

General Criteria for Mitigation Projects

On July 10, 1998, the Regional Water Quality Control Board (RWQCB) considered criteria for use by staff and the Board in evaluating environmental mitigation project proposals. At this meeting, the Board directed staff to use the criteria described below for evaluating such proposals.

Projects and funding may result from several sources including settlements by the State Attorney General and local District Attorneys(s), through the Administrative Civil Liability (ACL) process, and from other possible actions. The criteria below are intended as guidelines to be used in situations where no site-specific criteria have been adopted (for example, the Board has developed site-specific criteria for the Unocal Guadalupe site). The Board may direct staff to put additional emphasis or weight on particular criteria in a specific case. Projects need not meet all the criteria to be considered, however higher evaluations are likely for projects meeting more criteria.

- **Water Quality focus** - Projects submitted for consideration by the Regional Board should incorporate a focus on protection or enhancement of water quality. Projects should directly benefit or study ground water or surface water quality and the beneficial use of ground water or surface water. Examples include but are not limited to: monitoring programs, studies or investigations, water or soil treatment, habitat restoration, pollution prevention, wetlands protection/restoration or creation, conservation easements, aquatic impacts, stream augmentation, reclamation, and other aspects of water quality protection and enhancement. Each proposal should include a Goal Statement that clearly indicates the Water Quality focus.
- **Geographic Nexus** - The proposed project should have a geographic link or nexus with the area where the water quality problem or violation occurred. For example, a spill to the Salinas River might require a plan to improve habitat or fish populations in the river in the general area of the spill. Work in a tributary watershed might be appropriate depending on the circumstances, however, work in a far different part of the region or state would likely not meet the geographic nexus criteria.
- **Spill Type or Violation** - The proposed project should be related to the specific spill type or violation. For example, a sewage spill mitigation project included holding spill prevention workshops for other dischargers to improve spill handling for the Monterey Bay area (both a geographic and violation type nexus). The workshops go beyond what was necessary just to address mandatory work, equipment, and improvements required to correct the nature of the violation.
- **Beneficial use protection** - Where specific beneficial uses were impacted by the violation, it is appropriate to design mitigation projects to address protection and improvement of those uses. Where fish populations and habitats are impacted, efforts to improve habitats and populations would be ideal. Water quality monitoring, including flows, channel morphology, and habitat characteristics would be appropriate projects. In this case, the nexus is between the type of violation and the specific beneficial uses impacted. In this region it is especially important to keep endangered species issues in focus and to consult with the Dept. of Fish and Game and US Fish and Wildlife Service about impacts of violations on these species and possible mitigation projects.

- Regionwide use/benefit - Some projects may benefit the specific geographic area yet still provide added value regionwide or even statewide. For example, development of a spill prevention course could benefit not just the Monterey Bay area but the whole region or state if properly packaged and utilized. Likewise, a monitoring program for the Salinas River could provide information staff could use in assessing other discharges, spills, 401 certifications or flood control activities in the River. Projects, which provide the Board with added value, are encouraged.
- Leveraged funding - Some projects use seed money to create a much greater or leveraged impact. Often other agencies will contribute staff time, laboratory services, boat use, or other services as part of a monitoring project. While the applicant may propose to spend hard money on equipment or materials, they may be donating expertise and labor to accomplish a much larger mitigation project. Matching funds, in kind services and leveraged projects are encouraged.
- Institutional stability and capacity - When the Board approves mitigation projects, we must consider the ability of the discharger or applicant to accomplish the work and provide the products and reports expected. This criterion is especially important when the Board receives money as the result of a settlement and must then select and fund projects proposed from many sources. Any Request for Proposals will generate response from a wide variety of agencies, groups and individuals. The purpose of these criteria is to encourage funding to those agencies or groups most able to complete the project proposed.

Each proposal should include a Goal Statement describing the overall objectives of the proposal. A Project Schedule must be included which includes the project duration and identifies key milestones. Proposals must be concise and should be no more than five pages long.