

**Early Implementation Program
PROPOSAL SOLICITATION PACKAGE
For FY 2010-2011 Funds**

**STATE OF CALIFORNIA
DEPARTMENT OF WATER RESOURCES
DIVISION OF FLOOD MANAGEMENT**

January 2011

Early Implementation Program

PROPOSAL SOLICITATION PACKAGE

The California Department of Water Resources (“Department”) invites you to submit an EIP Project proposal. EIP funding comes from Proposition 1E and, in certain cases, from Proposition 84. Both measures were approved by the electorate on November 7, 2006.

PROPOSAL DUE DATE

February 15, 2011
Must be postmarked by this time and date.

PROPOSAL SUBMITTAL

Submit **one** electronic copy (followed by one hard copy) or **two** hard copies for each proposal. CD-ROM is preferred, either in MS Word compatible format or in a searchable PDF format with content copying enabled. Electronic copies may also be submitted on floppy disks, on a zip disk, or by e-mail. Hard copies or hard-copy attachments must be completely legible and suitable for copying.

To submit by mail:

California Department of Water Resources
P. O. Box 942836, Sacramento, CA 94236-0001
Attention: Kelly Fucciolo

By hand delivery or overnight carrier:

Kelly Fucciolo, DWR
3310 El Camino Avenue
Sacramento, California 95821

By e-mail:

kfucciol@water.ca.gov

QUESTIONS? NEED ASSISTANCE? CONTACT:

Kelly Fucciolo, EIP Section Chief
Department of Water Resources
(916) 574-2640
kfucciol@water.ca.gov

For an electronic copy of this Proposal Solicitation Package (“PSP”), please go to <http://www.water.ca.gov/floodsafe/>.

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Early Implementation Program

PROPOSAL SOLICITATION PACKAGE

1. BACKGROUND

On November 7, 2006 California voters approved Propositions 1E and Proposition 84 which provided funds to the Department of Water Resources to provide financial assistance to Local Agencies¹ for, among other things: (a) repair, rehabilitation, reconstruction or replacement of levees, weirs, bypasses and facilities of the State Plan of Flood Control and (b) improving or adding facilities to the State Plan of Flood Control to increase levels of flood protection for Urban Areas. The Early Implementation Program (“EIP”) funds work to be done before the completion of the Central Valley Flood Protection Plan. This program applies only to certain portions of the Central Valley and adjacent areas. To qualify for funding, eligible Projects must have completed environmental review and permitting such that a Funding Agreement can be executed no later than June 30, 2011, and the Project must be ready for construction to begin by November 2011, unless the Project is a Design Project.

In early 2009 the Department published initial *Early Implementation Program Guidelines* which offer details on the purpose, process and requirements of the EIP. In early 2010 the Department sought public comment on proposed amendments to these guidelines and issued the first amended *Early Implementation Program Guidelines* on January 3, 2011 (hereinafter cited here as the “*EIP Guidelines*”). The *EIP Guidelines* are incorporated as part of this PSP. All definitions of terms and all requirements for Projects under the *EIP Guidelines* apply equally to this PSP. A copy of the final *EIP Guidelines* is available at <http://www.water.ca.gov/floodsafe/news/>.

This PSP contains a synopsis of the proposal submittal and selection process, the *EIP Guidelines* requirements, the anticipated schedule for submittal and review of the proposals, information regarding what the proposal should contain, and required forms. If the PSP does not cover requirements discussed in the *EIP Guidelines*, the *EIP Guidelines* control.

2. ELIGIBLE APPLICANTS

An Applicant must be a Local Agency seeking to repair, rehabilitate, reconstruct, replace, improve or add to the facilities of the State Plan of Flood Control (or secure funds to design such repairs or improvements). Applicants may submit proposals for one or more Improvement Projects that are consistent with the Area Plan and Area Project cost limits.

¹ See Section 3 below.

3. AVAILABLE FUNDS

Proposition 1E authorized three billion dollars (\$3,000,000,000) to repair, improve or add levees, weirs, and bypasses and facilities of the State Plan of Flood Control. Proposition 84 also makes some funding available to the Department for flood protection and related purposes.

The Area Project spending cap on Improvement Projects is \$200 million. Repair work does not count against this cap. In Urban Areas, the Department will fund no more than two improvement-related Area Projects per Area from this program.

4. PROPOSAL SUBMITTAL AND SELECTION PROCESS

Proposals must be submitted by February 15, 2011. All timely proposals will first be screened for completeness. Complete proposals will be reviewed to determine whether they meet the Project eligibility criteria, using the eligibility criteria listed below. For more detailed information regarding the eligibility criteria see the *EIP Guidelines*, pages 22 through 39.

Once a proposal is deemed complete and eligible, it will be ranked by the Department's ranking review team using the system described in the *EIP Guidelines* at pages 40 through 44. The highest ranking Projects will be reviewed to estimate cost-sharing. The starting point for the Department's cost-sharing review will be the Cost Sharing Recommendation and Report submitted by the Applicant.

