



COLORADO

**Colorado Water
Conservation Board**

Department of Natural Resources

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TO: Colorado Water Conservation Board Members

FROM: Lauren Ris, CWCB Deputy Director

DATE: January 25-26, 2021

AGENDA ITEM: #21 Grant Evaluation Review

Background:

This informational agenda item will provide an update on the Grant Evaluation Work Plan presented to the CWCB Finance Committee in September 2020. In accordance with that work plan, this update will include information gathered on Water Plan Grants and grants related to watershed health and agriculture. This includes the following grant programs:

- Water Plan Grants
- Colorado Watershed Restoration Grants
- Fish and Wildlife Resource Grants
- Healthy Rivers Fund Grants
- ATM Grants

Information collected on each of these grant programs is provided in Table 1. This memo also includes a comparison of other water related grant programs throughout the state in Table 2.

Grant managers for each of the programs have reviewed criteria and guidelines (attached) and where applicable have made suggested edits to correct or update language to be consistent with current program and agency operations. Grant managers did not believe updates or edits were needed for the Water Plan Grant and Watershed Restoration Grant criteria and guidelines. The Healthy Rivers Fund is managed on a year-to-year basis by the Watershed Assembly and therefore also does not reflect any edits.

Recommendations for any changes to CWCB's grant programs will be made at the March Board meeting.

Discussion:

Of the CWCB grants reviewed in Table 1, there are a few observations worth highlighting related to the approval processes, match requirements, authorization, and project type redundancy.



Approval Processes

The approval process varies across these grant programs:

1. The Board has final approval over all Water Plan Grants, Fish and Wildlife Resource Grants, and ATM Grants.
2. Watershed Restoration Grant recommendations over \$100,000 must receive board approval. Less than that amount is approved by CWCB leadership.
3. Healthy Rivers Fund Grants are approved by a committee of two individuals from CWCB and the Water Quality Control Commission (WQCC), and the Colorado Watershed Assembly.

Match Requirement

All of the CWCB grant programs reviewed had match requirements, however these vary from 50% to 10%:

1. Water Plan Grants and Watershed Restoration Grants require that program grant funds not exceed 50% of the total cost of the project. They allow for other CWCB grant funding to be used up to 75% of the total project costs. The Watershed Restoration Grant criteria and guidelines additionally specifies that CWCB contributions to federally sponsored studies or plans shall not exceed 50% of the total cost.
2. Healthy Rivers Fund Grants require a 20% cash or in-kind match. While the fund is established in statute, the match requirement is not included in that language.
3. The ATM Grant Program includes a minimum 10% match requirement in the criteria and guidelines.

Authorization

Several CWCB grant programs are established in statute, making certain changes difficult.

1. The programs that could be changed by Board action alone include the Watershed Restoration Grant Program and the ATM grant program. These are both governed by the criteria and guidelines adopted by the Board and receive funding through the annual Projects Bill appropriation process.
2. The Water Plan Grant Program is codified in statute (37-60-103(6) C.R.S.) which includes specifics on eligible project types, required match, and criteria for evaluation. Any changes to these elements of the program would require legislation.
3. The Fish and Wildlife Resource Grants are also authorized in statute (37-60-122.2(2)). The statute specifies the types of qualifying projects eligible to receive grants (mitigation required under a Fish and Wildlife Mitigation Plan and species recovery) and in the case of mitigation project grants, the statute specifies the total project percentage eligible for grant funding. The Board has adopted two policies related to this grant program, Policies [15](#) and [20](#) covering the two eligible project types and also has adopted program guidance. CWCB staff believes that the program guidance and the policies need to be rewritten for clarity. A draft outline is attached.
4. The Healthy Rivers Fund is also established in statute (39-22-2403 C.R.S.) which specifies that two members of the CWCB and WQCC shall consult with the Colorado Watershed Assembly in administering the funds and in a manner jointly determined by the CWCB and WQCC.



Project type redundancy

There is some overlap in the types of projects funded by the grant programs reviewed. Some projects funded through the Water Plan Grant Program could also qualify for funding in the Watershed Restoration Grant Program, the Healthy Rivers Fund Grants and the ATM Grant Program and vice versa.



Table 1. CWCB Grants

Grant Program	Eligible project types	Approval	Authorization	Match Requirements	Funding Source	Annual Funding Available	Average Grant Award	# Applications considered by board last 3 FY	Approval Timeline	C&G last reviewed
Multiple Categories										
Water Plan Grants	<p>Water Storage & Supply Projects – development of additional storage, artificial recharge into aquifers, and dredging existing reservoirs, multi-beneficial projects, and projects identified in BIPs to address the water supply and demand gap.</p> <p>Conservation & Land Use Projects – implement long-term strategies for conservation, land use, and drought planning.</p> <p>Engagement & Innovation Activities - water education, outreach, and innovation efforts.</p> <p>Agricultural Projects – provide technical assistance or improve agricultural efficiency.</p> <p>Environmental & Recreation Projects – watershed health, environmental health, and recreation projects. (C.R.S. 37-60-106.3(6)(b))</p>	Final Board approval of all grant awards	Statute 37-60-106.3(6) C.R.S.	CWCB funds shall not exceed 50% of the total cost of the project or activity. Other CWCB funds may be used for plans and studies, but the total CWCB funding shall not exceed 75% of the total cost. Project costs may consist of a combination of in-kind and cash match, but no more than half of the match may be in the form of in-kind services. (C.R.S. 37-60-106.3(6)(c))	Construction Fund (& General Fund) via Projects Bill	FY 20-21 \$7M	\$150,000	FY 17/18 = 65 FY 18/19 = 52 FY 19/20 = 61	March	2017
Watershed Health										
Watershed Restoration Grants	Watershed protection/restoration, Flood Hazard Mitigation, Stream Management Planning, Monitoring	Board approves awards over \$100k	Projects Bill appropriation, Board approved Criteria and Guidelines	<p>Restoration, Flood Mitigation and Stream Management Plan grants funded on a cost-share basis. CWCB funds from the Colorado Watershed Restoration Program shall not exceed 50% of the total cost of the individual plan or project. Other CWCB funds may be used for plans and studies, but total CWCB funding shall not exceed 75% of the total cost. CWCB contributions to federally sponsored studies or plans shall not exceed 50% of the total cost.</p> <p>Project costs may consist of a combination of in-kind and cash match, but no more than half of the match may be in the form of in-kind services.</p>	Construction Fund - Projects Bill	FY 20-21 \$4M	\$79,000	FY 17/18 - 13 total (16 Staff Approval) = 29 Projects total FY 18/19 - 12 total (16 Staff Approval) = 28 Projects total FY 19/20 - 11 total (14 Staff Approval) = 25 Projects total	January	2015
Fish and Wildlife Resource Grants	The appropriation or acquisition of water rights to preserve or improve the natural environment to a reasonable degree to mitigate the impact of an existing water facility. Mitigation from existing or proposed water delivery systems, e. g. diversions, ditches, reservoirs	Final Board approval (based on Fish and Wildlife Mitigation Plans)	Statute 37-60-122.2 C.R.S.	Mitigation grants may only fund mitigation costs for the first 5 percent of a project's design, engineering, and physical construction costs.	Construction Fund- Long Bill	Varies as requested. Approx. \$2-3M. No funding in FY 2020.	\$262,000	\$0	As needed	Policy 15 approved 2002 Policy 20 approved 2011

Table 1. CWCB Grants

Grant Program	Eligible project types	Approval	Authorization	Match Requirements	Funding Source	Annual Funding Available	Average Grant Award	# Applications considered by board last 3 FY	Approval Timeline	C&G last reviewed
Healthy Rivers Fund Grants	Watershed Protection and Restoration	2 CWCB, 2 WQCC, & CO Watershed Assembly	Statute 39-22-2403 C.R.S.	20 Percent cash or in-kind match required.	Tax checkoff donations	Varies by donations. Approx. \$100,000	\$13,000	Not considered by Board, but rather 2 CWCB Designees (One Staff, One Board member) FY 17/18 - 0 Projects FY 18/19 - 7 Projects FY 19/20 - 8 Projects	December	NA
Agriculture										
ATM Grants	Alternative transfer method project support and development, water leasing/sharing efforts	Final Board approval	Projects Bill Appropriation, Board approved criteria and guidelines	A minimum of a 10 percent cash match of total project costs is required. Cash and in-kind matches above this amount are preferred	Construction Fund - Projects Bill	\$1-1.5M average	\$170,000	FY 17/18 - 5 FY 18/19 - 3 FY 19/20 - 5	Rolling	2010

Table 2. CO Grant Program Comparison

PROGRAM	ELIGIBLE PROJECTS	ELIGIBLE RECIPIENTS	MAXIMUM AMOUNT	MATCH REQUIREMENTS	SPECIAL REQUIREMENTS	APPLICATION DEADLINE	APPROVER
COMMUNITY DEVELOPMENT BLOCK GRANT (DOLA)	Acquisition, design/engineering, construction, reconstruction, rehabilitation or installation of public improvements or public facilities (eg. sewer and water systems)	CDBG non-entitlement municipality or county; districts and private systems are eligible sub-recipients if sponsored by a municipality or county	\$600,000 (guideline)	No match but encouraged	- Local cash participation - Low/mod income - Davis-Bacon wages - NEPA1	Varies - contact DOLA regional managers	Executive Director Approval based on Pro/Con review and staff recommendation
ENERGY & MINERAL IMPACT ASSISTANCE FUND (DOLA)	For public facilities and for provision of services by political subdivisions. Water and wastewater projects would be eligible.	Municipality, County, or Special District	Administrative grants up to \$25,000; Tier I grants of up to \$200,000; Tier II grants, of up to \$2,000,000.	50%; administrative grants up to \$100k for governors priorities (renewable energy, etc.) with reduction on match of up to 25%	- Local cash participation - Energy/mineral industry impacts but moving towards not being required	Administrative ongoing; Tier 1, Tier 2 and loans December 1st, April 1st, and August 1st	Administrative grants: Executive Director Approval based on staff recommendation; Tier 1 and 2: Executive Director Approval based on advisory committee recommendations
Drinking Water Revolving Fund and Water Pollution Control Revolving Fund (Water Resources and Power Development Authority) PLANNING AND/OR DESIGN GRANT	Project must be on either the Drinking Water Revolving Fund (DWRP) or the Water Pollution Control Revolving Fund (WPCRF) Eligibility List	Entities with populations <10,000; MHI less than statewide median	\$10,000 for planning; \$300,000 for design	20%	- Currently required to borrow project's construction funds from the SRF unless a waiver is received from CWRPDA's Board of Directors	January 1st – January 31st	Staff Approval
Drinking Water Revolving Fund and Water Pollution Control Revolving Fund (Water Resources and Power Development Authority) PRINCIPAL FORGIVENESS	Project must be on either the Drinking Water Revolving Fund (DWRP) or the Water Pollution Control Revolving Fund (WPCRF) Eligibility List	Entities with populations <10,000; MHI less than statewide median	\$400,000	No less than 20%, varies by several criteria	- Priority points - Awarded at loan approval - Lowest Disadvantaged communities only	15th of January, February, April, June, August, October and November	Board Approval based on staff recommendation.
Water Quality Improvement Fund Grants (CDPHE)	Several categories focused on training, stormwater, wastewater and water quality improvements.	Governmental units, publicly owned water systems, non-profits, and private landowners impacted by a water quality violation	Varies by category and RFA; generally less than \$200,000	Not required but provides prioritization points	Prioritization matrix	Varies - RFA Contact CDPHE staff	Staff Approval based on prioritization ranking
Lead Testing at Public Schools (CDPHE) - on hold due to COVID	Testing for lead in drinking water in public schools and certified child care facilities.	Colorado Schools and local public health agencies	\$5,000	Not required but provides prioritization points		Ongoing	Staff Approval
Small community Grant Program (CDPHE)	Water and wastewater projects that protect public health and water quality for small communities.	Governmental units and non-profits serving less than 5,000 people	\$400,000	Not required but provides prioritization points	Prioritization matrix	Varies - RFA Contact CDPHE staff	Staff Approval based on prioritization ranking

Table 2. CO Grant Program Comparison

PROGRAM	ELIGIBLE PROJECTS	ELIGIBLE RECIPIENTS	MAXIMUM AMOUNT	MATCH REQUIREMENTS	SPECIAL REQUIREMENTS	APPLICATION DEADLINE	APPROVER
GOCO	<p>Resilient Communities Grants to fund one-time, immediate needs in direct response to the COVID-19 pandemic, all within the context of GOCO's mission and five program values</p> <p>Conservation Service Corps Grants to employ conservation service corps crews on projects (building trails, post-fire restoration, and invasive species).</p> <p>RESTORE Colorado Grants to improve and restore Colorado's rivers, wetlands, grasslands, forests, and other critical habitat.</p> <p>Generation Wild to invest in local coalitions running culturally relevant programs that provide youth and families with quality outdoor experiences and leadership and career opportunities, advancing equitable access to the outdoors.</p>	<p>Municipalities</p> <p>Counties</p> <p>Title 32 special districts with parks and recreation authority</p> <p>Non-profit land conservation organizations</p> <p>Political subdivisions of the state</p> <p>Colorado Parks and Wildlife</p>	No caps.	In flux. Required by constitution to have a match, but does not have to be cash. Moving towards no percentage required, or required for in-kind. Used to be 25% cash match required. For now reduced to 10% match requirement all can be in-kind.		Awards are made in Dec and March. Applications due 3-5 mo prior.	Staff assembles group of peer reviewers, makes award recommendations to Program Committee (GOCO board members) then goes to consent agenda for GOCO Board. Program Committee is voluntary.
COLORADO RIVER DISTRICT - PARTNERSHIP PROJECT FUNDING PROGRAM [FRAMEWORK IS UNDERDEVELOPMENT]	Multipurpose projects that support productive agriculture; infrastructure; healthy rivers; watershed health & water quality; and conservation & efficiency	Must be located in the District's 15-county region		No formal minimum; however, applicants are expected to contribute funds and leverage other funding sources.		Rolling	TBD - (Possible General Manager approval up to \$25,000 or \$50,000)

ATTACHMENT A.

