

**CITY OF ALBANY
WATERFRONT COMMITTEE
STAFF REPORT**

Meeting date: April 11, 2012
Prepared by: JB

ITEM/ 5-4

SUBJECT: Report from Staff on the National Fish & Wildlife Foundation Grant Opportunity.

STAFF RECOMMENDATION

No action required. For information only.

DISCUSSION

The National Fish and Wildlife Foundation, together with California Department of Fish and Game and the California State Lands Commission, is offering grants for recreational projects that compensate the public for the loss of use and enjoyment of public beaches, parks, and other public or natural resources as a result of the Cosco Busan oil spill. Approximately \$6.8 million in grant funds are available for projects. Funding was received as part of settlement of litigation related to the Cosco Busan spill. The Program is designed to fund projects that enhance the following shoreline recreation, activities:

- Recreational fishing (including both shore-based fishing and fishing from vessels),
- Non-fishing shoreline recreation (including dog-walking, surfing, kite-boarding, etc.),
- Recreational boating (including both motorized and non-motorized boating), or

Next Steps

Both the City and the Parks District anticipate submitting applications. Therefore, collaboration between the two agencies is important for the applications to be successful. In addition, staff will be consulting with the Foundation staff to review the range of potential uses of funds. Staff's initial idea is to seek funds to repair and improve the portions of the trail network that are located on City property.

Attachment

National Fish & Wildlife Foundation Grant Information

COSCO BUSAN OIL SPILL SETTLEMENT – RECREATIONAL USE GRANT PROGRAM

REQUEST FOR PROPOSALS 2012

Pre-proposal Due Date: **April 26, 2012**

Full Proposal Due Date: **September 10, 2012**

Overview

The National Fish and Wildlife Foundation, together with California Department of Fish and Game and the California State Lands Commission, request pre-proposals under the Cosco Busan Oil Spill Settlement – Recreational Use Grant Program (Program) for recreational projects that compensate the public for the loss of use and enjoyment of public beaches, parks, and other public or natural resources as a result of the Cosco Busan oil spill.

The National Fish and Wildlife Foundation established the Program with funds it received, on behalf of the California Department of Fish and Game and the California State Lands Commission, pursuant to a consent decree settling a civil action by the United States [Case No. C 07-6045 (SC)], and two related actions (Consent Decree). The related lawsuits include an action by the California Department of Fish and Game and the State Lands Commission, et al [CV 09-01469] and an action by the City and County of San Francisco and the City of Richmond [CV12-0115].

Geographic Focus

The Program is designed to fund projects that enhance shoreline recreation, recreational fishing, and/or recreational boating in order to compensate for spill-related recreation losses that are not addressed by settlement funds administered by the National Park Service, the City and County of San Francisco, and the City of Richmond. The distribution of funding is intended to match the impacts from the oil spill to the extent practicable.

Project proposals are expected to focus on fishing, boating, other water-based recreation, and/or other shoreline recreation in the counties of Marin, Sonoma, Solano, Contra Costa, Alameda, Santa Clara, and/or San Mateo. However, project proposals that benefit recreation in Marin County should focus on areas outside the jurisdiction of the National Park Service. Similarly, project proposals that benefit recreation in Contra Costa County should focus on areas that are outside the jurisdiction of the City of Richmond. This is because the National Park Service, the City and County of San Francisco, and the City of Richmond all received separate money from the settlement to implement recreation projects within their respective jurisdictions. For the purpose of this Program, projects within the geographic boundaries of the City of Richmond may be eligible for funding if implemented on lands that are under the jurisdiction of the federal government, the state government, or East Bay Regional Park District.

Funding Available

Approximately \$6.8 million in grant funds are available for projects through this Program. Multi-year projects will be considered. Matching funds and/or in-kind contributions are encouraged, but not required.

The appropriate size of grant awards will be determined by the project location and project type. Below are approximate fund allocations by project location and project type:

Approximate Geographic Distribution of Total Funds

<u>Locale</u>	<u>Amount</u>
East Bay	\$3.9 Million
San Mateo	\$1.9 Million
Marin	\$720,000
Other*	\$240,000

*Other includes Sonoma, Solano, and Santa Clara Counties

Approximate Distribution of Total Funds by Project Type

<u>Project Type</u>	<u>Amount</u>
Fishing	\$1.7 Million
Boating	\$1.0 Million
Non-Fishing Shoreline Recreation	\$4.1 Million

Program Funding Priorities

Grants will be awarded for implementation of projects that enhance the recreational use and enjoyment of fishing, boating, other water-based, and other shoreline recreation in the counties of Marin, Sonoma, Solano, Contra Costa, Alameda, Santa Clara, and San Mateo. Grants for planning projects will not be considered unless they include or are closely tied to the implementation of a project (through other identified funding or match).