Once cost-sharing is estimated, the highest ranked Projects are selected and the available funds are committed, the Department will issue tentative award letters to successful Applicants. Successful Applicants must enter into a Funding Agreement with the Department before any funds will be disbursed.

Tentative award letters will be issued on or before April 1, 2011. Between April 1, 2011, and June 30, 2011, the Local Agency will develop a more detailed Overall Work Plan and the Department and Local Agency will negotiate a Funding Agreement. The Funding Agreement will be executed on or before June 30, 2011.

Consistent with the *EIP Guidelines*, the Department may, at its discretion, issue an additional PSP if proposals submitted under this PSP do not use all available funding.

A. Eligible Projects

To demonstrate eligibility, the Applicant must provide detailed information demonstrating how its Project meets all eligibility requirements. Since the eligibility criteria differ somewhat for Repair Projects and Improvement Projects, they are set out separately in this section. All Repair Projects and Improvement Projects will also have to meet additional eligibility criteria which are set out in Section iii below. Proposals may also be submitted for Design Projects which are intended to ultimately result in eligible Repair Projects or eligible Improvement Projects.

i. Repair Projects

To be an eligible Repair Project the Applicant's Project must:

- Repair, rehabilitate, reconstruct or replace levees, weirs, bypasses and facilities (or consist of work to design such a repair).
- Involve work on levees, weirs, bypasses and facilities that are existing components of the State Plan of Flood Control.
- Not *increase* the Design Level of Performance.
- Not be for Routine Maintenance work (including deferred maintenance).
- Provide a certification from a registered civil engineer, which:
 - Certifies that he/she has reviewed the information presented in support of the application; and
 - Provides estimates of the current Level of Protection and the Level of Protection to be provided upon completion of the Project.

ii. Improvement Projects

In order to be an eligible Improvement Project the Applicant must provide sufficient information to show that both of the following are true:

- The Project would improve or add facilities to the State Plan of Flood Control (or consist of the work to design such improvements);
- The Project would increase the Level of Protection for an Urban Area;

The Applicant must also provide sufficient information for the Department to make the findings required by SB 5 and codified at Cal. Water Code § 9613 and described below:

- **Finding 1:** The improvements are necessary and require State funding before the completion of the Central Valley Flood Protection Plan prepared pursuant to Section 9612.
- **Finding 2:** The improvements will reduce or avoid risk to human life in one or more Urban Areas.
- **Finding 3:** The improvements will not impair or impede future changes to regional flood protection or the Central Valley Flood Protection Plan.
- **Finding 4:** The improvements will be maintained by a local agency that has committed sufficient funding to maintain both the existing and improved facilities of the State Plan of Flood Control.

- **Finding 5:** The affected cities, counties and other public agencies will have sufficient revenue resources for the operation and maintenance of the facility.
- **Finding 6:** Upon the allocation of funds for a Project, the proposed Project is ready for implementation.
- **Finding 7:** The improvements will comply with existing law.

iii. **Additional Eligibility Requirements**

- **Readiness:** Applicants must demonstrate that they will complete environmental review and permitting such that a Funding Agreement can be executed in June 2011 and the Project must be ready for construction to begin by November 2011, unless the proposal is for a Design Project.
- **Area Plan:**
 - If the Repair Project protects a Non-Urban Area, it will restore or partially restore the Design Level of Performance, there is an Area Plan to restore or partially restore the Design Level of Performance to the Area, and the Repair Project fits into an Area Plan.
 - If the Repair Project or Improvement Project protects an Urban Area, there is an Area Plan for achieving 200-year or better Level of Protection for the Area, the Project fits into an Area Plan, and a sound financial strategy exists for achieving 200-year Level of Protection prior to 2025.
 - All Area Plans should include at least the following information:
 - Background concerning the proposed Project and how it fits into the Area Plan;
 - Identification of Area Projects within the Area Plan, including information regarding project phasing and how the projects will be built (cost efficiency, etc.);
 - Schedule (by phase);
 - Costs (by Area Plan, Area Project, and phase)
- **Multiple Objectives:** The Project takes advantage of any feasible opportunities to provide additional room for the river to meander, enhancing channel capacity, reducing maintenance, and providing regional flood-risk management and environmental benefits.
- **For Levee In-Place Improvements Only:** If the Project would repair or improve a levee in place, it is clearly infeasible to move the levee and/or there are no significant flood risk management benefits to moving the levee.

- **Economic Feasibility:**
 - For Repair Projects that will not protect an Urban Area: Project benefits exceed the State's costs.
 - For Repair or Improvement Projects that will protect an Urban Area: The Project is economically feasible, taking into account both local and system-wide benefits.
- **Most Cost-Effective Alternative:** The Local Agency has demonstrated that it has selected the most cost-effective feasible alternative for ensuring adequate flood protection.
- **Financial Plan:** As explained in the Guidelines, for purposes of the application, it is sufficient for applicants to submit a preliminary financial plan. But, before signing a Funding Agreement the Local Agency must demonstrate:
 - The Local Agency has a sound financial plan to fund its cost-share to build the Project;
 - The Local Agency has a sound financial strategy and plan to operate and maintain the flood facilities in the Area; and
 - The Local Agency has a realistic Area Plan and supporting financial plan.

