect public health through the achievement of no beach closures and postings at Santa Monica Bay beaches.
- Maintain/increase natural flood protection through ecologically functioning floodplains and wetlands.
- Conserve water and increase local water supply.

To view and download a copy of the Santa Monica Bay Restoration Plan, visit our website at www.santamonicabay.org and select "Bay Restoration Plan."

Priority projects:

Priority will be given to projects that assist responsible agencies in implementing the requirements of the new Municipal Separate Storm Sewer System Permit (MS4 Permit), Order Number R4-2012-0175, NPDES Permit Number CAS004001, adopted November 8, 2012 by the Los Angeles Regional Water Quality Control Board and effective December 28, 2012.

- Regional projects that retain all non-stormwater runoff and all stormwater runoff from the 85th percentile, 24-hour storm event for a drainage area tributary to the project.
- Centralized projects intended to treat runoff from a contributing area of multiple parcels.
- Distributed projects that treat runoff close to the source and typically at a single- or few-parcel level.

Highest Priority will be given to projects that implement existing TMDLs or those scheduled to go into effect during the term of the MS4 Permit.

Secondary Priority will be given to projects that treat impairments listed on the State 303(d) list of impaired waterbodies.

Projects that treat pollutants for which there are insufficient data to indicate water quality impairment in the receiving water according to the State's Listing Policy (No TMDL / 303(d) listing), but which exceed applicable receiving water limitations contained in the permit, and for which MS4 discharges may be causing or contributing to exceedances may qualify, but will be considered lower priority.

All projects **must** achieve additional benefits such as water supply and conservation, habitat restoration, and/or passive recreational opportunities.

Projects funded under Proposition 84 must also meet the eligibility requirements in the enabling legislation (Attachment 1). Grant applicants are strongly encouraged to contact SMBRC staff to ensure projects meet eligibility requirements and conform to SMBRC priorities prior to application submittal.

Project Timing, Fund Limits, Cost Match, and Other Requirements

Approximately \$7 million will be available under this RFP. There is no minimum award, but a maximum of \$5 million can be awarded to any one project. Depending on total project costs, a 15-20% match will be required, but may be reduced for projects that directly benefit a disadvantaged community. Match may include, but is not limited to, federal, state or local funding, donated and volunteer services, and other funding sources. All projects funded under this grant program must be located within and primarily benefit the waters, habitats, natural resources, or other beneficial uses of Santa Monica Bay and its watersheds.



As a condition of funding, all projects must be properly monitored, operated, and maintained. Projects that require water quality monitoring must be integrated into the Surface Water Ambient Monitoring Program (SWAMP) administered by the State Water Board.

Up to 15% of awarded funds may be used for pre-project planning, design, and monitoring, associated with proposed project(s). By itself, pre-project planning, design, and monitoring is not an eligible project type. Additional pre-project planning, design, and monitoring expenditures may be used to meet the funding match requirement.

If applicable, a native plant establishment period may also qualify for funding. However, operations and maintenance of the project is not eligible for funding.

Applicants should demonstrate stakeholder support for their projects (letters of support from residents, neighborhood council resolutions, etc.) as part of their proposal. Support must be documented prior to project approval by the SMBRC.

Certain projects funded under this grant program will be required to develop Hazard Analysis and Critical Control Point (HACCP) plans to protect against the introduction and spread of invasive species. HACCP plans must be submitted and approved prior to any on-the-ground activities (pre-project monitoring, construction, etc.).

Who May Apply

Any public entity or non-profit organization established pursuant to the laws of the State of California and qualified under Internal Revenue Code Section 501(c)(3), 501(c)(4), or 501(c)(5) is eligible to apply for grant funds under this program. Joint proposals between multiple organizations involved in similar or related activities are strongly encouraged. However, grant funds may only be encumbered by one organization per agreement. There is no limit to the number of applications an organization may submit.

Proposal Solicitation, Review, and Selection Process

The application solicitation is a competitive two-step process: 1) Proposal, which will be used to determine eligibility for funding; and 2) Detailed work plan, which will be used to develop an executable grant agreement.

Applicants requesting funds from this Grant Program must submit an electronic application between (TBD), using the State Water Board's online Financial Assistance Application Submittal Tool (FAAST) system at <https://faast.waterboards.ca.gov>. Late applications will be kept on file and may

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qualify for funding at a later date. To be considered complete, the electronic applications must include all of the **required** items in Attachment 2.

Proposals submitted in response to this RFP will be evaluated and screened by SMBRC staff for completeness, adherence to enabling legislation, and SMBRC priorities. If the above criteria are met, SMBRC staff will submit proposals to the CBSMB Task Force, which will evaluate projects based on technical merit. SMBRC staff may request additional information and/or request a site visit from applicants during the review and selection process. All proposals that are deemed eligible by the CBSMB Task Force for funding will be incorporated into a Recommended Project List and presented to the SMBRC's Governing Board and the State Water Board's Deputy Director of the Division of Financial Assistance for approval.