Colorado's Water Plan Grants

GUIDELINES

Introduction

Governor John Hickenlooper directed the Colorado Water Conservation Board (CWCB) in 2013 to create a policy document reflecting Colorado's water values — incorporating a productive economy, efficient and effective water infrastructure, and a strong environment. Colorado's Water Plan (CWP) identified a number of actions, goals, and measurable objectives that will help promote those values for generations to come. In 2017, the General Assembly first made grant funds available for CWCB to help implement the Critical Action Plan set forth in the Water Plan.

The Water Plan Grant funding is available to promote progress on the critical actions identified in the Water Plan and its measurable objectives. The Board will fund the projects, programs and activities that have the best opportunity to make progress on the Water Plan's objectives. All applications will be assessed based on funds available for a particular Water Plan implementation category.

In order to help ensure opportunities for applicants to seek funding in an orderly fashion and at the same time to encourage competitive access to the funding, applications will be evaluated based on the eligibility requirements and evaluation criteria outlined in this document. After thorough evaluation, CWCB staff will recommend projects to the CWCB Board for approval of grant funding during regularly scheduled Board meetings. CWCB staff reserves the right to negotiate with applicants to modify the scope and budget of their project to better meet the Water Plan objectives.

Applicants should be aware that many variables will impact funding levels, including overall funding demand. The CWCB will attempt to distribute the grant funds in a fair and equitable fashion.

Water Plan Funding Categories* include:

- Water Storage and Supply Projects - Projects that facilitate the development of additional storage, artificial recharge into aquifers, and dredging existing reservoirs to restore the reservoirs' full decreed storage capacity, multi-beneficial projects, and those projects identified in basin implementation plans to address the water supply and demand gap.
- Conservation & Land Use Projects - Activities that implement long-term strategies for conservation, land use, and drought planning.
- Engagement & Innovation Activities - Activities that support water education, outreach, and innovation efforts.
- Agricultural Projects - Projects that provide technical assistance or improve agricultural efficiency.
- Environmental & Recreation Projects - Projects that promote watershed health, environmental health, and recreation.

* Applications may qualify for more than one category of funding.

Colorado's Water Plan Grants

Eligible Applicants include:

- Governmental entities – municipalities, districts, enterprises, counties, and State of Colorado agencies. Federal agencies are encouraged to work with local entities. Covered Entities as defined in Section 37-60-126, C.R.S., are eligible if the applicant has adopted an approved water conservation plan.
- Private entities - mutual ditch companies, non-profit corporations, and partnerships.

Examples of eligible projects and activities:

- Technical assistance regarding permitting, feasibility studies, and environmental compliance.
- Studies or analysis of structural, programmatic, consumptive, and non-consumptive water projects or activities.
- Design of structural projects or activities.
- Activities that promote education, outreach, and innovation consistent with the mission and goals of the CWP.

As a statewide program looking to encourage new ways of approaching “old” problems, preference is given to innovative projects and solutions. Infrastructure replacement or maintenance projects without additional benefits are better suited for the CWCB Loan Program or the Water Supply Reserve Fund (WSRF).

Matching Fund Requirements

Water Plan Grant requests require matching funds. CWCB funds for Colorado's Water Plan Grants shall not exceed 50% of the total cost of the project or activity. Other CWCB funds may be used for plans and studies, but the total CWCB funding shall not exceed 75% of the total cost. Project costs may consist of a combination of in-kind and cash match, but no more than half of the match may be in the form of in-kind services. Applicants should identify match as pending or secure.

Cash Match:

Actual expenditures paid directly with cash funds (based on contractual arrangements) from the grantee to a vendor. Examples are supplies, services, and necessary equipment purchase or rental.

In-Kind Match:

Services and labor provided by the paid staff of the grantee to perform all or part of the approved project scope of work, including necessary project administration. This can include standard direct and indirect personnel fringe benefits. Volunteer services provided at no cost to the applicant by firms or individuals consistent with the approved scope of work will be valued for in-kind match at local prevailing wage rates. Project specific land acquisition or access agreement costs may also be claimed as in-kind contributions and credited against the minimum requirement. Costs that CAN NOT be considered include: general organization operating costs such as utilities, operating supplies and services, amortized costs or rental costs for buildings and equipment used for the general operation of the organization, and general property and liability insurance costs, nor will overhead

Colorado's Water Plan Grants

per cent charges to cover such items be allowed. These business expenses are NOT reimbursable costs and may not be claimed as matching contributions.

Non-CWCB matching funds include state agencies such as Great Outdoors Colorado (GOCO), Colorado Parks and Wildlife (CPW) funding, and other state agencies and federal agencies. CWCB loans are also considered matching funds. All other funding sources within the control of the CWCB Board and its Director are considered CWCB funds, including the Water Supply Reserve Fund (WSRF).

Evaluation Criteria

The proposed water project shall be evaluated using a similar approach to the WSRF Criteria and Guidelines and the criteria for state support in Colorado's Water Plan. In general, the proposal will be evaluated on how well it conforms to the Framework for State of Colorado Support for a Water Projects set forth in Colorado's Water Plan (Section 9.4, pp. 9-43 to 9-44;), and how well the proposed water project meets the Goals and Measurable Outcomes of its respective Basin Implementation Plan. Preference is given to projects that have multiple benefits, multiple purposes and involve multiple stakeholders. Consideration is also given to the timing of projects with priority given to projects with an earlier start date. Criteria specific to each funding category are outlined later in this document.

Application Process

Application forms are available on the CWCB website (cwcb.state.co.us) under Loans and Grants.

Applicants should include at a minimum the following documents:

- Completed Application
- Statement of Work
- Engineer's estimate of probable cost for construction projects over \$100,000
- Budget (Excel and pdf format)
- Schedule
- Maps (if applicable)
- Letters of Commitment (matching funds)
- Photos or drawings

Letters from Basin Roundtables

A letter of Support from the Basin Roundtable that provides information about how the project aligns with the applicable Basin Implementation Plan and Water Plan goals are welcome but not required. Any letters received will be included in the packet of information reviewed by the staff and CWCB Board.

Financial Documents Required for Contract Execution:

- Insurance Certificate of Liability
- Secretary of State - Certificate of Good Standing

Colorado's Water Plan Grants

The CWCB's review and approval process will include the following steps:

- CWCB staff will determine if the required documentation has been submitted. The application will be accepted once all documentation has been received.
- CWCB staff will evaluate the application based on the criteria described in this document and notify the CWCB Board member representing the basin involved.
- Applications will be posted on the CWCB website 30 days after the application deadline. At the March Board meeting, staff will present the applications to the Board, provide an opportunity for public comment, and make a recommendation to the Board for full funding, partial funding, or denial of funding.
- CWCB staff will notify the applicant of the staff's recommendation and of the date and time when the Board will consider the application. While CWCB staff has primary responsibility for presenting the recommendation to the Board, the applicant is welcome to attend the meeting to address the Board and may offer comments during the opportunity for public comment.
- Upon Board approval of the applicant's request, funding can only be used on project components that begin after a grant contract is executed by the office of the state controller.
- The grant contracting estimate is 45 days from the receipt of the signed grant contract from the grantee.

Grant Administration

Contracting:

After approval of funding by the Board, CWCB staff will direct the applicant to revise and supplement submitted documents if required for issuance of a purchase order or execution of a contract. Grants less than \$100,000 will be implemented through a purchase order. Grants for \$100,000 or more will require additional time to execute a state grant contract.

Successful applicants are expected to execute a contract with CWCB within 6 months of award. If a grant contract is not executed within this timeframe, CWCB staff may return the funds back to the appropriate funding category if adequate progress is not made.

Reporting Requirements:

Progress Reports: The applicant shall provide the CWCB a progress reports every 6 months, beginning from the date of issuance of a purchase order, or the execution of a contract. The progress report shall describe the status of the tasks identified in the statement of work, including a description of any major issues that have occurred and any corrective action taken to address these issues. The CWCB may withhold reimbursement until satisfactory progress reports have been submitted.

Final Report:

Colorado's Water Plan Grants

At completion of the project, the applicant shall provide the CWCB a Final Report on the applicant's letterhead that:

- Summarizes the project and how the project was completed.
- Describes any obstacles encountered, and how these obstacles were overcome.
- Confirms that all matching commitments have been fulfilled.
- Includes photographs, summaries of meetings and engineering reports/designs.

The CWCB will withhold disbursement the last 10% of the budget until the Final Report is completed to the satisfaction of CWCB staff. Once the Final Report has been accepted, and final payment has been issued, the purchase order or grant will be closed without any further payment.

Payments:

Payment will be based on actual expenditures invoiced by the grantee. The request for payment must be transmitted on the grantee's letterhead, and shall include:

- Date of request
- Grantee's contact name, email address, physical address, and phone number
- Contract or purchase order number
- Description of the work accomplished by major task as presented in the approved budget *
- Supporting documentation for items or services billed
- Estimate of the percent completion for individual tasks and the entire water activity in relation to the percentage of budget spent
- Identification of any major issues, and proposed or implemented corrective actions

* This may be utilized in lieu of a 6 month Progress Report if adequate detail is provided. Contact the Project Manager to determine if your project qualifies for this option.

Colorado's Water Plan Grants

Water Storage and Supply Project Grants

The CWP sets a measurable objective of attaining 400,000 acre-feet of water storage in order to manage and share conserved water and the yield of Identified Projects and Processes (IPPs) by 2050. The CWP also sets a measurable objective of reducing the projected 2050 municipal and industrial gap from as much as 560,000 acre-feet to zero acre-feet by 2030.

Potential Project Types:

Feasibility Studies, Engineering Design and Permitting, and Projects and Processes that result in the storage of additional water or result in a shared benefit to multiple stakeholder interests with an emphasis on non-consumptive water uses. This includes multi-beneficial projects and those projects identified in basin implementation plans to address the water supply and demand gap.

Criteria and considerations:

- Projects that are regional in nature that result in a shared benefit to multiple stakeholders including the State of Colorado for compact administration and non-consumptive water uses will receive preference.
- Completed Feasibility Studies must be submitted with an engineer's estimate of probable cost for grant requests that include costs for final engineering plans and construction.
- Does the project/applicant demonstrate a commitment to collaboration? Does the project/applicant: address more than one type of need; involve multiple participants where appropriate; consult with a broad set of local stakeholders and local governments; provide meaningful opportunities for input?
- Does the project address an identified water gap? Is the project: included in a BIP; identified as meeting a defined need in a basin needs assessment; identified as meeting a defined need identified in the SWSI; or identified as part of the no-and low-regrets scenario planning process?
- Does the project/applicant demonstrate sustainability? Does the project/applicant: adopt an integrated plan or plans geared toward implementing conservation? avoid adverse effects to environmental and recreational interests; adopt environmental, watershed health, and recreational mitigation in the planning phase of the project; avoid impacts to, mitigate, or enhance water quality, mitigate or avoid economic and social impacts on agricultural and rural communities; maximize the use of water resources, improve or modernize aging infrastructure, is it an aquifer storage and recharge project; conflict with any interstate compact or the curtailment of existing water rights?
- Does the project/applicant establish the fiscal and technical feasibility of the project? Does the project/applicant demonstrate: overall cost-effectiveness; local investment or contribution; financial capability to repay debt; an intent to leverage other funding; technical and legal availability of water supplies for the project; or readiness to proceed upon receipt of necessary funding and permits (i.e. completed preliminary planning and design work, obtained necessary water rights, secured necessary financial commitments)?

Colorado's Water Plan Grants

Conservation & Land Use Project Grants

The CWP sets a measurable objective to achieve 400,000 acre-feet of municipal and industrial water conservation by 2050. In addition, the CWP sets a measurable objective that by 2025, 75 percent of Coloradans will live in communities that have incorporated water-saving actions into land-use planning.

Potential Project Types:

Water conservation (examples: water meter replacements, projects to reduce system water loss), water reuse, integration of water and land use planning (example: technical assistance to put water conservation elements into comprehensive land use plans), state agency conservation.

Criteria and considerations:

- Does the project reduce overall future water needs through cost-effective water efficiency measures?
- Does the project integrate water efficiency planning and projects into overall water resource management?
- Does the project promote a water efficiency ethic throughout Colorado?
- Does the project explore additional water reuse options?
- Does the project integrate land use and water planning?
- Does the project advance conservation planning efforts?
- Does the project advance drought mitigation planning efforts?
- Does the project reduce impacts and prepare for the impacts of climate change?