B. Ranking

All eligible Projects will be ranked according to the Ranking system detailed in the *EIP Guidelines* at pages 40 through 44. The highest ranked Projects will be selected for funding, subject to available funds based on an estimate of the total Project cost and the estimated State cost-share.

In the unlikely event that there is enough money to fund every complete and eligible Project, the Department reserves the right to set a minimum threshold of ranking points that a Project proposal must meet in order to merit funding.

C. Cost Sharing

The State will determine the State cost-share using a four-step process:

- The Applicant provides the State with its Cost-Share Recommendation and Report (*See EIP Guidelines, Appendix A*).
- The State reviews the Applicant's Cost-Share Recommendation and Report and, if necessary, will request additional information from the Applicant.

- The State will determine the overall State cost-share percentage. This will vary depending on whether the Project is a Repair Project in a Non-Urban Area, a levee described in Water Code § 8361, or a Repair or Improvement Project in an Urban Area. This will also depend on whether the Project offers Supplemental Benefits, incorporates a Setback Levee or meets other goals articulated in the *EIP Guidelines* or whether the Project is a proposal for design work only.
- The State's supplemental cost-share will be capped at the State Supplemental Cost-Share Cap discussed in the *EIP Guidelines*.

5. ANTICIPATED SCHEDULE

The following is the anticipated schedule for the EIP proposal submittal and review process:

| | |
|------------------------------|---|
| December 28, 2010 | <i>EIP Guidelines</i> approved by the Director, finalized and released to the public. |
| January 3, 2011 | PSP released to the public. |
| February 15, 2011 | Proposals due by 5:00 p.m. (or postmarked) |
| March 1, 2011 | Department notifies Local Agencies of results of completeness review |
| April 1, 2011 | Department notifies Local Agencies of funding decisions. |
| April 1, 2011– June 30, 2011 | Department and Local Agencies develop agreements; Local Agency finalizes work plan. |
| June 30, 2011 | Last day for Funding Agreement to be executed. Sponsor begins work. |

6. PREPARING THE PROPOSAL

A. Required Contents for All Proposals

All proposals must include the information listed in this section, except as otherwise provided below for Design Projects, and projects that are the next phase of a larger project that has already received EIP funding. This information should be provided in the order listed.

1. A Table of Contents, including a list of attachments;
2. A proposal cover sheet that provides an overview of the Project;
3. A statement identifying the Applicant's representatives, in the form of PSP Attachment 1;

4. The Proposal which should include, at a minimum, the following:
 - (a) An Area Plan with a separate cost, schedule, and cost-sharing description for each Area Project including phases, if applicable;
 - (b) A statement describing the Project and any alternatives that were considered;
 - (c) A statement regarding why the Project is eligible for funding as a Repair Project, Improvement Project, or Design Project under the eligibility criteria set forth in the *EIP Guidelines* at 22-38 and documentation that provides sufficient information to demonstrate that the proposed Project meets the criteria;
 - (d) For eligible Improvement Projects and Design Projects for work which may lead to an Improvement Project, documentation that provides sufficient information to allow the Department to make the findings required by SB 5, and codified at Cal. Water Code § 9613;
 - (e) For all Projects, documentation that provides sufficient information to demonstrate that the Project meets the seven criteria set forth in the *EIP Guidelines* at 27-38. In this section applicants should include, among other things:
 - (1) An analysis of the costs and benefits associated with the Project in a form similar to the sample in PSP Attachment 2. This sample is an Excel spreadsheet which can be downloaded from the Department's website at: www.water.ca.gov/floodsafe;
 - (2) Financial information including:
 - i. A statement regarding whether the Applicant will be seeking local credit for any work already done and the amount of the expected local credit;
 - ii. A statement of expected Project costs and proposed financing;
 - iii. At least a preliminary financial plan which by the time a Funding Agreement is signed is sufficient to show that Funding Criterion 7 has been met;
 - iv. A statement of loans from other sources or bonds that are associated with the Project financing plan and a statement of repayment method and loan security for such other financing sources; and
 - v. If the Applicant intends to use funds received from a State agency to pay for its local share, a written statement from the State agency that is providing the funds which verifies that the State agency has been specifically authorized by the Legislature to allow the Local Agency to use the funds for its local share and has given the

Applicant permission to use the funds for the Applicant's local share.