Applicants must specifically identify in the proposal whether the recreation projects benefit:

- Recreational fishing (including both shore-based fishing and fishing from vessels),
- Non-fishing shoreline recreation (including dog-walking, surfing, kite-boarding, etc.),
- Recreational boating (including both motorized and non-motorized boating), or
- Some combination of the above.

Evaluation Criteria

Proposals will be evaluated based upon how well they meet the following criteria:

- benefit recreational resources similar to those affected by the Cosco Busan spill
- comply with applicable laws
- are cost effective
- provide a broad range of recreation benefits
- begin benefiting the public in the short-term
- provide benefits to the public over the long-term
- have adequate provisions for maintenance and oversight
- avoid collateral injury from project implementation
- have a high likelihood of success
- contribute to a comprehensive suite of funded projects
- have a complete and accurate estimate of project costs
- are beneficial to public health and safety
- provide opportunities for collaboration
- prevent any future injury that may be associated with the Cosco Busan spill
- avoid duplication of other efforts already ongoing at the same location

Projects that are not technically feasible, or are otherwise not expected to provide tangible benefits to recreational fishing, recreational boating, other water-based recreation, and/or shoreline recreation will not be considered.

For more information, see the “Guidance on Restoration Project Selection Criteria for the Cosco Busan Recreation Use Grant Program Administered by the California Department of Fish and Game and the California State Lands Commission” in the [Administrative Record](#) for the Cosco Busan oil spill natural resource damage assessment.

Eligibility

Local, state, and federal agencies, local and regional park districts, non-governmental organizations, and other private entities may all apply for funding.

Funds granted under this Program may not be used for political advocacy, fundraising, lobbying, or litigation or for projects that are legally-mandated mitigation projects.

Timeline

The anticipated timeline for this grant round is as follows:

April 26, 2012, 5PM Pacific time	Pre-proposals due via Easygrants
Mid June 2012	Full proposals invited
September 10, 2012, 5PM Pacific time	Full proposals due via Easygrants
Mid November 2012	Grant awards announced (<i>Please do not contact the Foundation regarding the status of your proposal until after the announcement date</i>)

How to Apply

Applicants should log onto the Foundation's website: www.nfwf.org, go to "Grant Programs," click on "Funding Opportunities," select the ***Cosco Busan Oil Spill Settlement – Recreational Use Grant Program*** opportunity, and start the application to submit a pre-proposal. (The Cosco Busan Oil Spill Settlement – Recreational Use Grant Program webpage can also be found at <http://www.nfwf.org/coscobusanrec>.) To start an application, click on "Apply for a Grant" on that page. New users to the system will be prompted to register before starting their application. Begin your application by selecting the "Cosco Busan Oil Spill Settlement Recreational Use Grant Program" funding opportunity. Once you have started an application, you can save it and return at a later point to complete it, up until the application deadline. Please be sure to disable the pop-up blocker on your Internet browser prior to starting an application. Successful pre-proposal applicants will be notified by e-mail and invited to submit a full proposal.

Application Assistance

Please direct any questions to Liz Epstein, Senior Manager, Impact-Directed Environmental Accounts, 415-243-3102 or liz.epstein@nfwf.org.

**GUIDANCE ON RESTORATION PROJECT SELECTION CRITERIA FOR THE COSCO BUSAN
RECREATIONAL USE GRANT PROGRAM
ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF FISH AND GAME
AND
THE CALIFORNIA STATE LANDS COMMISSION**

Each recreation project proposal submitted through the Cosco Busan Oil Spill Settlement – Recreational Use Grant Program (Program) will be evaluated using the criteria described below. Projects must meet the Threshold Criteria to be considered further. Projects will be selected for funding based on how well they meet the Evaluation Criteria.

Criterion from DARP	Notes on Application to Recreation
<i>Threshold Criteria</i>	If a project does not meet these criteria, it will not be considered further.
1. Consistency with Trustees' Restoration Goals	<ul style="list-style-type: none"> • Does the project address fishing, boating, other water-based recreation activities, and/or shoreline recreation activities? • Does the location or scope of the project benefits fall within the geographic scope of the Natural Resource Damage Assessment (NRDA)?ⁱ
2. Technical Feasibility	<ul style="list-style-type: none"> • The project must be technically and procedurally sound.
<i>Evaluation Criteria</i>	
1. Nexus between the Restoration Project and the Impacts of the Spill on Recreation Uses	<ul style="list-style-type: none"> • To what extent does the project address fishing, boating, other water-based recreation activities, and/or shoreline recreation activities that were affected by the Spill? • To what extent does the project location or geographic scope of project benefits correspond to areas impacted by the spill?
2. Compliance with Applicable Laws	<ul style="list-style-type: none"> • Does the project proponent or implementer have the legal right to access the project site and conduct the project? • Are there willing landowners who support the project? • Project proponents will need to be able to demonstrate that they can meet all applicable laws and obtain all relevant permits. One indicator of a strong proposal on this criterion would be if they have already obtained or are in the process of obtaining relevant permits. For projects that are in earlier stages of development, we would want to see evidence that