Colorado's Water Plan Grants

Engagement & Innovation Activities

The CWP sets a measurable objective to significantly improve the level of public awareness and engagement regarding water issues statewide by 2020, as determined by water awareness surveys. The CWP also sets a measurable objective to engage Coloradans statewide on at least five key water challenges (identified by CWCB) that should be addressed by 2030.

For Engagement & Innovation grant requests, please fill out the Supplemental Application as well as the main application (download the word version on the website).

Potential Project Types: Engagement (Communication, Outreach, Education) and Innovation.

Criteria and considerations:

- Overall
 - Is the project collaborative? Does it engage a diverse group of stakeholders? Does it involve and engage the community?
 - Does the project establish fiscal feasibility? Does the project demonstrate overall cost-effectiveness and leverage other funding?
 - Does the project contain a plan to measure and evaluate its success and impact?
 - Is the project supported by research, evidence, and data? Does it apply best practices?
 - Does the project strive to improve the level of public awareness and engagement regarding water issues?
- Engagement
 - Does the project enhance Colorado's water communication, outreach, education, and public engagement efforts by addressing one or more of the following:
 - Achieves the education, outreach, and public engagement measurable objective set forth in Colorado's Water Plan to "significantly improve the level of public awareness and engagement regarding water issues statewide by 2020, as determined by water awareness surveys?"
 - Achieves the other measurable objectives and critical goals and actions laid out in Colorado's Water Plan around the supply and demand gap; conservation; land use; agriculture; storage; watershed health, environment, and recreation; funding; and additional?
 - Achieves the education, outreach, and public engagement goals set forth in the applicable Basin Implementation Plan(s)?
 - Achieves the basin roundtable's PEPO Education Action Plans?
 - Improves the use of existing state resources, which includes supporting efforts to improve coordination between state agencies on water outreach and education activities?
- Innovation

Colorado's Water Plan Grants

- Does the project enhance the water innovation ecosystem in Colorado?
- Does the project engage Colorado's entrepreneurial/business/innovation community to help solve our state's water challenges?
- Does the project advance a solution to a water need identified through TAP-IN and other water innovation challenges?

Colorado's Water Plan Grants

Agricultural Projects

Colorado's agricultural industry supports important environmental attributes, strengthens food security, and upholds our state's cultural identity. Agriculture also contributes significantly to the state's overall economy and remains the economic backbone of many rural communities. Colorado's Water Plan sets an objective to maintain Colorado's agricultural productivity, rural economies, and food security while reducing agricultural water shortages, and other growing water demands, by implementing voluntary alternative transfer methods, improving agricultural efficiencies, and modernizing water infrastructure.

Potential Project Types:

- Technical assistance for programmatic alternative transfer method development and implementation (e.g. water banking, rotational fallowing, etc.)
- Ditch-wide and regional planning efforts to assess system-wide conservation and efficiency opportunities and tradeoffs
- Irrigation infrastructure improvements, including ditch-wide and regional planning efforts, particularly where improvements address identified agricultural water shortages and provide multiple benefits
- Projects furthering demonstration of innovative on-farm efficiency and conservation practices that enhance agriculture viability and reduce barriers to practice adoption

Criteria and considerations:

Does the project/applicant demonstrate a commitment to collaboration? Does the project/applicant: address more than one type of need; involve multiple participants where appropriate; consult with a broad set of local stakeholders and local governments; provide meaningful opportunities for input?

Does the project address an identified water gap? Is the project: included in a BIP; identified as meeting a defined need in a basin needs assessment; identified as meeting a defined need identified in the SWSI; or identified as part of the no-and low-regrets scenario planning process?

Does the project/applicant demonstrate innovation or sustainability? Does the project enhance resilience to drought and climate change; avoid adverse effects to environmental and recreational interests; avoid impacts to, mitigate, or enhance water quality; support rural economic development and viability; address other critical issues facing Colorado's agriculture sector; address barriers to scaling the adoption of on-farm conservation and efficiency practices; further local groundwater management strategies; improve or modernize aging infrastructure?

Colorado's Water Plan Grants

Does the project/applicant establish the fiscal and technical feasibility of the project? Does the project/applicant demonstrate: overall cost-effectiveness; local investment or contribution; financial capability to repay debt; an intent to leverage other funding; technical and legal availability of water supplies for the project; or readiness to proceed upon receipt of necessary funding and permits (i.e. completed preliminary planning and design work, obtained necessary water rights, secured necessary financial commitments)?

Colorado's Water Plan Grants

Environmental & Recreation Projects

The CWP states “environment and recreation are too critical to Colorado’s brand not to have robust objectives; a strong Colorado environment is critical to the economy and way of life.” We must address a variety of concerns, including pre- and post-fire mitigation, forest mortality, water quality impairments, potential impacts of legacy mines, flood mitigation and recovery, aquatic and riparian habitat enhancement, and land use change.

Potential Project Types:

- Recreational in-channel diversions and other projects that provide or improve boating opportunities
- Removal of invasive phreatophytes
- Projects that support water-related recreational activities, such as boating, fishing, waterfowl hunting, and wildlife watching
- Projects that promote restoration, recovery, and sustainability of endangered, threatened, and imperiled aquatic and riparian-dependent species and plant communities
- Stream restoration and riparian habitat improvement projects
- Assistance to BRTs in using SWSI Update information and tools to identify and prioritize locally important streams and critical watersheds
- Implementation of recommendations developed in stream management plans or watershed plans
- Extended stakeholder process to facilitate implementation of stream management plan recommendations or watershed plan recommendations
- Structural solutions (e.g., diversion structure with fish or boat passage)
- Flow-related projects (e.g., split-season use of water - irrigation and instream flow use)
- Additional data collection if found necessary in stream management plan or watershed plan
- Watershed health regional efforts
- Flood mitigation projects
- Fire prevention and mitigation projects

Criteria and considerations:

- Does the project/applicant demonstrate a commitment to collaboration? Does the project/applicant: address more than one type of need; involve multiple participants where appropriate; consult with a broad set of local stakeholders and local governments; provide meaningful opportunities for input?
- Does the project/applicant establish the fiscal and technical feasibility of the project? Does the project/applicant demonstrate: overall cost-effectiveness; local investment or contribution; an intent to leverage other funding; or readiness to proceed upon receipt of necessary funding and permits (i.e. completed preliminary planning and design work, obtained necessary permits, secured necessary financial commitments)?

ATTACHMENT B

Colorado Watershed Restoration Program

Grant Program Guidance

August 2020

A. Background

House Bill 20-1403, passed by the 2020 Colorado General Assembly, establishes funding for Watershed Restoration. The allocation for the Colorado Watershed Restoration Program is **\$4,000,000**. The legislative declaration states:

SECTION 10. Continuation of the watershed restoration program - appropriation. (1) For the 2020-21 state fiscal year, \$4,000,000 is appropriated to the department of natural resources for use by the Colorado water conservation board. This appropriation is from the Colorado water conservation board construction fund created in section 37-60-121, C.R.S. To implement this section, the Colorado water conservation board may use this appropriation to provide planning and engineering studies, including implementation measures, to address technical needs for watershed restoration and flood mitigation projects throughout the state; aquatic habitat protection; flexible operations for multiple uses; restoration work; quantification of environmental flow needs; and monitoring efforts to support watershed health goals outlined in the state water plan.

(2) The money appropriated in subsection (1) of this section remains available for the designated purposes until it is fully expended.

The Colorado Water Conservation Board (CWCB) is the state executive branch agency responsible for state water policy and planning. The Board's mission is to conserve, develop, protect, and manage Colorado's water for present and future generations. Its major program sections include Watershed & Flood Protection; Water Supply Planning; Finance; Stream and Lake Protection; and Intrastate & Federal. More information about the CWCB and its sections can be found at <http://cwc.state.co.us/>.

The purpose of this Grant Program Guidance is to establish and describe the program for the issuance and administration of grants from the CWCB Watershed Restoration Program.

B. Grant Approval Criteria

1. Competitive Process

The Board will select the projects to fund from applications that best meet the basic application (B.2) and evaluation criteria (B.4). CWCB staff reserves the right to negotiate with successful applicants to modify the scope and/or budget of their projects to better meet CWCB objectives and fund availability. An evaluation team will review the applications and recommend projects for grant funding. The evaluation team will consist of at least four members, including CWCB staff members, a Colorado Parks and Wildlife staff member, and possibly an environmental or volunteer organization member, if available. The Watershed and Flood Protection section chief will have approval authority for funding recommendations less than \$100,000. Staff will submit funding recommendations for grants greater than or equal to \$100,000 for Board action at the January CWCB meeting.

2. Grant Categories

Four categories of grants will be available under the Colorado Watershed Restoration Program:

- Watershed/Stream Restoration and/or Protection (Restoration) Grants
- Flood Mitigation Grants
- Stream Management Plan Grants
- CWCB Monitoring Projects

Restoration, Flood Mitigation, and Stream Management Plan grants are available to qualified applicants outside of the CWCB (see basic applicant qualifications). Applications that integrate multiple objectives in restoration, flood mitigation, and stream management are highly encouraged.

CWCB staff may initiate studies or demonstration projects (restoration or flood mitigation) utilizing up to 25% of the annually authorized Program funding amount.

Watershed/Stream Restoration Grants

Projects and plans designed to protect or restore watershed health and stream function are considered in this category. This may include projects and plans designed to stabilize perennial, ephemeral, & intermittent stream channels, provide habitat for aquatic and terrestrial species, re-vegetate riparian areas, reduce erosion in upland and riverine environments, improve recreational opportunities, provide fish passage, and improve channel/floodplain connectivity. Restoration is a general term that may include the restoration, reconfiguration, rehabilitation, or resurrection of stream channels and floodplains. More background information on watershed health can be found in Chapter 7.1 of the Colorado Water Plan.

Flood Mitigation Grants

Flood Mitigation Grants include many of the same elements as Restoration Grants. In addition, they include elements that protect life and property. Applications for planning or project implementation should consider the watershed's hydrologic function and flow regime in its approach to flood mitigation. This includes channel design that contemplates low flow channels, average high water (bankfull) channels, flood prone benches, transitional zones, and 100 year or greater recurrence interval floodplains. In extreme cases, the amount of the

required cost-share for each project can be reduced. CWCB staff will take into account benefits to the State with a strong emphasis on public health, safety, and welfare.

Stream Management Plan Grants

Well-developed Stream Management Plans should be grounded in the complex interplay of biology, hydrology, channel morphology, and alternative water use and management strategies. They should also consider the flow and other structural or management conditions needed to support both recreational uses and ecosystem function. A stream management plan should: (1) Involve stakeholders to ensure their acceptance of the plan; (2) assess existing biological, hydrological, and geomorphological conditions at a reach scale; (3) identify flows and other physical conditions needed to support environmental and recreational water uses; (4) incorporate environmental and recreational values and goals identified both locally and in a basin roundtable's BIP; and (5) identify and prioritize alternative management actions to achieve measureable progress toward maintaining or improving flow regimes and other physical conditions. For basin roundtables, local stakeholder groups, and decision makers, such plans can provide a framework for decision-making and project implementation related to environmental and recreational water needs.

The necessary steps for the development of a stream management plan include: (1) Gathering stakeholders to participate in plan development; (2) identifying the plan's objectives; (3) identifying and prioritizing ecological and recreational values; (4) establishing goals for flows and other physical conditions in order to protect or enhance environmental and recreational attributes on streams and rivers within a given watershed; (5) collecting and synthesizing existing data describing flows for river ecosystems, boating, or other needs in the watershed; (6) assessing existing physical conditions of stream reaches, including geomorphological and riparian conditions; (7) selecting quantitative measures that can be used to assess progress made toward articulated goals; (8) determining what new information is needed and the best methods for obtaining that information; (9) quantifying specific numeric flow recommendations (or ranges of flow) and physical conditions and assessing the potential for channel reconfiguration to support environmental and recreational values; (10) identifying temporal, geographical, legal, or administrative constraints and opportunities that may limit or assist in the basin's ability to meet environmental and recreational goals; and (11) implementing a stakeholder-driven process to identify and prioritize environmental and recreational projects and methods. Stream management plans should provide data-driven recommendations that have a high probability of protecting or enhancing environmental and recreational values on streams and rivers. More information on environmental and recreational projects and plans can be found in Chapter 6.6 and 7.1 of the Colorado Water Plan.

CWCB Monitoring Projects

CWCB may reserve 10% of the annually authorized Program funding for monitoring and evaluation of existing projects.

3. Cost-Sharing

Restoration, Flood Mitigation and Stream Management Plan grants will be funded by the CWCB on a cost-share basis. CWCB funds from the Colorado Watershed Restoration Program shall not exceed 50% of the total cost of the individual plan or project. Other CWCB funds may be used for plans and studies, but the total CWCB funding shall not exceed 75% of the total cost. CWCB contributions to federally sponsored studies or plans shall not exceed 50% of the total cost.

Costs associated with forest health project initiatives, e.g. forest fuels mitigation, can be used as match for projects having components that qualify for Watershed/Stream Restoration or Flood Mitigation Grants.

Project costs may consist of a combination of in-kind and cash match, but no more than half of the match may be in the form of in-kind services.

Cash Match

Actual expenditures paid directly with cash funds from the grantee to a vendor. Examples are supplies, services, and necessary equipment purchase or rental.