- (3) A draft of the Overall Work Plan to be included in the Funding Agreement, which should include a description of the work to be done to complete the project, a budget for the project, and a project schedule.
 - (4) A plan for submitting budgets for each year the Funding Agreement is in effect which should be submitted annually on the first day of the calendar month in which the Funding Agreement is signed.
5. The exhibits to the proposal which should include, at a minimum, the following:
- (a) A resolution authorizing filing of the proposal and designating a representative to sign the proposal, in the form of PSP Attachment 3;
 - (b) A statement of certifications from the Applicant in the form of PSP Attachment 4-A or, if the Project is a Design Project, PSP Attachment 4-B;
 - (c) A statement concerning the Applicant's legal authority to enter into a contract with the State of California, implement a flood protection program, and levy any assessments and charges that will support the Applicant's cost-share, in the form of PSP Attachment 5;
 - (d) A flood risk resolution approved by the Department and executed by the Applicant (a form to be used to prepare the resolution is provided in Attachment 6-A and a sample resolution is provided in PSP Attachment 6-B);
 - (e) A statement by a registered professional civil engineer certifying review of the information presented in support of the proposal and the Level of Protection or Design Level of Performance;
 - (f) A Cost-Share Recommendation and Report as described in the EIP Guidelines in Appendix A;
 - (g) A completed DWR Environmental Information Form, PSP Attachment 7;
 - (h) All applicable draft or completed NEPA and CEQA documents and permit applications and permits, if available. or a description of how NEPA and CEQA compliance will be achieved;
 - (i) A hydraulic impact analysis of the Project, if available, and if not included in the applicable CEQA and NEPA documents;
 - (j) Evidence that the Applicant has met (or will meet before the Funding Agreement is executed) the Labor Code compliance requirements applicable under California law; and

The checklist the Department will use to evaluate whether the proposal is complete is included as PSP Attachment 8. The proposal must contain ninety percent (90%) of the required information to be deemed complete.

B. Required Content for Proposals for Design Projects

Design Projects are eligible EIP Projects. Design Projects will comply with all applicable Project requirements under the *EIP Guidelines* and will only be evaluated and selected if money remains after all qualified Projects have been funded, at the discretion of the Department,

Applicants for Design Projects will be ranked using the ranking system described in the *EIP Guidelines* as though they were a Project for construction work. As a result, the Applicant should submit an Area Plan, a preliminary financial plan, and all other required submittals so that the Department can use these documents to rank the Design Project.

As noted in the *EIP Guidelines*:

- Design Project Applicants are required to demonstrate that they will have the funds necessary to construct their design,
- Design Projects are not required to have completed environmental compliance.

If awarded funding, an Applicant for a Design Project will be expected to sign a Design-Construction Agreement. If the Applicant receives an Approval Letter from the Department that allows the Applicant to proceed to construction, Applicants will be expected to sign an OMRR&R Agreement with the Central Valley Flood Protection Board.

C. Required Contents for Proposal for Next Phase of EIP Project

Applicants that are submitting proposals for the next phase of an EIP Project are required to submit the same information as other applicants. In addition, Applicants for such projects should:

- Clearly delineate what work will be done as a part of the phase that has already been funded and what will be done as part of the next phase;
- Clearly separate the costs to be incurred for each phase or explain how costs will be allocated; and
- Provide documentation that funding the next phase will not cause the State to exceed the State Supplemental Cost-Share Cap.

7. HOW TO SUBMIT A PROPOSAL

Every proposal must include PSP Attachments 1, a spread sheet based on PSP Attachment 2, PSP Attachment 3, PSP Attachment 4-A or 4-B, PSP Attachment 5, a

flood risk resolution based on PSP Attachments 6-A and 6-B, and PSP Attachment 7. In these attachments all items are required information. If an item does not apply, provide complete justification for not providing the information. Append all required attachments and other submitted material.

For an electronic submittal (preferred):

- One copy of each electronic item must be submitted by the deadline.
- One hard copy of each electronic item must be submitted by three days (postmarked) after the deadline.
- The proposal form attachments provided in this PSP must be in electronic format.
- Electronic format is preferred for attachments.
- Electronic attachments should be in individual files.
- Hard-copy plans and other graphic material must be submitted full size.
- Hard-copy attachments must be completely legible and suitable for copying.
- The preferred format for electronic submittals is on a CD-ROM, in MS Word compatible format or in a searchable PDF format with content copying enabled.
- Proposals may also be submitted by e-mail.

For a hard copy submittal:

- Two copies of each hard-copy item must be submitted in person or postmarked by the deadline.
- The proposal form may be hard copy.
- Plans and other graphic material must be submitted full size.
- Hard copies or hard-copy attachments must be completely legible and suitable for copying.

8. CONFLICT OF INTEREST AND CONFIDENTIALITY

All participants are subject to State and Federal conflict of interest laws. Failure to comply with these laws, including business and financial disclosure provisions, will result in the proposal being rejected and any subsequent contract being declared void. Other legal action may also be taken. Applicable statutes include, but are not limited to, Government Code, Section 1090, and Public Contract Code, Sections 10410 and 10411.

As part of the conflict of interest requirements, individuals working on behalf of a Funding Recipient may be required by the Department to file a Statement of Economic Interests (Fair Labor Practices Commission Form 700) if it is determined that an individual is a consultant for Political Reform Act purposes.

Applicants should note that by submitting a proposal, they will waive their rights to the confidentiality of that proposal, though Department staff will endeavor to keep all proposals confidential until Project selection. After the Projects are selected, all proposals (those selected *and* those not) will be public documents.

