

**DRAFT - 11/10/98
REVISED
ENVIRONMENTAL ENHANCEMENT AND MITIGATION PROGRAM
PROCEDURES AND CRITERIA
1998-1999 Grant Cycle**

1. GENERAL INFORMATION

1.1. Purpose and Authority

These procedures and criteria guide the evaluation, selection and funding of projects under the Environmental Enhancement and Mitigation (EEM) program. There are two program parts under the umbrella of the EEM program: the state EEM and a new federally funded Consolidated Lands program. The following Procedures and Criteria encompass the Conservation Lands program Part B.

PART B - CONSERVATION LANDS

Chapter 622, Statutes of 1997 (Senate Bill 45-D Kopp) continues the EEM Program and specifies legislative intent that the use of federal funds be maximized. Further, the federal Transportation Enhancement Act-D 21 program (U.S. Code, Title XXX Section XXX) requires the incorporation of this funding into state programs. Therefore, the EEM program is being revised to incorporate the administration of the State Share of the TEA-D 21 program funding for transportation related capital improvement projects that enhance the quality-of-life in or around transportation facilities.

The TEA-D 21 program provides for 12 project categories. At the current time funding is limited to the acquisition of scenic lands and wildlife corridors. This program is herein referred to as the Part B-D Conservation Lands program. It is intended to fund large scenic land acquisitions of statewide interest and priority along transportation corridors where those lands also have a high value for conservation habitat. Projects which are adjacent to habitat mitigation bank lands will be given highest priority.

It is anticipated that California will receive \$363 million in TEA -21 funding over six years (1998-99 through 2003-04) with 25 percent of this as a State Share and 12.5 percent or \$51 million as a resources share. In addition, there is a one-time availability of \$43 million in 1998-99 of which 75 percent will be allocated to regional shares (\$32 million) and about 25 percent (\$11 million) to the State Share. This latter amount will be allocated to Conservation Lands program projects. Future funding for the Conservation Lands program will be derived from reverted TEA -21

funds.

2 PROGRAM GUIDELINES

2.1. Agency Responsibilities

The Resources Agency reviews and evaluates project proposals for the Conservation Lands program in conjunction with Caltrans and provides a list of recommended projects to the California Transportation Commission (CTC) for consideration for funding. The Resources Agency reviews projects for their environmental and quality-of-life benefits and for statewide priority.

Caltrans reviews project proposals for minimum program eligibility and administers the contracts of CTC approved projects.

The CTC selects projects for the program and allocates funding for approved projects.

2.2. Eligible Applicants

Any state agency may apply for funding. In addition, other public resource agencies, e.g., federal, local and regional, and non-profit agencies (501©(3)) may be co-applicants with a state agency, with the state agency acting as the lead agency on a project proposal. Applicant state lead agencies are responsible for carrying out and maintaining the projects.

2.3. Implementation Timeline

A total of \$11 million dollars is available in 1998-99 for allocation to Conservation Lands projects. On December 3, 1998 CTC will adopt revised EEM guidelines, review Resources Agency recommended projects, authorize a program of up to \$11 million, and may allocate funding to approved projects.

Future funding for Conservation Lands projects will depend on the availability of reverted TEA funds and applications will be solicited after such funding determinations have been made.

2.4. Project Magnitude and Matching Requirements

Conservation Lands allocations are intended to fund large, significant acquisitions of statewide interest and priority. Projects must be completed within four years to avoid federal funds lapse.

Conservation Lands project proposals must include a funding match of at least 11.5 percent of total project costs. Projects will be given additional evaluation credit for additional match. Match may be cash (on hand or via grant sources, e.g., Part A - EEM grants) or in-kind services provided by applicant.

This is a reimbursement program with applicants to initially cover all project costs. Applicants are required to fund any deficiencies over project allocations.

Certain right of way donations count towards the applicant's funding share of a project. Donations must be from private ownership to public ownership for project purposes. Acquired right of way is not eligible as the match. Land that has been acquired previously and is already intended or available for use by the public does not qualify for donation credit.