In-Kind Match

Services and labor provided by the paid staff of the grantee to perform all or part of the approved project scope of work, including necessary project administration. This can include standard direct and indirect personnel fringe benefits. Volunteer services provided at no cost to the applicant by firms or individuals consistent with the approved scope of work will be valued for in-kind match at local prevailing wage rates. Project specific land acquisition or access agreement costs may also be claimed as in-kind contributions and credited against the minimum requirement. Costs that CAN NOT be considered include: general organization operating costs such as utilities, operating supplies and services, amortized costs or rental costs for buildings and equipment used for the general operation of the organization, and general property and liability insurance costs, nor will overhead percent charges to cover such items be allowed. These business expenses are NOT reimbursable costs and may not be claimed as matching contributions.

4. Eligible Entities

Established non-profit organizations, watershed coalitions, State of Colorado departments and agencies, local governments, conservation and water conservancy districts, and Colorado's two Ute Tribes are eligible. Federal agencies and private landowners are not eligible to receive grant funds; however, projects may be conducted on private, state, or federal lands with appropriate permissions and under the sponsorship of an eligible entity. The CWCB will strive to achieve geographic diversity by approving qualifying projects west and east of the continental divide.

5. Application Requirements

The Colorado Watershed Restoration Program (CWRP) objective is to provide planning, engineering, and construction services for watershed restoration and protection plans and projects. CWRP also provides support for flood mitigation, stream management plans, and

project monitoring. Planning and project efforts that integrate multiple objectives in different grant categories will score higher than single category applications.

Basic Applicant Qualifications

Grant applicants must demonstrate:

- a commitment to collaborative approaches, involving locally and/or regionally based diverse interests within the watershed in question, with participation open to all interested persons in the watershed. Basin roundtable support is encouraged but not required;
- a commitment to restoring or protecting ecological processes that connect land and water while protecting life and property from flood hazards;
- that the purpose of the application is to implement or plan for a project intended to (1) restore and/or protect the water, lands and other natural resources within the watershed, (2) mitigate flood hazards, and/or (3) integrate a multiple objective approach;
- a broad based involvement in or support for the grant application, including relevant local, state, or federal governmental entities; and
- an ability to provide the appropriate in-kind and cash match for the activities proposed.

Grant applications that do not demonstrate the above criteria will be disqualified from the application review process.

6. Application Evaluation Criteria

As a threshold matter, only grant applications that conform to the Application Requirements set forth above in section B.1 will be considered. Grant applications that meet these qualifications will then be evaluated with respect to the following three factors:

- How *well* does the applicant fit the qualifications test?
- Does the applicant organization have the capability to *accomplish* the proposed work?
- How effective is the proposal at accomplishing the goals of restoration, stream management, or flood mitigation?

Applications will be evaluated and ranked to determine grant funding based on the following criteria and rating system:

Qualifications Evaluation (Maximum of 20 points)

- Identify the lead project sponsor and describe the other stakeholders' level of participation and involvement. 10 points

- Specify in-kind services and cash contributions (match) amount for the proposed activities. See section B.2 of the grant program guidance to determine match funding requirements. Discuss whether other funding sources are secured or pending. 10 points

Organizational Capability (Maximum of 30 points)

- What is the applicant organization's history of accomplishments in the watershed? Provide several past project or planning examples. List partner organizations and agencies with whom applicant worked to implement past projects or planning efforts. 10 points
- What level of staffing will be directed toward the implementation of the proposed project/planning effort? Discuss the number of staff and amount of time dedicated for the project. Will volunteers be utilized, and if so, how? Include brief resumes for each member of the active project team. 10 points
- Demonstrate that the project budget and schedule are realistic. Please use the budget/timeline spreadsheet attached to the application. Please note that the start date will take place after funding awards are announced and grants are contracted. 10 points

Proposal Effectiveness (50 points)

- What information is the project sponsor using to develop the proposed plan or project? Include any relevant information regarding existing watershed plans, stream management plans, geomorphic assessments, flood studies, fire protection plans, riparian conditions assessments, aquatic/terrestrial habitat conditions, wildlife studies, and/or river restoration reports. 10 points
- Discuss the multiple objective aspects of the project and how they relate to each other. Describe similar activities in the watershed and how this project or plan complements but does not duplicate those activities. Multiple objectives may include (but are not limited to) channel stabilization, riparian re-vegetation, habitat improvement, recreation opportunity enhancement, natural hazard reduction, flood mitigation, water supply delivery improvement, fish migration improvement, ephemeral/intermittent channel stabilization, and upland erosion mitigation. 30 points
- Describe the proposed monitoring or implementation plan. How will the project or plan measure success of its objectives? 10 points

C. Grant Program Administration

1. Application Timeline

The timeline for the grant application cycle is:

Applications available	August 5, 2020
Deadline to submit applications	Nov 5, 2020
Applications reviewed and approved	January 29, 2021
Grant award announcement	January 29, 2021
Progress reports due	Every six months starting from date of contract

2. Payment Procedure

The CWCB will make between 1 and 4 payments, as requested by each grantee. The individual payments do not need to be equal. All payments will be based on invoices for work already completed.

The final payment will be at least 10% of the total grant award, which will not be released until full completion of grant and upon preparation and approval of a final report.

CONTACT INFORMATION

Interested parties are strongly encouraged to call the CWCB to discuss potential applications.

For more information, please contact:

Chris Sturm

chris.sturm@state.co.us

Colorado Water Conservation Board

1313 Sherman Street, Room 721

Denver, CO 80203

Phone: 303-866-3441, ext. 3236



COLORADO WATER CONSERVATION BOARD



Alternative ~~Agricultural~~ Water Transfer Methods Criteria and Guidelines ~~for the Competitive Grant~~ Program

Introduction and Background

As Colorado's population continues to grow in the coming decades, it is likely that increased transfers of agricultural water rights will occur in order to satisfy increased M&I water demands. While it is expected that Colorado's future water demands will be met through all of the "four legs of the stool" (conservation, new supply, identified projects and processes, and agricultural transfers), the CWCB through the SWSI 2010 report and other analyses has indicated in the coming decades, irrigated acreage is expected to decline throughout the state due to a variety of reasons:

The Colorado Water Plan (CWP) recognizes that without action, Colorado could lose up to 700,000 or more acres of irrigated agricultural lands due to urbanization and planned, traditional agricultural water transfers resulting in the permanent dry-up of irrigated agriculture. The CWP also recognizes that the status-quo of "buy-and-dry" transactions resulting in the permanent dry-up of irrigated agriculture results in negative socioeconomic and environmental impacts and other public externalities. Several Basin Implementation Plans also call for support for alternative water transfer methods that preserve agriculture and enhance agricultural viability, while meeting other regional water demands.

The CWP calls for the support of alternative water transfer methods that compete with, if not out-perform, traditional "buy-and-dry" transactions in the water market. Alternative water transfer methods are defined as a water transaction that reduces permanent irrigation dry-up resulting from buy-and-dry, the development of augmentation supplies, or interstate/intrastate water management (e.g. mandatory curtailment of agricultural irrigation water rights). Alternative water transfer methods also ideally retain water right ownership in whole or in part by the agricultural sector and provide a socio-economic or other benefit to agricultural working lands and basins of origin (e.g. the area where the transfer originates). Examples of alternative water transfer methods include, but are not limited to, rotational fallowing-leasing, split-season leasing, and interruptible water supply agreements.

As recognized by the CWP, the General Assembly, and state water resource entities, alternative water transfer methods may be utilized to address consumptive and non-consumptive needs, including environmental, recreational, and augmentation. Alternative water transfer methods may be utilized to explore solutions to interstate and intrastate water management issues.

■ Urbanization;

- Planned agricultural to municipal transfers;
- Additional agricultural to municipal transfers necessary to address the M&I water supply gap; and
- Other reasons, including compact compliance (e.g., Republican River) and augmentation requirements.

The CWCB found that the water providers' identified projects and processes that are planned for implementation to meet future water demands could yield approximately 500,000 acre-feet if 100 percent successful. Even if completely successful, there still remains a water supply gap.

Over the past several years, many of these water projects have been proceeding through the federal permitting process with no guarantee of success. Considering the difficulty of successfully permitting water projects, the alternative for many water providers is likely to be the transfer of agricultural water rights. The CWCB has found that if the "Status Quo" development trend continues, the South Platte Basin is estimated to lose 301,000 to 424,000 acres of currently irrigated land by 2050.

Due to the likelihood that increased transfers of agricultural water rights will occur in the coming decades, there is an urgency to implement alternatives to traditional transfers resulting in permanent dry up in order to minimize the negative socioeconomic impacts to rural communities that so often result from such transfers. Rotational fallowing, interruptible supply agreements, water banks, purchase and lease backs, deficit irrigation, and changing crop type are the kinds of options that are available as alternatives to permanent agricultural transfers.

The Colorado General Assembly through support of past CWCB "Projects Bills" has tasked the CWCB with finding and facilitating viable alternatives to the buy and dry approach to agricultural water transfers. To date, the Legislature has provided funding through the 2007, 2009, and the 2012 CWCB Projects Bills for a total of \$4 million to assist in numerous ATM studies and pilot projects that have helped move these important water supply management options forward.

Through this program and CWCB's efforts, significant progress has been made towards making ATMs a viable option for municipalities. Since 2011, several pilot projects have been initiated to determine how some of these projects could be implemented on a large scale. Partnerships between the cities, farmers, land conservancies, funding partners, and environmentalists have been created through this program and appear to have great potential for success.

Basin roundtables recognize the need to focus on basin level planning and look for ways to increase the flexibility within the system through alternative transfers, cooperative agreements, drought plans, and additional infrastructure while respecting Colorado Water Law and individual property rights. While there is much work to be done, there is reason to believe that alternative water transfers will provide a viable option for municipal water providers in the not-so distant future.

To date the ATM grant program has provided funding for 15 projects (see *Alternative Agricultural Water Transfer Methods Grant Program Summary and Status Update*, November 2012). Some projects have moved toward conceptual implementation of ATMs, while others have been of a research nature. Solutions to some of the barriers to implementation have been recommended through the findings of the ATM grant projects, but more work is needed to fully realize the goals of the grant program. Certain barriers to implementation, such as infrastructure needs (especially with regard to associated funding issues) and water quality have received limited attention. The objective of this grant program should transition into an application and integration phase that will more fully integrate the findings of the first two rounds of ATM grant funding to achieve the dual objectives of overcoming the barriers to implementation and establishing realistically implementable ATM programs. Considering differences between basins and the different projects that have been funded through this and other programs, below is a set of targeted recommendations for the South Platte, Arkansas, and West Slope.

South Platte River Basin

- Recognizing that each municipal water system and each ditch company are unique, the CWCB should continue to promote and facilitate agreements between irrigators and municipal water providers.
- Continue to support demonstration/pilot projects to determine the feasibility of new concepts or techniques as needed.
- The CWCB should continue its support of coupling conservation easements with interruptible supply agreements has the potential to provide a reliable source of water and preserve agricultural productivity in perpetuity. This strategy should be examined in more detail including an analysis of which lands and/or ditches are most amenable to this approach, the identification of funding partners (e.g. Great Outdoors Colorado, Colorado Department of Revenue/Tax Credits, etc.) and terms of the conservation easement deeds and interruptible supply agreement.

- The South Platte Basin Roundtable and interests could also address other important issues such as the development of a South Platte Basin water bank and infrastructure sharing. As part of South Platte Basin planning, an infrastructure evaluation would need to take into account the Aurora Water Prairie Waters Project pipeline, the United Water infrastructure, the East Cherry Creek Valley (ECCV) pipeline, the proposed pipeline from the Poudre River basin to Thornton, and other infrastructure needs. There may be possible ways to share pipelines, storage, and pumping plants that could result in some benefits and cost savings.[▲]

- Water quality issues and concerns could also be considered by this group since treatment will be an important part of an ATM program. There may be ways to partner in this area as treatment plant costs are a significant part of any municipal water supply. The results of the Zero Liquid Discharge program (funded through the Water Supply Reserve Account [WSRA] program) should be evaluated.

Arkansas River Basin

The Arkansas Basin is facing the second largest threat in the state with respect to agricultural dry up. As municipalities turn to agriculture for additional supplies, efforts of the Super Ditch have led the state's ATM efforts. The next phase for the Arkansas is for their basin planning efforts to focus on the needs of the basin and implementation of the ATM. Following are recommendations for the Arkansas Basin.

- Advance the Super Ditch's efforts to implement pilot projects to lease water in 2013 using a temporary approval by the State Engineer under 37-92-308 (5). The authority to approve these under this statute has been challenged in water court.
- The CWCB should continue its support of coupling conservation easements with interruptible supply agreements has the potential to provide a reliable source of water and preserve agricultural productivity in perpetuity. This strategy should be examined in more detail including an analysis of which lands and/or ditches are most amenable to this approach, the identification of funding partners (e.g. Great Outdoors Colorado, Colorado Department of Revenue/Tax Credits, etc.) and terms of the conservation easement deeds and interruptible supply.
- Complete the study by the Upper Arkansas Water Conservancy District (UAWCD) to develop a set of tools (Administration Tool) to simplify the engineering and reduce the costs related to a rotational fallowing ATM. If and when completed, support the promulgation of rules determining how the Administration Tool can be applied in administrative approvals and/or water court cases.
- Support the Arkansas Basin Roundtable efforts in basin planning, analysis of varying hydrologies, native and imported water, future municipal, agricultural and nonconsumptive needs, existing, planned and needed infrastructure to help meet their future water supply needs.