PSP Attachment 1

Proposal for EIP Project

Project Information

Title of Project :

Short Description :

:

Applicant Agency

Legal Name:

Mailing Address:

City, State, Zip Code:

Telephone: ()

Fax: ()

E-Mail:

Authorized Representative

Name:

Title:

Telephone: ()

Fax: ()

E-Mail:

Alternate Contact

Name:

Title:

Telephone: ()

Fax: ()

E-Mail:

**Cities/Communities in
the Protected Area** :

County :

Members of Congress

Name, District No.:

Name, District No.:

State Senators

Name, District No.:

Name, District No.:

Members of the State Assembly

Name, District No.:

Name, District No.:

PSP Attachment 2

Sample of Calculation for Separable Benefits - Remaining Costs

Note: This spreadsheet (file name: EIP_PSP_Attachment_2-B-C_analysis_Blank.xls) can be downloaded from DWR's website at www.water.ca.gov/floodsafe.

PSP ATTACHMENT 2

EIP SCRIB Spreadsheet Analysis

Assumptions (\$M)

= user changeable cells

| | |
|---|-----|
| Project Capital Cost | \$0 |
| FDR Benefits (Present Worth)(1) | \$0 |
| Least Cost Alternative | |
| FDR | \$0 |
| ER | \$0 |
| Separable Costs | |
| FDR | \$0 |
| ER | |
| Additional property rights in addition to flowage easements (2) | \$0 |
| Removal of orchards | \$0 |
| Land preparation | \$0 |
| Planting | \$0 |
| Removal of bank protection | \$0 |
| Environmental monitoring | \$0 |
| Property management | \$0 |
| Other | \$0 |
| Subtotal | \$0 |

Spreadsheet

| Step | Item | FDR | ER | Total |
|------|--------------------------------|------------|------------|------------|
| 1 | Benefits | \$0 | \$0 | \$0 |
| 2 | Least Cost Alternative | \$0 | \$0 | \$0 |
| 3 | Justifiable Benefits | \$0 | \$0 | \$0 |
| 4 | Separable Costs | \$0 | \$0 | \$0 |
| 5 | Remaining Justifiable Benefits | \$0 | \$0 | \$0 |
| 6 | Percent Distribution | 0% | 0% | 0% |
| 7 | Allocated Joint Costs | \$0 | \$0 | \$0 |
| 8 | Total Allocated Costs | \$0 | \$0 | \$0 |

Steps

| Step | Description |
|------|---|
| 1 | Estimate \$\$ benefits for each purpose (3) |
| 2 | Estimate least cost alternative costs of single purpose projects |
| 3 | Select lesser of benefits or alternative costs (4) |
| 4 | Estimate separable costs for each purpose |
| 5 | Subtract separable cost from justifiable benefit for each purpose |
| 6 | Determine percentage share of remaining justifiable benefits for each purpose |
| 7 | Determine remaining joint costs based upon %'s in Step 6 |
| 8 | Add remaining joint costs to separable costs to obtain total allocated costs |

Notes

- (1) 6% discount rate; 50 years
- (2) Fee title minus value of flowage easement rights
- (3) ER benefits are assumed to be the same as the least cost alternative (Step 2)
- (4) Must be equal to or greater than separable costs (Step 4)

PSP Attachment 3
Resolution Authorizing Proposal

Resolution No. _____

Resolved by the _____ of the
(Name of Agency's Governing Body)

(Name of Agency)

that pursuant to and subject to all of the terms and provisions of California Public Resources Code Section 5096.21 and/or 75030 this proposal by this _____
(Type of Agency)

be made to the California Department of Water Resources to obtain funding for

(Project Title)

The _____ of the
(Authorized Representative)

(Type of Agency) is hereby authorized and directed

to prepare the necessary data, make investigations, sign certifications required as part of the proposal, and sign and file such proposal with the California Department of Water Resources.

Passed and adopted at the regular meeting of the _____ of the
(Name of Agency's Governing Body)

(Name of Agency)

on _____
(Date)

Authorized Signature _____

Printed Name _____

Title _____

Clerk/Secretary _____

PSP Attachment 4-A

EIP Proposal - Standard Certifications

(Name of Agency)

hereby applies to the California Department of Water Resources for funding in the amount of \$ _____ as authorized by Section 5096.821 and/or 75030 of the California Public Resources Code for the purpose of constructing the flood control repair or improvement work identified herein as

(Title of Project)

On behalf of the Applicant, I certify the following:

- * Applicant has sufficient funds or other resources to finance the proposed percentage of the cost of the Project and to operate, maintain, repair, rehabilitate, or replace the Project as long as necessary. *(Project sponsors will be required to provide a finance plan.)*
- * During the lifetime of any funding agreement resulting from this proposal, applicant will have a Labor Compliance Program complying with the California Labor Code. *(Project sponsors will be required to provide evidence of such a Program.)*
- * If Applicant is awarded funding and becomes the sponsor of this Project, applicant will (1) operate, maintain, repair, rehabilitate, and replace the Project facilities as needed in perpetuity, or until the Department of Water Resources and the Central Valley Flood Protection Board agree in writing that such services are no longer needed, and (2) provide a manual for operation and maintenance that is satisfactory to the Department of Water Resources and the Central Valley Flood Protection Board; and (3) sign an agreement to operate, maintain, repair, rehabilitate, and replace the Project facilities with the Central Valley Flood Protection Board.