2.5. National Environmental Policy Act (NEPA) Clearances

Since the Conservation Lands program is federally funded, all projects must meet federal environmental requirements (NEPA), as well as CEQA if state funding is involved in the acquisition. This is a time consuming process which must be provided for in project schedules.

2.6. Eligible Projects

The Conservation Lands program provides for the acquisition of scenic acquisitions along state transportation corridors. These are lands visible from the transportation facility. The program also provides for the acquisition of land forming wildlife corridors which provide for the safe passage of wildlife across transportation facilities. (Federal guidelines are pending regarding wildlife corridor acquisitions.)

ACQUISITION OF SCENIC EASEMENTS AND SCENIC OR HISTORIC SITES

This category may be applied to purchase, donation, transfer, or trade of lands which possess significant aesthetic, historic, natural, visual, or open space values, acquisition of which enhances the transportation experience as part of the transportation system, or as a significant part of the transportation viewshed.

Funds may be used for transaction costs including appraisals, surveys, legal costs, or purchase costs. Acquisition of scenic or historic sites includes expenditure of funds for the purchase or the use of funds to accept the donation, transfer, or trade of (a) less than fee interests, for example, easements, in land which possess significant scenic, historic, or cultural values and (b) fee title acquisition of such lands and any property listed in the California Register of Historic Resources or eligible for listing in the National Register of Historic Places.

Land acquired for its scenic qualities must be maintained for its scenic qualities. Mechanisms must be in place to enforce significant scenic or historic values, and the project sponsor must agree to enforce mechanisms to preserve them. The owner of any property acquired must be willing to participate in a preservation covenant attached to the deed of the property. Such a covenant ensures that future work on the property will respect the scenic or historic integrity of the property.

Lands acquired for scenic purposes may not be developed in a manner that

degrades the scenic character and quality of the site. Public access is allowed.

Scenic acquisition of a degraded area may be eligible on condition that the agency restores the site to scenic status within this or a later project phase. (Restoration may not be done using Conservation Lands program funds.)
Example of Projects: Acquisition of Big Sur viewsheds. San Pedro Point Viewshed.

ACQUISITION OF LAND FORMING WILDLIFE CORRIDORS

This category may be applied to purchase, donation, transfer, or trade of lands which possess significant environmental value as wildlife corridors.

2.7. Related Transportation Facility

To be eligible for consideration, each Conservation Lands project must be directly related to the environmental impact of the modification of an existing transportation facility (CA Constitution, Art. XIX, Sec. 1) or construction of new a transportation facility.

For purposes of this program, a transportation facility is defined as a public street, highway, mass transit guideway or their appurtenant features (e.g. park and ride facilities, high-occupancy vehicle lanes, transit stations, etc.)

If a transportation facility is to be constructed in separate and distinct phases, each phase may be considered a separate project for purposes of this definition, provided that each phase creates an operable transportation improvement.

Conservation Lands program project proposals must provide mitigation for the transportation project over and above that required for the related transportation project.

2.8. Minimum Project Requirements

Projects which fail to meet the following minimum program requirements will not be considered further:

- a. Projects must have one direct relationship to the transportation system. The relationship may be one of function, proximity, or impact.
- b. Project must provide mitigation over and above that required of the transportation project.
- c. Project applicants must be state agencies for Conservation Lands program projects.

3. PROJECT EVALUATION CRITERIA

All projects will be evaluated by the Resources Agency. The Agency may use the following criteria and assign values based on a point system within the ranges indicated. A maximum of 100 points may be assigned to any one project. Projects will be evaluated on the General Merit Scoring Criteria (up to 60 points) and on the appropriate Project Specific Category Scoring Criteria (up to 40 points) In summary, the scoring allocation is as follows:

GENERAL MERIT SCORING CRITERIA (0 - 60 POINTS)

a. Regional and Community Enhancement (0 - 50 points)

The project score in this area is derived from the project's primary effects; its intent and purpose; on the following elements.