West Slope

The West Slope presents a unique opportunity with respect to ATM. On the West Slope the use of ATM can be used for both municipal supply and to address a Colorado River compact curtailment. Following are the recommendations for the ATM program for the West Slope, which includes efforts in the Colorado, Gunnison, Southwest and Yampa Basins.

- Advance the Colorado River Compact Water Banking study and its focus on rotational fallowing by integration using the results from the Aspinall Water Bank study and Yampa ATM study.

- ~~Continue the Yampa ATM study to determine the acceptability by ranchers of an ATM and the concurrent benefits to fish habitat. These identified lands and associated water can also be used for the Compact Water Banking project and should be integrated.~~
- ~~Continue the study by CSU and others on the suitability of pasture grass for rotational fallowing.~~

Application Process, Eligibility and Evaluation Criteria

Purpose

The Alternative Transfer Methods Grant Program, adopted by the Colorado General Assembly in 2007, provides financial assistance to support the advancement of alternative water transfer methods. The Alternative Transfer Methods Grant Program continues to receive periodic funding renewals through the annual CWCB Project Bill.

The primary purpose of the Alternative Water Transfer Methods Grant Program are to (1) reduce identified barriers to alternative water transfer method project development, (2) encourage participation in alternative water transfer method projects, and (3) support the development and implementation of alternative water transfer methods.

~~The purpose of this grant program is to further examine and assist in developing/implementing alternate transfer methods to traditional purchase and transfer of agricultural water. The grant program seeks to both allow the free marketing of water supplies and to advance alternatives to traditional purchase and transfer of agricultural water.~~ It is expected that these monies should fund projects that build upon work performed in past funding cycles and encourage more “on-the-ground” projects (i.e. pilot/demonstration projects, facilitating agreements between municipal water providers and irrigators, etc.). Preference will be given to projects that provide usable and transferable information that will increase our understanding of how to successfully design transfer programs that provide a long-term reliable water supply while sustaining meaningful production agriculture. ~~Further, projects funded from this grant program should build upon work performed in the initial funding round.~~

The grant program is available to applicants/projects statewide. The ultimate number of grants funded will depend on the number and quality of applications received.

Applications must be received by the 1st of the month, the month prior to the bimonthly Board meetings in which the application will be considered for funding. For example, applications for a May meeting are due April 1st. The CWCB Board will consider the grants and recommendations by staff and will decide whether to fund, not fund or partially fund the grant requests. If funds are not exhausted, staff will consider applications at any board meeting until the funds are exhausted.

Application forms are available electronically at <https://cwcw.colorado.gov/alternative-agricultural-water-transfer-methods-grants>. ~~<http://cwcw.state.co.us>~~

Eligibility Requirements:

In order for a project to be eligible to receive funding from the grant program it must meet the requirements described in this section. If a project meets the eligibility requirements it will then undergo further analysis to determine how well it meets the Evaluation Criteria described in the following section.

In order to be eligible for funding, the project must include:

1. A completed application, scope of work (Exhibit A), and general/detailed budget with schedule (Exhibit B) form.
2. A description of how, if implemented, it will protect property and water rights.
3. The project must at a minimum conceptually describe the technical, institutional, or legal elements of alternative agricultural water transfers.
4. If grant monies are proposed for use for legal or engineering assistance then the use of those funds shall be oriented toward advancing the knowledge of alternative agricultural water transfer methods and techniques; not for preparation of a specific water court case.
5. A minimum of a 50 percent cash match of total project costs is required. 50% of the match may be in-kind. Cash and in-kind matches above this amount are preferred.

Evaluation Criteria:

The following grant evaluation criteria will be used by the CWCB to evaluate and make recommendations to fund, partially fund or not fund a grant application. The criteria are aimed at advancing alternative transfer methods from the literature and studies to actual on the ground projects/programs that provide reliable water supply and sustain key elements of the agricultural area from which the water is transferred. The applicant should fully address and explain in detail in the application how, and the extent to which, the proposed project/program meets each of the criteria. However, it should be noted that the project does not have to meet all of the criteria to be eligible to receive funding and the criteria below are not listed in any order of important or priority.

1. The proposed project/program builds upon the work of former alternative water transfer methods efforts and addresses critical barriers, research gaps, or recommendations that have been identified in the Colorado Water Plan, Basin Implementation Plans, *Alternative Transfer Methods in Colorado* status report. For more detailed information on this work, please refer to the draft report: *Alternative Agricultural Water Transfer Methods Grant Program Summary and Status Update, November 2012*, and other alternative water transfer method literature.
2. The proposed project addresses one or more key recommendation(s) in the report: *Alternative Agricultural Water Transfer Methods Grant Program Summary and Status Update, November 2012*.

3. Preference will be given to projects that provide additional matching resources in the form of cash, past expenditures and in-kind contributions that are in addition to the required 10% cash match.

4.2. The proposed project contains specific actions that will lead to the development and implementation of a new alternative water transfer method. The proposed project/program has the ability/potential to produce a reliable water supply that can be administered by the State of Colorado, Division of Water Resources. Additional consideration will be given to projects demonstrating new or innovative applications of alternative water transfer methods to address water resource challenges.

3. The proposed project ~~/program~~ produces information that is transferable and transparent to other users and other areas of the state (i.e., would provide an example "template" or roadmap to others wishing to explore alternate water transfer methods) or supports the development of tools that would encourage participation in alternative water transfer methods.

5.

4. The proposed project ~~/program~~ addresses key water needs identified in SWSI 2010 or as identified in a basin's needs assessment current or incremental municipal and industrial or agricultural gaps identified in the 2019 Technical Update to the Colorado Water Plan or Basin Implementation Plans. Projects addressing non-consumptive needs will also be considered, particularly projects resulting in preserving or improving instream flows held by CWCB and recreational in-channel diversion flows. Projects providing alternatives to the permanent dry-up of senior irrigation rights for augmentation supply will also be supported.

6.

5. The extent to which the proposed project addresses interstate and/or intrastate water resource management challenges.

6. The extent to which the proposed project/program provides multi-benefits including, but not limited to, advances the preservation of high value, working agricultural lands; drought resiliency; environmental benefits; improved water quality; and socio-economic benefits for rural communities. Value can be viewed as: the value of crops produced, the value the agriculture provides to the local community, and the value the agricultural area provides for open space and wildlife habitat.

7.

8. The proposed project/program addresses water quality, or provides other environmental benefits to rivers, streams and wetlands.

7. The proposed project/program increases our understanding of and quantifies program/project costs. This could include: institutional, legal, technical costs, and third party impacts.

9.

8. The proposed project addresses/acknowledges the potential impacts to non-participants including maintenance of ditch operations.

9. The proposed project has demonstrated support from the applicable Division of Water Resources Division Engineer, water conservation and conservancy districts, Basin Roundtable, and other critical water stakeholders. /program does not adversely affect access to other sources of water (not subject to/participating in the program) where owners of these water rights may wish to pursue traditional transfer of their rights to other users.

10.

11. The proposed project/program provides a perpetual water supply for the new and/or alternate use and preserves agricultural production and/or helps sustain the area's economy from which the transfer is occurring.

12. The quantity of water produced by the proposed project/program. Preference will be given to programs that can address larger water supply needs.

For additional information about the program and to obtain an application form please visit the CWCB website at <https://cwc.colorado.gov/alternative-agricultural-water-transfer-methods-grants> <http://cwc.state.co.us> or contact Alexander FunkCraig Godbout at (303) 866- 3441 ext. 320140 or by email at alexander.funkcraig-godbout@state.co.us. Potential applicants are highly encouraged to discuss the proposed project with CWCB staff prior to submitting an application.

DRAFT

Fish and Wildlife Resource Fund

Grant Program Guidance

December 2020

A. Background

Statute

Projects Bill appropriation

The Colorado Water Conservation Board (CWCB) is the state executive branch agency responsible for state water policy and planning. The Board's mission is to conserve, develop, protect, and manage Colorado's water for present and future generations. Its major program sections include Watershed & Flood Protection; Water Supply Planning; Finance; Stream and Lake Protection; and Intrastate & Federal. More information about the CWCB and its sections can be found at <http://cwcb.state.co.us/>.

The purpose of this Grant Program Guidance is to establish and describe the program for the issuance and administration of grants from the CWCB Fish and Wildlife Resources Fund (FWRF).

B. Grant Approval Criteria

1. Competitive Process

The Board will select the projects to fund from applications that best meet the evaluation criteria (**TOO BE CREATED**). CWCB staff reserves the right to negotiate with successful applicants to modify the scope and/or budget of their projects to better meet CWCB objectives and fund availability. An evaluation team will review the applications and recommend projects for grant funding. The evaluation team will consist of at least four members. Staff will submit funding recommendations for Board action at the first CWCB meeting after a **XX** day review period.

2. Grant Categories

Board Policy 15 - provide link and summary narrative

Board Policy 20 – provide link and summary narrative

3. Cost-Sharing – REVIEW THIS LANGUAGE FOR COMPLIANCE WITH BOARD POLICIES

FWRP grants will be funded by the CWCB on a cost-share basis. CWCB funds shall not exceed 50% of the total cost of the individual plan or project. Other CWCB funds may be used for plans and studies, but the total CWCB funding shall not exceed 75% of the total cost. CWCB contributions to federally sponsored studies or plans shall not exceed 50% of the total cost.

Project costs may consist of a combination of in-kind and cash match, but no more than half of the match may be in the form of in-kind services.

Cash Match

Actual expenditures paid directly with cash funds from the grantee to a vendor. Examples are supplies, services, and necessary equipment purchase or rental.

In-Kind Match

Services and labor provided by the paid staff of the grantee to perform all or part of the approved project scope of work, including necessary project administration. This can include standard direct and indirect personnel fringe benefits. Volunteer services provided at no cost to the applicant by firms or individuals consistent with the approved scope of work will be valued for in-kind match at local prevailing wage rates. Project specific land acquisition or access agreement costs may also be claimed as in-kind contributions and credited against the minimum requirement. Costs that CAN NOT be considered include: general organization operating costs such as utilities, operating supplies and services, amortized costs or rental costs for buildings and equipment used for the general operation of the organization, and general property and liability insurance costs, nor will overhead percent charges to cover such items be allowed. These business expenses are NOT reimbursable costs and may not be claimed as matching contributions.

4. Eligible Entities – REVIEW THIS LANGUAGE FOR COMPLIANCE WITH BOARD POLICIES

Established non-profit organizations, watershed coalitions, State of Colorado departments and agencies, local governments, conservation and water conservancy districts, and Colorado's two Ute Tribes are eligible. Federal agencies and private landowners are not eligible to receive grant funds; however, projects may be conducted on private, state, or federal lands with appropriate permissions and under the sponsorship of an eligible entity. The CWCB will strive to achieve geographic diversity by approving qualifying projects west and east of the continental divide.

5. Application Requirements

TBD

C. Grant Program Administration

1. Application Timeline

The timeline for the grant application cycle is:

Applications available	Ongoing
Deadline to submit applications	Ongoing
Applications reviewed	Submittal Date + XX Days
Board Consideration of Staff Recommendation	Review period + First Available Board Meeting
Progress reports due	Every six months starting from date of contract

2. Payment Procedure

The CWCB will make between **x and x** payments, as requested by each grantee. The individual payments do not need to be equal (**Reference new Board Policy on grant payments**). All payments will be based on invoices for work already completed.

The final payment will be at least 10% of the total grant award, which will not be released until full completion of grant and upon preparation and approval of a final report.

CONTACT INFORMATION

Interested parties are strongly encouraged to call the CWCB to discuss potential applications.

For more information, please contact:

Chris Sturm

chris.sturm@state.co.us

Colorado Water Conservation Board

1313 Sherman Street, Room 721

Denver, CO 80203

Phone: 303-866-3441, ext. 3236



Grant Packet Table of Contents

The following is an outline of documents written about the Fish and Wildlife Resources Fund Grant.

Sections 1 and 2 are informative pieces for anyone interested in the grant program. Section 3 is the actual application and Section 4 contains the contract forms used by the State.

Section 1 Grant Program Overview

This one-page overview provides basic information about the grant program and eligibility.

Section 2 Grant Program Guidance

This document provides detailed information about the grant program and how to apply for funding.

Section 3 Application

The application is presented in six sections and is a combination of forms (3.1, 3.4, 3.5) and guidelines on written narrative and evaluation criteria (3.2, 3.3). A checklist is included to help applicants ensure completeness (3.6).

- 3.1 Applicant Information
- 3.2 Project Summary Form
- 3.3 Technical Narrative Description
- 3.4 Evaluation Criteria
- 3.5 Budget Form
- 3.6 Application Checklist

Section 4 Contracts

These are the contract and special provisions used by the State. Signed copies should accompany the application to expedite contracting if a grant is awarded.

- 4.1 Contract Section Cover Sheet
- 4.2 Contract Form
- 4.3 Special Provisions for Non-Governmental Agencies
- 4.4 Special Provisions for Governmental Agencies
- 4.5 Signature Page



Section 1: Grant Program Overview

General Information

The State of Colorado recognizes the importance of fish and wildlife resources in and around waters affected by water diversion, delivery or storage facilities. Given the statewide importance of fish and wildlife resources, the legislature has made funds available to mitigate impacts on them in a manner that maintains a balance between development of the state's resources and the protection of the state's fish and wildlife resources. The Colorado Water Conservation Board (CWCB) has been vested with the authority to grant moneys for mitigation projects for existing facilities pursuant to CRS 37-60-122.2.