By _____ Date _____
(Signature of Authorized Representative)

(Printed Name of Authorized Representative)

(Title)

PSP Attachment 4-B

EIP Proposal - Certifications for Design Project Only

(Name of Agency)

hereby applies to the California Department of Water Resources for funding in the amount of \$ _____ as authorized by Section 5096.821 and/or 75030 of the California Public Resources Code for the purpose of designing a flood control repair or improvement work identified herein as

(Title of Project)

On behalf of the Applicant, I certify the following:

- * Applicant has sufficient funds or other resources to finance the proposed percentage of the cost of the Project. *(Project sponsors will be required to provide a finance plan.)*
- * If Applicant is awarded funding for a Design Project and enters into a Design-Construction Agreement, Applicant shall not commence construction activities until receiving an Approval Letter from the Department.
- * During the lifetime of any funding agreement resulting from this proposal, applicant will have a Labor Compliance Program complying with the California Labor Code. *(Project sponsors will be required to provide evidence of such a Program.)*
- * If Applicant is awarded funding and the Project is constructed, applicant will (1) operate, maintain, repair, rehabilitate, and replace the Project facilities as needed in perpetuity, or until the Department of Water Resources and the Central Valley Flood Protection Board agree in writing that such services are no longer needed, and (2) provide a manual for operation and maintenance that is satisfactory to the Department of Water Resources and the Central Valley Flood Protection Board; and (3) sign an agreement to operate, maintain, repair, rehabilitate, and replace the Project facilities with the Central Valley Flood Protection Board.

By _____ Date _____
(Signature of Authorized Representative)

(Printed Name of Authorized Representative)

(Title)

PSP Attachment 5

Attorney's Certification

(The applicant's attorney shall answer the following questions regarding this proposal and where indicated, shall cite statutory authority or other references).

- * Is the Applicant a political subdivision of the State of California? Yes No

Citation: _____

- * Does the Applicant have legal authority to enter into a funding contract with the State of California? Yes No

Citation: _____

- * What steps are required by law for the Applicant to contract with the State?

Citation: _____

- * What is the statutory authority under which the Applicant may obtain funds for the purpose, amount, and duration requested?

Citation: _____

- * What is the statutory authority under which the Applicant was formed and is authorized to operate?

Citation: _____

- * Is the Applicant required to hold an election before entering into a funding contract with the State? Yes No

Citation: _____

- * Will a funding agreement between the Applicant and the State be subject to review and approval by other governmental agencies? ()Yes ()No

Identify all such agencies: _____

Citation: _____

- * Describe any pending litigation that impacts the financial condition of the Applicant or the operation of flood management facilities. If none is pending, so state.

- * Does the Applicant have legal authority and jurisdiction to implement a flood control program at the Project site and in the protected area? ()Yes ()No

Citation: _____

I certify that I am a duly qualified and licensed attorney in California representing the applicant agency and that I have answered the questions on this page and the preceding page to the best of my knowledge.

By _____ Date _____
(Signature of Applicant Agency's Attorney)

(Printed Name of Applicant Agency's Attorney) *(Title)*

(Name of Applicant Agency)

PSP Attachment 6-A

Form of Flood Risk Resolution

Note: This form is provided to assist local flood control agencies and counties with preparing a flood risk resolution. It should be adapted for use by the local agency and then approved by the Department before action is taken by the Board.

BEFORE THE BOARD

OF THE *(name of local flood control agency or county)*

A RESOLUTION OF THE BOARD OF *(name of local*) RESOLUTION NO. _____
flood control agency or county) RELATING TO THE)
CALIFORNIA DEPARTMENT OF WATER)
RESOURCES' EARLY IMPLEMENTATION)
GRANT FUNDING PROGRAM -- AS A FORMAL)
ACKNOWLEDGMENT OF THE CURRENT LEVEL)
OF FLOOD RISK WITHIN *(name of local flood*)
control agency or county).)
_____)

WHEREAS, the *(name of local flood control agency)* has determined that the _____ levee protecting _____ no longer provides 100-year flood protection; and

WHEREAS, *(name of local flood control agency)* has developed a project of improvements that would restore at least a 200-year level of flood protection; and

WHEREAS, *(name of local flood control agency)* has requested funding from the State of California (State) to support early implementation of the *(name of EIP Project)*; and

WHEREAS, as a condition of granting such support,

(For local flood control agency insert “the State has requested that *(name of local flood control agency)* adopt a resolution acknowledging the present risk of flooding in the area and agreeing that any subsequent resolution which proposes to revise the related risk of flooding for the project area requires the written concurrence of the Department of Water Resources.”)