1. Reinforcement, and complement to the regional transportation system by enlarging or enhancing an existing or concurrent transportation mitigation bank lands.
2. Benefits to quality-of-life the community and the environment.
3. Implements goals in the regional transportation plan, or other adopted federal, state, or local plans.
4. Increases availability, awareness or protection of visual or natural resources.
5. Degree of regional or community support. As evidenced by the provision of local financial assistance, letters of support from local interest groups and public bodies, etc.

b. Cost-effectiveness / Reasonable Cost (0 - 10 points)

The project score on this criteria is a function of improved performance or productivity of the project as it relates to the annualized total project cost. Where the project does not lend itself to this type of analysis, the reasonableness of the cost should be established. Scarcity values, too, can enter into a reasonable cost, for instance, if a unique and valuable viewshed may be lost to pending development. The proportion of other funding to TEA funding for the project is also a consideration in this evaluation.

Highly cost-effective	10 points
Reasonable cost or moderately cost-effective	6 points
Low cost-effectiveness	2 points
Not cost-effective/Not applicable	0 points

PROJECT SPECIFIC SCORING CRITERIA (0 - 40 POINTS)

Degree to which scenic or aesthetic and wildlife habitat resources are rare, unique, or significant; degree to which potential for enhancement exists for landscaping or scenic beautification; current degree of visual blight; wildlife habitat availability:

Significant land acquisitions will serve to protect or enhance ecosystems, watersheds, and/or other statewide natural resources. Important natural resource values include, but are not limited to, lands containing rare, threatened, or endangered species and their habitats, lands containing special wildlife values such as wildlife corridors, nesting and breeding areas, wetlands, woodlands, and riparian habitat, and agricultural lands.

a. Impact of proposed corridor land acquisition on wildlife (0 - 20 points)

High	10 - 20 points
Medium	5 - 10 points
Low	0 - 5 points

b. Degree to which land acquisition will preserve, rehabilitate or develop scenic or aesthetic resource (0 - 20 points)

High	10 - 20 points
Medium	5 - 10 points
Low	0 - 5 points

Applicants should refer to the Caltrans publication: **TEA Guidelines** for additional information on specific evaluation criteria and scoring.

4. COSTS AND ACCOUNTING

Applicants must prepare accurate cost estimates for proposed transportation enhancement activities.

Reimbursement of costs incurred first requires that there be an executed contract between Caltrans and the applicant. The second vote of the CTC is required to execute a contract. No costs incurred prior to the second vote of the CTC to allocated funds may be reimbursed.

Project funding under the transportation enhancement program is not available for a non-applicant agency to perform its normal required review and permit functions.

Costs involved in applying for funds are not eligible. Any costs incurred prior to written approval to proceed by Caltrans are not eligible.

Reimbursable real property acquisition costs may include the purchase price of the property, appraisals, surveys, preliminary title reports, escrow fees, and title insurance fees.

For additional specific information, agencies unfamiliar with the kinds of costs incurred on Title 23 federal-aid projects that are eligible for reimbursement should refer to the Local Streets and Roads booklets and must confer with their Caltrans District prior to the application deadline. (See attached Caltrans district map and telephone list.)

5. APPLICATION FORM

The existing TEA Application Form (available from Caltrans) will be used for the Conservation Lands program.

Applicants must submit an original and three copies (total of four) of all materials submitted to the Resources Agency for each statewide project application.

6. ADDITIONAL INFORMATION ON THE PROGRAM AND PROCEDURES

Additional information on eligible costs and accounting procedures can be obtained from the local Caltrans, District Local Assistance Office, (see the attached list for specific locations).

Completed applications and questions regarding the EEM program Procedures and Criteria (program Part A or Part B) should be directed to the EEMP Coordinator, California Resources Agency, 1416 Ninth Street, Suite 1311, Sacramento 95814, 916-653-5656.