The CWCB Board adopted **Policy 15** as the governing document for the Fish and Wildlife Resource Fund. The policy can be viewed at:

<http://cwcb.state.co.us/Finance/RelatedInformation/LawsRules/Policies.htm>. Information contained in this policy supersedes these guidance documents.

Project Eligibility

Grants from the Fish and Wildlife Fund can be accepted for:

1. The **appropriation of water rights** to preserve, or the **acquisition of water rights** to preserve or improve the natural environment to a reasonable degree to mitigate the impact of an existing water facility. All acquisitions or appropriations must be in compliance with Instream Flow Rules and state water laws.
2. **River restoration** feasibility studies and construction projects designed to directly mitigate or significantly improve the environmental impacts of existing water facilities.
3. An appropriate **combination** of river restoration and water right acquisition or appropriation.

Applicant Eligibility

Eligible applicants include operators of existing water diversion, delivery or existing storage facility projects and the Colorado Water Conservation Board (CWCB). Entities that do not operate such facilities, such as certain municipalities, watershed groups, and others, are encouraged to contact CWCB staff to explore the opportunities for joint application with the CWCB. The "Eligibility" section of the Grant Program Guidance document provides more details and examples for interested applicants.

Funding

Applicants are strongly encouraged to contact staff to discuss funding amounts and limitations.

Timeline

Grants will be accepted throughout the year and reviewed on the following basis. From the date of application, CWCB staff review and evaluation will normally take 120 days. At a subsequent regular or special CWCB Board meeting, the Board will take action on a final funding determination. Contracting normally takes four to six weeks. While exceptions to this schedule will be considered on a case-by-case basis, applicants are encouraged to allow sufficient time for review and contracting.

Contact Information

Interested parties are strongly encouraged to call the CWCB to discuss potential applications.

For more information, please contact:

Chris Sturm

chris.sturm@state.co.us

Colorado Water Conservation Board

1313 Sherman Street, Suite 721

Denver, CO 80203

Phone: 303-866-3441 ext. 3236

Fax: 303-866-4474



Section 2: Grant Program Guidance

2.1 General Information

The State of Colorado recognizes the responsibility it holds for the protection of fish and wildlife resources in and around waters affected by water diversion, delivery or storage facilities. Given the statewide importance of fish and wildlife resources, the legislature has made funds available to mitigate impacts on them in a manner that maintains a balance between development of the state's resources and the protection of the state's fish and wildlife resources as specified in Colorado Revised Statutes (CRS) 37-60-122.2.

The Colorado Water Conservation Board (CWCB) has been vested with the authority to grant moneys for mitigation projects for existing facilities through the Fish and Wildlife Resources Fund Grant Program pursuant to CRS 37-60-122.2(5). This guidance document provides detailed information on the issuance and administration of grants from the Fish and Wildlife Resources Fund for mitigation of existing water diversion, delivery or storage facilities.

The Board's administration of the Fish and Wildlife Resources Fund is governed by the above statute and **Board Policy 15**

(available at <http://cwcb.state.co.us/Finance/RelatedInformation/LawsRules/Policies.htm>).

Information contained in the statute and policy supersedes these guidance documents.

2.2 Project Eligibility

Grants from the Fish and Wildlife Resources Fund can be accepted for the following types of projects:

1. The **appropriation of water rights** to preserve, or the **acquisition of water rights** to preserve or improve the natural environment to a reasonable degree to mitigate the impact of an existing water facility. All acquisitions or appropriations must be in compliance with Instream Flow Rules and state water laws.
2. **River restoration**, feasibility studies and construction projects designed to directly mitigate or significantly improve the environmental impacts of existing water facilities.
3. An appropriate **combination** of river restoration and water right acquisition or appropriation.

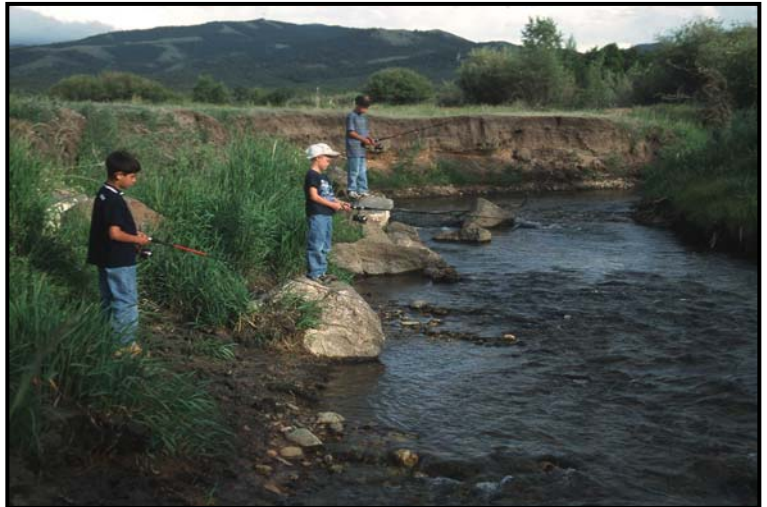


Photo of Trinchera Creek by Gary Kramer, USDA NRCS

2.3 Applicant Eligibility

Eligible applicants include operators of existing water diversion, delivery or existing storage facility projects and the Colorado Water Conservation Board (CWCB). Entities that do not operate such facilities, such as certain



municipalities, watershed groups, and others, are encouraged to contact CWCB staff to explore the opportunities for joint application with the CWCB. Please see the “Eligibility” section in this document for more details and examples for interested applicants.

2.4 Submittal Procedure and Requirements

Grants will be accepted throughout the year and reviewed on the following basis. From the date of application, CWCB staff review and evaluation will normally take 120 days. At a subsequent regular or special CWCB Board meeting, the Board will take action on a final funding determination. Contracting normally takes four to six weeks. While exceptions to this schedule will be considered on a case-by-case basis, applicants are encouraged to allow sufficient time for review and contracting.

Three copies of the complete application should be submitted in hard copy, single or double-sided and unbound. The application should be formatted with no less than 11-point font and no less than one-inch margins. An electronic version must also be submitted on a CD, floppy disk or via email (appendices do not need to be submitted electronically). A checklist is provided with the application packet to help applicants ensure that all materials are included.

To apply for funding from the Fish and Wildlife Resources Fund, an applicant must complete an application that contains the following sections:

- Applicant Information (1 page)
- Project Summary Form (1 page)
- Technical Narrative Description* (5 pages maximum)
- Budget Form (1 page)
- Appendices (varies)

* A detailed description of the technical narrative is included in the application package. In summary, the narrative should include:

- Project Need/Definition of the Problem
- Project Goals and Objectives
- Technical Feasibility of the Proposed Project
- Project Implementation Plan
- Project Time Schedule
- Monitoring Plan
- Qualifications of the Applicant (as an organization and individuals)
- Coordination Plan and Public Involvement
- Appendices, including maps, legal documents, letters of support, other materials

2.5 Pre-Applications

Prospective applicants are encouraged to submit a pre-application to the CWCB at any time. A pre-application provides applicants the opportunity to obtain a non-binding opinion from the CWCB staff on whether a particular conceptual proposal may be an appropriate project for funding from the Fish and Wildlife Resources Fund before engaging in the time-consuming process of preparing a comprehensive proposal. Interested parties should submit a proposal



abstract of no more than three paragraphs describing the proposed project and map or conceptual design of the project area. Please contact Tom Browning to discuss your project or for additional information. Their contact information can be found on the last page of this document.

2.6 Application Evaluation Criteria

The following criteria will be used to evaluate applications to the Fish and Wildlife Resources Fund. These will be deduced from your technical narrative, so please be sure that the following issues are addressed. More detailed information is available in the application packet.

Criteria	Points
Urgency/Need <i>A measure of the urgency for the project work and the need for funding from the CWCB.</i>	15
Project Benefits <i>A measure of the state-wide and local project benefits</i>	15
Technical Merit/Soundness of Proposal <i>Is the project well designed and will it have a significant impact on the health of the stream system?</i>	30
Organizational Capacity <i>Does the applicant organization and others working on the project have the skill, capacity and history of achievements for this project to be successful?</i>	20
Coordination/Public Involvement <i>Has the applicant identified and established all necessary partnerships, permits and permissions?</i>	20

A special note on water rights appropriations and acquisitions: The Board will consider and CWCB staff will evaluate and recommend to the Board grant applications for appropriation or acquisition of water rights to be held by the Board on the following project types:

- Instream flow water rights that assist in the administration of compact-entitled waters, or address problems relating to compact-entitled waters
- Instream flow water rights that facilitate the resolution of federal water rights issues
- Instream flow water rights that assist in the recovery of threatened or endangered wildlife species or the conservation of existing wildlife species within riparian ecosystems.

Please remember to demonstrate how your project will help the CWCB to further its mission to “Conserve, develop, protect and manage Colorado’s water for present and future generations.” To achieve this mission, the CWCB must develop and implement programs to:

- Conserve the waters of the State for wise and efficient beneficial uses
- Develop waters of the State to:
 - Preserve the natural environment to a reasonable degree
 - Fully utilize state compact entitlements
- Protect the waters of the State for maximum beneficial use without waste
- Manage the waters of the State in situations of extreme weather conditions – both for floods and droughts



2.7 Funding

The grant program is managed on an annual cycle that begins July 1, consistent with the state fiscal year. Awards in a given fiscal year cannot exceed the amount available for grants in the Fish and Wildlife Resources Fund for that year.

Applicants are encouraged to compile an appropriate mix of cash and in-kind funding sources. The following information provides some guidance on what is considered in-kind and what is considered a cash match.

Please be aware that projects should be completed within three years of receiving funding. Any extensions must be negotiated in advance with the CWCB project manager. If a grant cannot be completed any unexpended funds will revert to the Fish and Wildlife Resources account.

Matching Funds

Only project costs incurred six months prior to the application deadline, costs incurred during the project performance period specified in the contract, and costs identified in the grant application budget are eligible to qualify as matching funds. All matching funds, cash and in-kind, must be eligible.

Cash Match

Actual expenditures paid directly with cash funds from the grantee to a vendor. Examples are supplies, services, studies and equipment.

In-Kind Match

- Services and labor provided by the paid staff of the grantee to perform all or part of the approved project scope of work. This can include direct and indirect personnel fringe benefit costs such as employee insurance, retirement benefit costs, vacation time, holiday time and sick leave time.
- Services provided at no cost to the grantee by firms or individuals to perform part of the approved scope of work that requires specialized or expert skill and knowledge. This is paid labor and can be included as an in-kind match.
- In addition, general organizational operating costs such as utilities, general operating supplies and services, amortized costs or rental costs for buildings and equipment used for the general operation of the organization, and general property and liability insurance costs may be included in the hourly rate.
- Any grant received from the CWCB cannot be used as a match to another grant from the CWCB.



Medano Creek Geneva Bailey The Nature



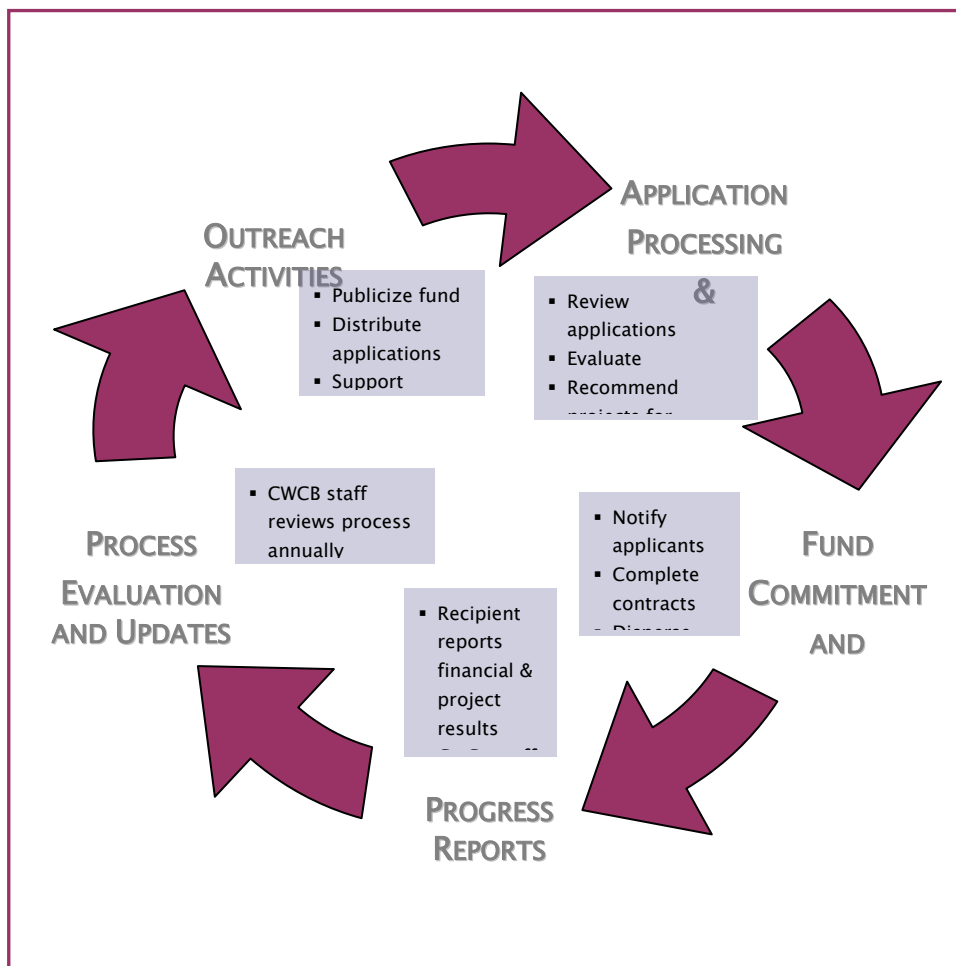
Payments

If an application is accepted for funding, please note that payments will be made only after work is completed, no up-front payments can be made. The CWCB will pay by invoice on completed tasks.