(For county in which the local flood control agency is located insert: “the State has requested that the county encompassing the project area adopt a resolution acknowledging the present risk of flooding in the area and agreeing that any subsequent resolution which proposes to revise the related risk of flooding for the project area requires the written concurrence of the Department of Water Resources.”)

NOW, THEREFORE BE IT RESOLVED that the Board of *(name of local flood control agency or county)* acknowledges that the existing levee system protecting the project area no longer provides 100-year flood protection; efforts are underway to improve this system; and that these efforts could result in a re-evaluation of the level of flood protection provided to the *(name of local flood control agency or county)*. In the event the *(name of local flood control agency or county)* proposes to adopt a new resolution stating the risk of flooding for the project area, such a change requires the written concurrence of the Department of Water Resources.

PASSED AND ADOPTED this _____ day of _____ 2010, by the Board of *(name of local flood control agency or county)*, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

(insert name), Chairperson

ATTEST:

(insert name), Clerk of the Board

| | |
|---|--|
| <p>The foregoing instrument is a Correct Copy of the original on file in this office ATTEST: <i>(insert name)</i> Clerk of the Board <i>(name of local flood control agency or county)</i>, State of California</p> <p>By: _____</p> <p>Date: _____</p> | <p>APPROVED AS TO FORM <i>(insert name)</i> COUNSEL</p> <p>_____ <i>(insert name)</i>, Counsel</p> |
|---|--|

PSP Attachment 6-B

Sample Food Risk Resolution

PSP ATTACHMENT 6-B - SAMPLE FLOOD RISK RESOLUTION

BEFORE THE BOARD OF SUPERVISORS

OF THE COUNTY OF YUBA

A RESOLUTION OF THE YUBA COUNTY BOARD) RESOLUTION NO. 2009-47
 OF SUPERVISORS RELATING TO THE)
 CALIFORNIA DEPARTMENT OF WATER)
 RESOURCES' EARLY IMPLEMENTATION)
 GRANT FUNDING PROGRAM – AS A FORMAL)
 ACKNOWLEDGEMENT OF THE CURRENT LEVEL)
OF FLOOD RISK WITHIN THE COUNTY OF YUBA.)

WHEREAS, the Three Rivers Levee Improvement Authority (TRLIA) has determined that the Yuba River south levee protecting Reclamation District 784 and areas of South Yuba County no longer provides 100-year flood protection; and

WHEREAS, TRLIA has developed a project of improvements that would restore at least a 200-year level of flood protection; and

WHEREAS, TRLIA has requested funding from the State of California (State) to support early implementation of the Upper Yuba Levee Repair Project; and

WHEREAS, as a condition of granting such support, the State has requested that the county encompassing the project area adopt a resolution acknowledging the present risk of flooding in the area and agreeing that any subsequent resolution which proposes to revise the stated risk of flooding for the project area requires the written concurrence of the Department of Water Resources.

NOW, THEREFORE BE IT RESOLVED that the Board of Supervisors of Yuba County acknowledges that the existing levee system protecting the project area no longer provides 100-year flood protection; efforts are underway to improve this

system; and that these efforts could result in a re-evaluation of the level of flood protection provided to the County. In the event the County proposes to adopt a new resolution stating the risk of flooding for the project area, such a change requires the written concurrence of the Department of Water Resources.

PASSED AND ADOPTED this 2nd day of June, 2009,
by the Board of Supervisors of Yuba County, by the following vote:

AYES: Supervisors Nicoletti, Griego, Abe, Stocker

NOES: Supervisor Vasquez


ABSENT: None

ABSTAIN: None



John Nicoletti, Chairperson

ATTEST:



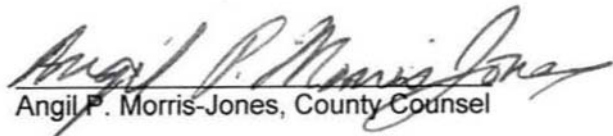
Donna Stottlemeyer, Clerk of the Board

The foregoing instrument is a Correct Copy
of the original on file in this office
ATTEST: DONNA STOTTEMEYER
Clerk of the Board of Supervisors of the
County of Yuba, State of California

By 

Date: June 3, 2009

APPROVED AS TO FORM
ANGIL P. MORRIS-JONES
COUNTY COUNSEL



Angil P. Morris-Jones, County Counsel

PSP Attachment 7

DWR Environmental Information Form

Grantees are responsible for complying with all applicable laws and regulations for their projects, including the California Environmental Quality Act (CEQA). Work that is subject to the California Environmental Quality Act (CEQA) shall not proceed under an Agreement until documents that satisfy the CEQA process are received by the Department of Water Resources and Department has completed its CEQA compliance. Work that is subject to a CEQA document shall not proceed until and unless approved by the Department. Such approval is fully discretionary and shall constitute a condition precedent to any work for which it is required. Once CEQA documentation has been completed, DWR will consider the environmental documents and decide whether to continue to fund the project or to require changes, alterations or other mitigation.

Grant Recipient: _____

Project Manager: _____

Phone Number: _____ Work Agreement # _____

Address: _____

1. List the source of any other grants or funds received from the Department of Water Resources to implement a portion of this project.