	<p>project proponents are familiar with the relevant permits. Additional proof would include previous projects with similar permitting requirements</p> <ul style="list-style-type: none"> • Project proponents should be able to demonstrate that their project is in compliance with the California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (NEPA), as appropriate. For projects that are in earlier stages of development, we would want to see evidence that project proponents are familiar with CEQA and/or NEPA requirements.
3. Cost-Effectiveness	<ul style="list-style-type: none"> • Projects that deliver greater recreation benefits relative to their costs will be preferred over projects that provide fewer benefits relative to their costs.
4. Range of Restoration Project Benefits	<ul style="list-style-type: none"> • Will a broad range of user groups benefit from the project? • Will users from multiple geographic areas benefit from the project? • Is the project accessible to a broad range of individuals within a user group (e.g., can anyone who chooses use the project? is the project universally accessible to people with or without disabilities?) • Are there ancillary natural resource benefits?
5. Time to Provide Benefits	<ul style="list-style-type: none"> • Projects that begin providing public benefits soon are preferred to projects where the onset of benefits is not expected until far into the future. <ul style="list-style-type: none"> ○ For capital improvements, projects that are “shovel ready” will be preferred over those projects that are in the design or pre-design phases. Projects where permitting is completed (or otherwise straightforward) will be preferred to projects that require complex permitting processes that will take significant time. ○ For projects in general, those projects that can articulate how public benefits will begin in the near future will be preferred to

	projects that cannot.
6. Duration of Project Benefits	<ul style="list-style-type: none"> • Projects expected to have longer term benefits are favored over those that have short effective project lives. • If long term benefits are expected, is there a mechanism in place to ensure that those benefits are realized?
7. Maintenance and Oversight of Projects	<ul style="list-style-type: none"> • Does the party(ies) responsible for project implementation/maintenance have the legal authority and organizational capacity to oversee implementation/maintenance? If projects are expected to have long term benefits, is there an entity that will be responsible for maintaining the project over time?
8. Avoidance of Collateral Injury from Project Implementation	<ul style="list-style-type: none"> • Project should not benefit one user group to the detriment of others. • Project should not cause significant harm to natural resources.
9. Likelihood of Project Success	<ul style="list-style-type: none"> • Project proponents will need to be able to demonstrate that they have a high likelihood of successfully implementing the project (e.g., obtaining necessary permits, constructing improvements, carrying out project-related activities), and that the project is otherwise technically feasible. Projects better able to demonstrate these capabilities are preferred. • Projects that have a high likelihood of either drawing new users or improving experience of existing users (once implemented) are preferred.
10. Contribution to a Comprehensive Suite of Projects	<ul style="list-style-type: none"> • Does the project fit within a total suite of selected restoration projects that address the geographic distribution and types of recreation impacts associated with the spill?
11. Total Project Cost and Accuracy of Estimate	<ul style="list-style-type: none"> • Estimated project cost should be based upon a comprehensive list of relevant line items necessary to implement the project (e.g., design, permit, implement, monitor, maintain, and manage the project). • Project proponents will need to be able to demonstrate the project costs are reasonable. • Trustees prefer the least costly project of

	otherwise equivalent alternatives
12. Effect of Project on Public Health and Safety	<ul style="list-style-type: none"> Projects that enhance public health and safety are preferred
13. Opportunities for Collaboration	<ul style="list-style-type: none"> Projects with matching funds are preferred to projects without matching funds.
14. Prevention of Future Injury from the Cosco Busan Spill	<ul style="list-style-type: none"> A project that addresses ongoing diminishment of recreational use and enjoyment of natural resources that resulted from the spill will be preferred on this criterion.
Supplemental Criteria: These would be considered when appropriate (e.g., in the case of more than one grant proposal being equally preferred based upon the above criteria)	
1. Non-Duplication	<ul style="list-style-type: none"> Project funding from spill-related grant should not displace other funds. Project should not be duplicating other efforts already ongoing at the same location.
2. Ability to Document Benefits to the Public	<ul style="list-style-type: none"> Will there be objective indicators that the project has either increased the number of users or improved the recreational experience of users?
3. Education/Research Value	<ul style="list-style-type: none"> Does the project have the potential for public education and outreach?

ⁱ "Recreation benefits" refers to both (a) the number of users that benefit from a project and (b) the magnitude of the benefit per user.