Applicants whose projects are on the Recommended Project List will be invited to submit detailed work plans, which will be used as the basis for grant agreements with the State Water Board.

Placement on the Recommended Project List is **not** a commitment to disburse grant funds. Commitment of grant funds to a specific project will be based on the availability of bond funds, adherence to enabling legislation, SMBRC priorities, the ability of the proponent to implement the project as described, technical feasibility, implementation readiness, stakeholder support, and the applicant's past performance in implementing projects.

The availability of funding for this RFP is subject to future, as yet unscheduled, bond sales. Projects may be delayed if the State Water Board Division of Financial Assistance determines that bond proceeds will not support new project funding requirements. Because the number of qualifying proposals on the Recommended Project List may exceed the available funding, detailed work plans will be reviewed on a first come first served basis, and grants executed in order of readiness until the initial \$7 million is encumbered.

For additional information, contact:

Jack Topel – 213.576.6647 or email Jack.Topel@waterboards.ca.gov



Time Line

TBD	SMBRC issues Request for Proposals
TBD	Applications available at https://faast.waterboards.ca.gov
TBD (5:00 PM)	Deadline for submitting proposal applications
TBD	SMBRC staff and CBSMB Task Force evaluate concept proposals
TBD	Evaluation results compiled and Recommended Project List developed
TBD	Recommended Project List is submitted to SMBRC Governing Board and State Water Board for approval
TBD	Work plan review and grant execution (depending on funding allocations)
TBD	Last day to execute grant agreements (depending on funding allocations)
TBD	Deadline for completing projects (depending on funding allocations)

Attachment 1.

Eligible Project Types as Required by Proposition 84

Proposition 84 mandates that eligible projects must implement at least one of the following:

- 1) A project designed to improve water quality at public beaches and to make improvements for the purpose of ensuring that coastal waters adjacent to public beaches meet the bacteriological standards set forth in Article 2 (commencing with Section 115875) of Chapter 5 of Part 10 of Division 104 of the Health and Safety Code.
- 2) A project to make improvements to, or upgrades or conversions of, existing sewer collection systems and septic systems for the restoration and protection of coastal water quality.
- 3) A project designed to implement stormwater and runoff pollution reduction and prevention programs, or for the implementation of best management practices, for the restoration and protection of coastal water quality.
- 4) A project designed to implement or promote low-impact development for new or existing developments that will contribute to the improvement of water quality or reduce stormwater runoff.
- 5) A project designed to implement a stormwater resource plan prepared pursuant to Part 2.3 (commencing with Section 10560) of Division 6 of the Water Code.

The implementing statute of the Proposition requires that:

- The projects funded are consistent with State's Nonpoint Source (NPS) control program, as revised to meet the requirements of Section 6217 of the Federal Coastal Zone Act Reauthorization and Section 319 of the Federal Clean Water Act.
- The project demonstrates capability of contributing to sustain, long-term water quality, or environmental restoration/protection benefits for a period of 15 years, address the causes of degradation, rather than the symptoms, and be consistent with water quality and resource protection plans prepared, implemented, or adopted by the State Water Board, the applicable Regional Water Board, and the State Coastal Conservancy.
- The applicant for funds must submit a monitoring and reporting plan that does all of the following:
 - (1) Identifies the nonpoint source or sources of pollution to be prevented or reduced by the project.
 - (2) Describes the baseline water quality or environmental quality to be addressed.

(3) Describes the manner in which the project will be effective in preventing or reducing pollution and in demonstrating the desired environmental results.

(4) Describes the monitoring program, including, but not limited to, the methodology, and the frequency and duration of monitoring.

- Upon completion of the project, a recipient of funds shall submit a report that summarizes the completed activities and indicates whether the purposes of the project have been met. The report shall include information collected by the recipient in accordance with the project monitoring and reporting plan, including a determination of the effectiveness of the project in preventing or reducing pollution, and the results of the monitoring program. The report will be made available to the public, watershed groups, and federal, state, and local agencies.
- An applicant for funds shall inform the SMBRC of any necessary public agency approvals, entitlements, and permits that may be necessary to implement the project. The application shall certify, at the appropriate time that those approvals, entitlements, and permits have been granted.
- The project is consistent with recovery plans for Coho salmon, steelhead trout, or other threatened or endangered species, and to the extent feasible, must seek to implement actions specified in those plans where those plans exist.

Attachment 2.

Application Checklist

Required: FFAST application

Attachments:

Required: Project description - May include summarized application information, photos, designs, or any additional information that helps describe the project (4-page MAXIMUM).

Required: Map(s) of project location- Map should include watershed boundary and project location (3-page MAXIMUM).

Required: Summary of current water quality conditions.

Optional: CEQA Documents if available.

Optional: Stakeholder support documents if available.

Documents will be submitted electronically during the FFAST application process.