2. Is this project exempt from CEQA compliance? Yes No (if no – skip to #3)

If “yes”, provide reasons for exemption. Cite the CEQA Article, Section and Title of the CEQA exemption, if appropriate.

CEQA statutory exemptions: http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art18.html

CEQA categorical exemptions: http://ceres.ca.gov/topic/env_law/ceqa/guidelines/art19.html

Check appropriate box below:

Lead Agency has already filed a Notice of Exemption (NOE) with the State Clearinghouse and/or County Clerk.
(Attach copy of NOE, receipt of payment of DFG fees, and, if applicable, a copy of Board Resolution)

Lead Agency will file a NOE with the State Clearinghouse and/or County Clerk.
Provide estimated date:

Lead Agency will NOT file a NOE with the State Clearinghouse and/or County Clerk.

If Lead Agency chooses not to file a NOE, sufficient documentation and information must be submitted to the Project Director, along with this form, to allow DWR to make its own CEQA findings.

3. If the project will require CEQA compliance, identify the Lead Agency.

CEQA Lead Agency: _____

4. Please check types of CEQA documents to be prepared:

- Initial Study
- Negative Declaration / Mitigated Negative Declaration
- Environmental Impact Report

5. Please describe the status of the CEQA documents, expected date of completion, and estimated cost, if requesting DWR funds relating to CEQA compliance:

Status: _____

Date of Completion: _____

Estimated Costs: _____

6. If the CEQA document has been completed, please provide the name of the document and the State Clearinghouse number if available. Submit two copies to the Program Manager.

7. Please list all environmental permits you must obtain to complete the project:
(attach additional pages as necessary)

Type of Permit Required

Permitting Agency

8. This form was completed by:

Print or Type Name

Phone Number

Signature

Date

Early Implementation Program: Proposal Solicitation Package for FY 2010-2011 Funds

- DWR received environmental documents.
- DWR made findings.

Please send the completed form to your Project Manager.

PSP Attachment 8

EIP GRANT PROCESS CHECKLIST

Note: The Department will use this checklist to determine whether it will consider a proposal complete. A proposal must contain ninety percent (90%) of the required information to be considered complete.

- 1. Application Cover Sheet

- 2. Statement Identifying Applicants Representative

- 3. **FINDINGS** (Improvement Projects Only)
 - a. **Finding 1** – The improvements are necessary and require State funding before the completion of the Central Valley Flood Protection Plan prepared pursuant to Section 9612.
 - b. **Finding 2** – The improvements will reduce or avoid risk to human life in one or more Urban Areas.
 - c. **Finding 3** – The improvements will not impair or impede future changes to regional flood protection or the Central Valley Flood Protection Plan.
 - d. **Finding 4** – The improvements will be maintained by a local agency that has committed sufficient funding to maintain both the existing and improved facilities of the State Plan of Flood Control.
 - e. **Finding 5** – The affected cities, counties and other agencies will have sufficient revenue resources for the operation and maintenance of the facility.
 - f. **Finding 6** – Upon the allocation of funds for a project, the proposed Project is ready for implementation.
 - g. **Finding 7** – The improvements comply with existing law.

- 4. **CRITERION** (All Projects Must Comply With:)
 - a. **Criterion 1** – Readiness

- b. **Criterion 2 – Area Plan**
 - i. Proposed Project background
 1. List Local Agencies
 2. How to achieve a specific level of flood protection
 - ii. Discussion of Area Plan
 1. Identify Area Projects within Area Plan
 2. Project phasing
 3. How will the Projects will be built (cost efficiency, etc)
 - iii. Discussion of findings
 1. Included references to supporting documentation
 - iv. Schedule (by phase)
 - v. Costs (by plan, project and phase)
 - vi. Proposed cost sharing
 1. By Project Element and Project Feature (if applicable)
- c. Criterion 3 – Multiple Objectives
- d. Criterion 4 – For Levee In-Place Repairs and Improvements Only
- e. Criterion 5 – Economic Feasibility
- f. Criterion 6 – Most Cost-Effective Alternative
- g. Criterion 7 – Preliminary Financial Plan
 - i. Statement of loans or other sources, repayment methods, loan securities
 - ii. Local cost share formula discussion

5. **Checklist of Exhibits** – (Make sure various Plan Maps and other items are present)

- a. Statement Concerning Applicants Legal Authority
- b. Resolution Authorizing Filing of Application
 - i. Designation of representative for signing grant
- c. A Statement of Certifications from the Applicant
- d. A Statement Concerning the Applicant’s Legal Authority
- e. A Flood Risk Resolution

- f. A Statement by a Registered Professional Civil Engineer in Support of Grant Application
 - i. CE reviewed information in support of grant application
- g. Cost-Share Recommendation and Report
- h. A Completed DWR Environmental Information Form
- i. All Applicable Draft or Completed NEPA and CEQA Documents and Permit Applications and Permits, if available
- j. A Hydraulic Impact Analysis of the Project, if available
- k. Evidence that the Applicant Has Met the Labor Code Compliance Requirements