2.8 Timeline

Grants will be accepted throughout the year and reviewed on the following basis. From the date of application, CWCB staff review and evaluation will normally take 120 days. At a subsequent regular or special CWCB Board meeting, the Board will take action on a final funding determination. Contracting normally takes four to six weeks after the final funding determination. While exceptions to this schedule will be considered on a case-by-case basis, applicants are encouraged to allow sufficient time for review and contracting. Please contact Chris Sturm (contact information at the end of this document) to discuss exceptions.

2.9 Administration



Grant Program Administration

The diagram at left outlines the key steps in the grant process for the Fish and Wildlife Resources Fund as administered by the staff of the CWCB.

Note that on an annual basis the CWCB staff will:

- Publicize the program
- Collect and review applications
- Make funding recommendations to the CWCB Board
- Work with successful applicants to complete contracts to begin project work
- Review progress and help address project issues that may arise
- Disperse funds upon successful completion of their project
- Review and update the grant process as appropriate.



2.10 Checklist for Completeness of Application

A checklist is included with the application to help applicants ensure that they have all necessary materials completed and included with their final application.

2.11 Successful Applicants

Once an application is selected for funding, the applicant will be required to submit a W-9 form for payment purposes.

Typically, a contract will take four to six weeks to be processed through the state system, though additional time may be necessary. The CWCB project manager will be in communication with the grant recipient during this time if any significant delays arise. A successful applicant will need to prepare a detailed scope of work before the contract can be executed. The CWCB staff will provide an example scope of work.

Successful applicants will need to submit progress reports to the CWCB staff. A progress report needs to be submitted at 50% completion of the project. A final report is due upon completion. Payment of 15% will be retained until full completion of the project, including the preparation and approval of a final report and site inspection if deemed necessary by the CWCB staff.

2.12 Contact Information

Interested parties are strongly encouraged to call the CWCB to discuss potential applications and this grant fund.

For more information, please contact CWCB Project Manager:

Chris Sturm, Stream Restoration Coordinator

chris.sturm@state.co.us

Colorado Water Conservation Board

1313 Sherman Street, Suite 721

Denver, CO 80203

Phone: 303-866-3441 ext. 3236

Fax: 303-866-4474



Section 3.1: Applicant Information

Date of Submittal: _____

Name of Project: _____

Applicant Information

Name and Address of Applicant Responsible for Project:

Phone: () _____ FAX: () _____

Email: _____

Name and Type of Organization: _____

Applicant Federal Employer ID Number (FEIN): _____

Contact Information, if Different from Sponsor

Name and Address of Applicant Responsible for Project:

Phone: () _____ FAX: () _____

Email: _____

Submitted by Name _____
 Date _____

Received by Name _____
 Date _____



Section 3.2: Project Summary Form

Project Location Information

Nearest Town or City	
County	
Township/Range/Section	
Latitude/Longitude	
State Senate District	
State Representative District	
Stream Name and Watershed	
Water Division	
Water District	

Land Ownership

On a map of scale $\geq 1"=2000'$, indicate all property affected by this project and evidence of ownership or easements for project work. This information should also be shown on an ownership map in the appendices. If the project area has over three property owners, please attach a separate sheet with names and permission status for each.

Name of Landowner(s) _____

Evidence of ownership or easements for river restoration work:

☐ Enclosed ☐ Will forward if requested ☐ Not yet available (explain timeline)

Grant Request (round figures to the nearest \$100)

Total Project Cost	
Grant Request	
List Funding Sources	

Brief Description of Project Request (Please limit to no more than 100 words; this will be used to inform reviewers and the public about your proposal):



Section 3.3: Technical Narrative Description

The project description, referred to as the technical narrative, should be written in no smaller than 11-point font with at least one-inch margins, and should not exceed five pages (excluding appendices). Applicants should use this outline as a guide to describe their project and how it meets the evaluation criteria. The technical narrative should address the following sections:

Project Need/Definition of the Problem

- Succinctly describe the problem that this project will address and its urgency
- Describe the circumstances that precipitated the need for this project and any past, ongoing, or proposed efforts to address the need

Project Goals and Objectives

- Include a discussion of current conditions and their causes and desired future conditions
- Describe resource and programmatic goals for the project
- Describe the anticipated benefits of the project

Technical Feasibility of the Proposed Project

- Describe how the project will be designed and implemented
- Identify any needed permits or approvals and how those will be obtained
- Identify any water rights concerns or necessary legal documents
- Describe how potential adverse impacts of the project on the 100-year floodplain will be addressed
- Describe how the project will withstand the impacts of a 100-year flood

Project Implementation Plan

- Describe chronological order of tasks or activities to accomplish work for each objective

Project Time Schedule

- Identify major milestones and projected dates for their implementation

Monitoring Plan

- Describe how information will be collected and analyzed to determine project results

Qualifications of the Applicant

- Briefly summarize the skills and qualifications of the project team
- Briefly summarize the previous experience of the project team in accomplishing projects such as this (include specific information on past projects/history)

Coordination Plan and Public Involvement

- Identify lead project sponsor, partners, and methods of cooperation among partners
- Describe local support for the project
- Describe the process for ensuring public involvement in the project and known support or opposition

Appendices

- Please include any maps, legal documents, letters of support, other materials that will help clarify the grant request



Section 3.4: Evaluation Criteria

The following criteria will be used to evaluate applications to the Fish and Wildlife Resources Fund. How well an application meets these criteria will be deduced from the technical narrative, so ensure that the following issues are addressed within the narrative.

Urgency/Need **15 points**

- Urgency or timeliness of the project to protect fish & wildlife resources.
- Need for funding and CWCB support.
- *Especially reflected in Narrative Sections 1.0 and 2.0*

Project Benefits **15 points**

- What are the statewide benefits of the project?
- What are the physical and biological benefits of the project to natural resources at the local level?
- What are the social benefits of the project to the local community, including factors such
 - Use of volunteers where appropriate,
 - Educational opportunities.
- *Especially reflected in Narrative Section 2.0*

Technical Merit/Soundness of Proposal **30 points**

- If the proposed project or planning effort is implemented, will it have a significant impact on improving the health of the river system or the target fish and wildlife?
- Is the proposal well thought out and will the proposal implementation steps really accomplish the stated goals of the proposal?
- Once designed and constructed, will the project mitigate the potential adverse impacts on the adjacent 100-year floodplain? Explain.
- Once constructed, will the project be able to withstand the impacts of a 100-year flood? Explain how.
- Will the applicant(s) have the financial resources to repair any damages sustained by the project during a flood greater than a 100-year flood?
- *Especially reflected in Narrative Sections 3.0, 4.0, 5.0 and 6.0*

Organizational Capacity **20 points**

- Applicant organization's history of accomplishments in similar projects.
- Capacity of available staff to accomplish the proposed project.
- *Especially reflected in Narrative Section 7.0*

Coordination/Public Involvement **20 points**

- Applicant's history of working cooperatively with community organizations and local, state and federal agencies.
- List of partners and how they will contribute to the project (letters of support and commitment).
- Are all necessary permits and permission secured or identified?
- *Especially reflected in Narrative Section 8.0*

FISH AND WILDLIFE RESOURCES FUND GRANT
COLORADO WATER CONSERVATION BOARD



Section 3.5: Grant Application Budget Form

Sources of Funds	Date	Grant Request	Cash Match	In-Kind Match	Totals
		\$	\$	\$	\$
Uses of Funds	Date	Grant Request	Cash Match	In-Kind Match	Totals
		\$	\$	\$	\$
Totals		\$	\$	\$	\$

Total Project Cost: \$

Signature _____ **Date** _____



Section 3.6: Application Checklist

This checklist is intended to help ensure that the final grant application is full and complete.

Grant Package

- ☐ Are there three correctly formatted hard copies of the complete application?
- ☐ Is it compiled in the order shown below?
- ☐ Is there an electronic version of the application?

Applicant Information

- ☐ Are all sections completed on this form?

Project Summary Form

- ☐ Are all sections completed on this form?

Technical Narrative

- ☐ Is the narrative complete, with all eight sections addressed?
- ☐ Is it in 11-point font or larger, one-inch margins or larger, no more than five pages?
- ☐ Are project selection criteria addressed adequately in your technical narrative?

Budget

- ☐ Is a complete budget included, showing sources and uses of funds?

Appendices

Maps

- ☐ Is a project vicinity map included?
- ☐ Is a project map with land ownership included?
- ☐ Are other maps included?

Legal Documents

- ☐ Are important legal documents included?

Analysis of Flood Impacts

- ☐ Is a floodplain map showing the pre-project and post-project 100-year floodplain boundaries included?
- ☐ Is an engineering analysis of the project's ability to withstand a 100-year flood included?

Other Documents

- ☐ Are all other supporting documents included, with five copies of all?



Section 4.1: Contract Materials

This section contains the materials necessary for contracting with the CWCB. Applicants/Sponsors are asked to read and familiarize themselves with these forms and to sign and return the signature page with their completed application. In the event an application is selected for funding, this will facilitate processing of the contract. Please note that this contract template contains materials required for contracting with the State of Colorado and cannot be altered.

Contract materials include:

- **Grant Agreement**
 - *This form is the contract an applicant/sponsor would enter into with the CWCB in the event of funding.*
- **Special Provisions for Use Only with Inter-Governmental Agreements**
 - *This form contains special provisions necessary for contracting with the State and is intended for grants given to other governmental agencies.*
- **Special Provisions for use with Non-Inter-Governmental Agreements**
 - *This form contains special provisions necessary for contracting with the State and is intended for grants given to nongovernmental organizations.*
- **Signature Page**
 - *This is the signature page required for contracts. Completing this form with the application will facilitate processing but does not constitute an offer by the State (see notice below).*

Notice to Grant Applicant/Sponsor: Your submission of this application constitutes an offer, acceptance of which shall result in a binding agreement effective upon acceptance of your application and award of the grant. The terms of the Agreement include the Special Provisions, and any amendments of changes to the grant application/agreement.

The Applicant/Sponsor hereby submits this application and acknowledges that acceptance of this application and award to the Applicant/Sponsor constitutes a binding agreement.

The determination of an award amount is not a material part of this offer and determination of a specific amount, or upward or downward adjustment of a tentative amount referenced in this application, or otherwise made known to the Applicant/Sponsor, shall not be considered a counter offer requiring the Applicant/Sponsor's acceptance.

The Applicant/Sponsor swears under penalty of perjury that the foregoing certifications, representations, and statements are true, accurate and complete to the best of the Applicant/Sponsor's knowledge and belief.

Grant Agreement

The agreement is made _____ (date) between the Department of Natural Resources, Colorado Water Conservation Board, 1313 Sherman Street, #721, Denver, CO 80203 hereinafter referred to as the "State" and _____, hereinafter referred to as the "Sponsor" or "Contractor".

RECITALS

Authority exists in the Law and Funds have been budgeted, appropriated and otherwise made available, from FUND _____, APPR _____, ORG _____, AGENCY _____, OBJ _____, GBL _____, the sufficient unencumbered balance thereof remains available for payment of a total of \$_____, as Contract Encumbrance No. _____.

The agreement is entered into pursuant to the provisions of §37-60-122.2 (5) C.R.S.

The Colorado Water Conservation Board adopted Policy 15, effective September 12, 2002, outlining policies for consideration and approval of Fish and Wildlife Resource Fund Grant Applications.

The required approval, clearance and coordination have been accomplished from and with appropriate agencies.

Grant Award

Award is hereby made to the Sponsor in the amount of \$_____ (approved grant amount) for performance of the scope of work (Scope of Work), which is attached as Exhibit A.

Terms and Conditions

1. Scope of Work

The Applicant will undertake the scope of work described in the attached scope of work.

2. Performance Period

The period of performance will be from approval date shown in the controller's signature block until _____, unless otherwise amended and agreed upon by both parties.

3. Schedule of Payments

- a. The State share of this project is not to exceed the approved grant amount list in **Grant Award** above, a maximum of \$_____.
- b. Payment will be made upon submission of invoice and approval by the State, for work completed.
- c. The State reserves the right to inspect all projects prior to, during or at the conclusion of the project and/or periodically thereafter. A representative of the Applicant may be required to attend the inspection.

4. State's Limitation

The State's participation in the Project is limited to providing funds. The Sponsor is solely responsible for the development and implementation of the Project.

