

BOARD OF FORESTRY AND FIRE PROTECTION

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Contents of Board Binder Materials:

- Updated Procedural Guide
- Updated Appendix H
- Draft Deed Restriction
- “Single Project Concept Proposal for Most Programs” with notes
- “Single Project Application for Most Programs” with notes
- Sample of a “Grant Review Sheet” from another Program
- Plead Outline

Summary of Work (since the last meeting):

To continue the effort to enable the “PTEIR for Carbon Sequestration and Fuel Reduction Program” (Program), Matthew Reischman and Thembi Borrás continued to develop the Procedural Guide, specifically we:

- 1) Accepted changes approved by MGMTCommittee in Procedural Guide.
- 2) Created a new draft of the Procedural Guide containing deleted, new, and modified language that reflects:
 - Attendance to the following building blocks.
 - 1) Reviewed and made modifications to Procedural Guide to reflect the relationships established during the 01/21/15 meeting with Legal and Grants.
 - 2) Started to develop the track regarding what is required of Applicants if the Department executes the Project on behalf of Eligible Landowner(s).
 - 3) Reconciled budget terms and upgraded the sample budget to better reflect the nature of PTEIR development and phased implementation.
 - 4) Made clear that the cost associated with forming a fictitious business entity would not be covered under the grant and that only direct costs shall be covered.
 - 5) Removed “Equipment” because it is not applicable to the direct cost associated with the preparation of a PTEIR.
 - 6) Removed “Grantees may utilize grant funds to contract a third-party consultant, acceptable to the Department, to assist in the preparation of PTEIRs” from APPLICANT ELIGIBILITY AND CONDITIONS because Grantees have the discretion to hire the third-party consultant of their choice.
 - 7) Made clear that Advance Payments shall only be dispensed to nonprofit organizations. Included language that funds must be liquidated within 6 months of receipt unless otherwise approved by the Director.

- 8) Made clear that a resolution “or other proof of the capacity of the signatory to bind the entity to the terms of the Grant Agreement” shall be required of nonprofit organization, a local government entity (such as Fire Protection Districts and Resource Conservation Districts), a corporation, Limited Liability Partnership (LLP), Limited Liability Company (LLC) or any other fictitious business entity. The purpose of this requirement is to ensure that the entity has agreed to the conditions imposed and that the person signing the document has the authority to do so. This is especially important for local public entities, since case law suggests that a contract not entered into pursuant to the local public entity’s governing law is not valid and cannot be enforced in court. This would put the Department in the position of having a contract that binds us but that is voidable by the local public entity.
- 9) Made clear that the Form 204 shall be required of any Grantee (reconciled incongruity in Stage 3).
- 13) Reviewed and updated questions and comments in the Guidance document.
 - Changes made to the Procedural Guides associated with the other Programs.
- 3) Updated Appendix H
 - 14) Continued developing the ranking criteria (now called “Eligibility and Grant Selection Criteria”).
- 4) Reviewed recently updated Procedural Guides, Project Concept Proposals, Project Applications and Grant Review Sheets from other CAL FIRE Grant Programs and wove updates into the documents associated with this Program.

Roadmap

- Building Blocks (still to do):
 - 2) Continue to develop the track if the Department executes the Project on behalf of the eligible landowner(s) to capture what is required of Applicants. (See page 11 of Procedural Guide)
 - 10) Identify if there is a reporting form from another GHG grant programs to satisfy 4598.9(g). If not, develop.
 - 11) Develop Agreement capturing the commitment of Eligible Landowners to use the PTEIR and if the land is not in a timber preserve zone require them to sign a deed restriction in which the landowner agrees not to develop the parcel of timberland for uses incompatible with the PTEIR within 20 years following the execution of an agreement or the making of a grant.
 - 12) Define watershed. Make clear that the land owned by the Eligible Landowner must be in the watershed for which the PTEIR is proposed.
 - 13) Review questions and comments in the Guidance document.
 - 14) Continue developing the Grant Review Sheet (which is where points will be assigned) and insure that it captures each item listed in the Eligibility and Grant Selection Criteria (the ranking criteria are now called “Eligibility and Grant Selection Criteria”).
 - 15) Continue developing the quantification methods. If a PTEIR for a watershed is developed that encompasses industrial and federal land, owners that will never use the PTEIR, should they be specifically excluded from the quantification methods?

16) Research statutory exemptions (like DGS has for contracts); are there any that would apply to this effort?

- Accept track changes of changes approved at 03/03/15 meeting.
- Have a new draft reflecting the changes to address the building blocks.
- Finalize the Procedural Guide.
- Finalize Appendix H.
- Meet with legal to determine what does and what does not need to be in regulation knowing that a regulation means it has general application, is not already in law, implements or makes specific statute, is enforced by the Agency or it governs the Agency's procedures.
- From Building Block 13. Consider making the number of Eligible Landowners, per Project; carry a great weight in order to minimize the speculation associated with quantification of the carbon benefit. Rationale: quantification will be very speculative...GHG reduction (carbon benefit) scenarios of high and low participation (if most landowners in the watershed meet the PTEIR objectives versus if very few landowners in the watershed meet the PTEIR objectives) would have to be provided.