5. Financial Responsibility

- a. The Applicant shall maintain a complete record file of all receipts, expenditures and other written records which pertain to the use of the funds in the performance of this Agreement. Such record files shall be made available upon request at such reasonable times and places as agreeable to the parties of this Agreement.
- b. No later than thirty (30) working days after the date of completion of the Project or termination of the Agreement, the Applicant shall submit to the State a complete record of all receipts and expenditures and other written records related to the Project. Following the completion of the Project construction or termination of the Project, the State shall inspect the Project facilities and audit all expenditures made by the Applicant related to the Project as set forth above in "Scope of Work." If the State finds any expenditures were not made in accordance with this Agreement, the State may request, and the Applicant shall immediately refund monies used for those expenditures.

6. Assignment:

The rights and responsibilities of the parties under this contract shall not be assignable without the prior written approval of the State.

7. Successors and Assignments:

- a. All terms of the Agreement shall be binding on and inure to the benefit of the personal representatives, successors, or assigns of the parties.
- b. This Agreement is not assignable without written consent of both parties.

8. Integration of Understandings

This agreement is intended as the complete integration of all understandings between the parties. No prior or contemporaneous addition, deletion, or other amendment hereto shall have any force or effect whatsoever, unless embodied herein in writing. No subsequent novation, renewal, addition, deletion, or other amendment hereto shall have any force or effect unless embodied in a written Agreement executed and approved pursuant to the State Fiscal Rules.

9. Severability

To the extent that this Agreement may be executed and performance of the obligations of the parties may be accomplished within the intent of the Agreement, the terms of this Agreement are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision hereof. The waiver of any breach of a term hereof shall not be construed as waiver of any other term.

10. Modification

This agreement is subject to such modifications as may be required by changes in Federal law, or their implementing regulations. Any such required modification shall automatically be incorporated into and be part of these agreement on the effective dates of such change as if fully set forth herein. Except as provided above, no modification of this agreement shall be effective unless agreed to in writing by both parties in an amendment to this agreement that is properly executed and approved in accordance with applicable law.

11. Termination for Convenience

The State may terminate this contract at any time the State determines that the purposes of the distribution of State moneys under the contract would no longer be served by completion of the project. The State shall effect such termination by giving written notice of termination to the Sponsor and specifying the effective date thereof, at least twenty (20) days before the effective date of such termination. In that event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports or other material prepared by the Sponsor under this contract shall, at the option of the State, be delivered by the

Sponsor to the State and shall become the State's property. The Sponsor shall be entitled to receive just and equitable compensation for any satisfactory services and goods delivered.

If the contract is terminated by the State as provided herein, the Sponsor will be paid an amount which bears the same ratio to the total compensation as the services satisfactorily performed bear to the total services of the Sponsor covered by this contract, less payments of compensation previously made. If this contract is terminated for cause, or due to the fault of the Sponsor, the Termination for Cause or Default provision shall apply.

12. Termination for Default

If, through any cause, the Sponsor shall fail to fulfill, in a timely and proper manner, its obligations under this contract, or if the Sponsor shall violate any of the covenants, agreements, or stipulations of this contract, the State shall thereupon have the right to terminate this contract for cause by giving written notice to the Sponsor of its intent to terminate and at least ten (10) days opportunity to cure the default or show cause why termination is otherwise not appropriate. In the event of termination, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports or other material prepared by the Sponsor under this contract shall, at the option of the State, become its property, and the Sponsor shall be entitled to receive just and equitable compensation for any services and goods delivered and accepted. The Sponsor shall be obligated to return any payment advanced under the provisions of this contract. This provision shall in no way limit the remedies available to the State in the termination provisions of this contract, or remedies otherwise available at law.

Notwithstanding the above, the Sponsor shall not be relieved of liability to the State for any damages sustained by the State by virtue of any breach of the contract by the Sponsor, and the State may withhold any payment to the Sponsor for the purposes of mitigating its damages until such time as the exact amount of damages due to the State from the Sponsor is determined.

If after such termination it is determined, for any reason, that the Sponsor was not in default, or that the Sponsor's action/inaction was excusable, such termination shall be treated as a termination for convenience, and the rights and obligations of the parties shall be the same as if the contract had been terminated for convenience, as described herein.

13. Order of Precedence

Any inconsistency or conflict in this agreement shall be resolved by giving precedence in the following order:

- a) Special Provisions of Agreement
- b) Grant Agreement
- c) Exhibit A

SPECIAL PROVISIONS

(Not for Use with Inter-Governmental Contracts)

1. CONTROLLER'S APPROVAL. CRS 24-30-202 (1)

This contract shall not be deemed valid until it has been approved by the Controller of the State of Colorado or such assistant as he may designate.

2. FUND AVAILABILITY. CRS 24-30-202 (5.5)

Financial obligations of the State of Colorado payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available.

3. INDEMNIFICATION.

The Contractor shall indemnify, save, and hold harmless the State, its employees and agents, against any and all claims, damages, liability and court awards including costs, expenses, and attorney fees incurred as a result of any act or omission by the Contractor, or its employees, agents, subcontractors, or assignees pursuant to the terms of this contract.

4. INDEPENDENT CONTRACTOR. 4 CCR 801-2

THE CONTRACTOR SHALL PERFORM ITS DUTIES HEREUNDER AS AN INDEPENDENT CONTRACTOR AND NOT AS AN EMPLOYEE. NEITHER THE CONTRACTOR NOR ANY AGENT OR EMPLOYEE OF THE CONTRACTOR SHALL BE OR SHALL BE DEEMED TO BE AN AGENT OR EMPLOYEE OF THE STATE. CONTRACTOR SHALL PAY WHEN DUE ALL REQUIRED EMPLOYMENT TAXES AND INCOME TAX AND LOCAL HEAD TAX ON ANY MONIES PAID BY THE STATE PURSUANT TO THIS CONTRACT. CONTRACTOR ACKNOWLEDGES THAT THE CONTRACTOR AND ITS EMPLOYEES ARE NOT ENTITLED TO UNEMPLOYMENT INSURANCE BENEFITS UNLESS THE CONTRACTOR OR THIRD PARTY PROVIDES SUCH COVERAGE AND THAT THE STATE DOES NOT PAY FOR OR OTHERWISE PROVIDE SUCH COVERAGE. CONTRACTOR SHALL HAVE NO AUTHORIZATION, EXPRESS OR IMPLIED, TO BIND THE STATE TO ANY AGREEMENTS, LIABILITY, OR UNDERSTANDING EXCEPT AS EXPRESSLY SET FORTH HEREIN. CONTRACTOR SHALL PROVIDE AND KEEP IN FORCE WORKERS' COMPENSATION (AND PROVIDE PROOF OF SUCH INSURANCE WHEN REQUESTED BY THE STATE) AND UNEMPLOYMENT COMPENSATION INSURANCE IN THE AMOUNTS REQUIRED BY LAW, AND SHALL BE SOLELY RESPONSIBLE FOR THE ACTS OF THE CONTRACTOR, ITS EMPLOYEES AND AGENTS.

5. NON-DISCRIMINATION.

The contractor agrees to comply with the letter and the spirit of all applicable state and federal laws respecting discrimination and unfair employment practices.

6. CHOICE OF LAW.

The laws of the State of Colorado and rules and regulations issued pursuant thereto shall be applied in the interpretation, execution, and enforcement of this contract. Any provision of this contract, whether or not incorporated herein by reference, which provides for arbitration by any extra-judicial body or person or which is otherwise in conflict with said laws, rules, and regulations shall be considered null and void. Nothing contained in any provision incorporated herein by reference which purports to negate this or any other special provision in whole or in part shall be valid or enforceable or available in any action at law whether by way of complaint, defense, or otherwise. Any provision rendered null and void by the operation of this provision will not invalidate the remainder of this contract to the extent that the contract is capable of execution.

At all times during the performance of this contract, the Contractor shall strictly adhere to all applicable federal and State laws, rules, and regulations that have been or may hereafter be established.

7. VENDOR OFFSET. CRS 24-30-202 (1) & CRS 24-30-202.4

Pursuant to CRS 24-30-202.4 (as amended), the State Controller may withhold debts owed to State agencies under the vendor offset intercept system for: (a) unpaid child support debt or child support arrearages; (b) unpaid balance of tax, accrued interest, or other charges specified in Article 21, Title 39, CRS; (c) unpaid loans due to the Student Loan Division of the Department of Higher Education; (d) owed amounts required to be paid to the Unemployment Compensation Fund; and (e) other unpaid debts owing to the State or any agency thereof, the amount of which is found to be owing as a result of final agency determination or reduced to judgment as certified by the controller.

8. SOFTWARE PIRACY PROHIBITION Governor's Executive Order D 002 00

No State or other public funds payable under this Contract shall be used for the acquisition, operation, or maintenance of computer software in violation of United States copyright laws or applicable licensing restrictions. The Contractor hereby certifies that, for the term of this Contract and any extensions, the Contractor has in place appropriate systems and controls to prevent such improper use of public funds. If the State determines that the Contractor is in violation of this paragraph, the State may exercise any remedy available at law or equity or under this Contract, including, without limitation, immediate termination of the Contract and any remedy consistent with United States copyright laws or applicable licensing restrictions.

9. EMPLOYEE FINANCIAL INTEREST. CRS 24-18-201 & CRS 24-50-507

The signatories aver that to their knowledge, no employee of the State of Colorado has any personal or beneficial interest whatsoever in the service or property described herein.

SPECIAL PROVISIONS

(For Use Only with Inter-Governmental Contracts)

1. CONTROLLER'S APPROVAL. CRS 24-30-202 (1)

This contract shall not be deemed valid until it has been approved by the Controller of the State of Colorado or such assistant as he may designate.

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Financial obligations of the State of Colorado payable after the current fiscal year are contingent upon funds for that purpose being appropriated, budgeted, and otherwise made available.

3. INDEMNIFICATION.

To the extent authorized by law, the contractor shall indemnify, save, and hold harmless the State against any and all claims, damages, liability and court awards including costs, expenses, and attorney fees incurred as a result of any act or omission by the Contractor, or its employees, agents, subcontractors, or assignees pursuant to the terms of this contract.

No term or condition of this contract shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protection, or other provisions for the parties, of the Colorado Governmental Immunity Act, CRS 24-10-101 et seq. or the Federal Tort Claims Act, 28 U.S.C. 2671 et seq. as applicable, as now or hereafter amended.

4. INDEPENDENT CONTRACTOR. 4 CCR 801-2

THE CONTRACTOR SHALL PERFORM ITS DUTIES HEREUNDER AS AN INDEPENDENT CONTRACTOR AND NOT AS AN EMPLOYEE. NEITHER THE CONTRACTOR NOR ANY AGENT OR EMPLOYEE OF THE CONTRACTOR SHALL BE OR SHALL BE DEEMED TO BE AN AGENT OR EMPLOYEE OF THE STATE. CONTRACTOR SHALL PAY WHEN DUE ALL REQUIRED EMPLOYMENT TAXES AND INCOME TAX AND LOCAL HEAD TAX ON ANY MONIES PAID BY THE STATE PURSUANT TO THIS CONTRACT. CONTRACTOR ACKNOWLEDGES THAT THE CONTRACTOR AND ITS EMPLOYEES ARE NOT ENTITLED TO UNEMPLOYMENT INSURANCE BENEFITS UNLESS THE CONTRACTOR OR THIRD PARTY PROVIDES SUCH COVERAGE AND THAT THE STATE DOES NOT PAY FOR OR OTHERWISE PROVIDE SUCH COVERAGE. CONTRACTOR SHALL HAVE NO AUTHORIZATION, EXPRESS OR IMPLIED, TO BIND THE STATE TO ANY AGREEMENTS, LIABILITY, OR UNDERSTANDING EXCEPT AS EXPRESSLY SET FORTH HEREIN. CONTRACTOR SHALL PROVIDE AND KEEP IN FORCE WORKERS' COMPENSATION (AND PROVIDE PROOF OF SUCH INSURANCE WHEN REQUESTED BY THE STATE) AND UNEMPLOYMENT COMPENSATION INSURANCE IN THE AMOUNTS REQUIRED BY LAW, AND SHALL BE SOLELY RESPONSIBLE FOR THE ACTS OF THE CONTRACTOR, ITS EMPLOYEES AND AGENTS.

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8. EMPLOYEE FINANCIAL INTEREST. CRS 24-18-201 & CRS 24-50-507

The signatories aver that to their knowledge, no employee of the State of Colorado has any personal or beneficial interest whatsoever in the service or property described herein.

SPECIAL PROVISIONS

THE PARTIES HERETO HAVE EXECUTED THIS CONTRACT

CONTRACTOR:

STATE OF COLORADO:

BILL OWENS GOVERNOR

By _____
Legal Name of Contracting Entity

By Executive Director _____

Social Security Number or FEIN

Department of _____

Signature of Authorized Officer

LEGAL REVIEW:
Attorney General, Ken Salazar

BY _____

Print Name & Title of Authorized Officer

CORPORATIONS:
(A corporate attestation is required.)

Attest (Seal) By _____
(Corporate Secretary or Equivalent, or Town/City/County Clerk) (Place corporate seal here, if available)

ALL CONTRACTS MUST BE APPROVED BY THE STATE CONTROLLER

CRS 24-30-202 requires that the State Controller approve all state contracts. This contract is not valid until the State Controller, or such assistant as he may delegate, has signed it. The contractor is not authorized to begin performance until the contract is signed and dated below. If performance begins prior to the date below, the State of Colorado may not be obligated to pay for the goods and/or services provided.

STATE CONTROLLER:

Leslie M. Shenefelt

By _____

Date _____