



Midpeninsula Regional
Open Space District

R-21-116
Meeting 21-27
September 8, 2021

AGENDA ITEM 3

AGENDA ITEM

Application for Grant Funding from the Gordon and Betty Moore Foundation

GENERAL MANAGER'S RECOMMENDATION *dew*

Adopt a resolution authorizing the General Manager to submit a grant application to the Gordon and Betty Moore Foundation and to enter into a grant funding agreement for up to \$1,000,000 to support the planning and design of the Highway 17 Wildlife and Regional Trail Crossings and Trail Connections Project.

SUMMARY

The General Manager recommends that the Midpeninsula Regional Open Space District (District) adopt a resolution authorizing the General Manager to submit a grant funding application to the Gordon and Betty Moore Foundation (Moore Foundation). This report provides a description of the funds available through the Moore Foundation and the approval process for the proposed grant.

DISCUSSION

On May 20, 2021, staff from the Moore Foundation, State Coastal Conservancy, and Bay Area Ridge Trail Council attended a District site tour of the wildlife corridor area and received information about the significant enhancements the Project will provide to habitat connectivity and regional trail connections. The Moore Foundation subsequently invited the District to prepare a grant application for up to \$1M in support of the Project.

On August 25, 2021, the District's Board of Directors (Board) authorized a contract amendment for the Highway 17 Wildlife and Regional Trail Crossings and Trail Connections Project (Project) that includes a task to develop and implement a Mitigation Credit Agreement (MCA) and to complete the Caltrans' Project Approval and Environmental Document phase (PA&ED) for the Project. Based on discussions with the Moore Foundation, a portion of the proposed funding can be allocated to develop the MCA. As a reminder, an MCA can be established under the approved 2019 Santa Clara County Regional Conservation Investment Strategy (RCIS). An MCA is developed in collaboration with the California Department of Fish and Wildlife (CDFW), and would likely require coordination with agencies such as the United States Fish and Wildlife Service, Army Corps of Engineers, Regional Water Quality Control Board, and Caltrans.

Another portion of the proposed grant funding can also be used to offset the costs for finalizing the environmental documents necessary to comply with the California Environmental Quality

Act (CEQA) and the National Environmental Policy Act (NEPA) and to complete the engineering designs required by Caltrans during the Plans, Specifications and Estimates (PS&E) phase. These Project tasks were recently approved by the Board on August 25, 2021 under a contract amendment with AECOM. With this additional funding support, the contract work would be fully funded.

If awarded, the grant funding is anticipated to begin in 2021 and continue through permitting of the Project during the PS&E phase in 2023-24. The funding would augment the \$5M grant the District received from the Wildlife Conservation Board in February 2021 and leverage an anticipated \$2M in state funding that was requested by Senator Cortese in the Fiscal Year 2022 (FY22) budget bill that was signed by the Governor in July 2021 for pre-construction phase work.

FISCAL IMPACT

Upon review and approval by the Moore Foundation, this funding opportunity would have a positive impact of up to \$1,000,000. If the Board approves this recommendation and the grant is awarded to the District, staff will request a budget adjustment in FY22 to reflect the Moore Foundation funding. Funds for FY23-24 will be recommended in future fiscal year budgets as a part of the annual Budget and Action Plan process.

BOARD AND COMMITTEE REVIEW

- May 27, 2020: Award of Contract to AECOM for PA&ED phase CEQA/NEPA ([R-20-53](#), [meeting minutes](#))
- December 9, 2020: Application for Grant Funding from the Wildlife Conservation Board ([R-20-144](#), [meeting minutes](#))
- August 25, 2021: Amendment of Contract for AECOM for additional work associated with the Project Approval & Environmental Document phase and Mitigation Credit Agreement for the Highway 17 Wildlife and Regional Trail Connections Project ([R-21-113](#), [meeting minutes](#))

PUBLIC NOTICE

Public notice was provided as required by the Brown Act.

CEQA COMPLIANCE

Submitting grant applications to secure funding is not subject to CEQA. The Moore Foundation requires that grantees comply with CEQA and certify that the CEQA analysis for any project encompasses all aspects of the work to be completed with grant funds.

NEXT STEPS

If approved by the Board, District staff would complete a grant application for the Highway 17 Crossing Planning and Design Project and the General Manager would submit the application to the Moore Foundation for consideration of a funding award. Upon review and approval by the

Moore Foundation, District staff would work with Moore Foundation staff to develop a grant agreement for the funding and the General Manager would execute the agreement.

Attachments:

1. Highway 17 Wildlife and Regional Trail Crossings Project Map
2. Resolution authorizing the General Manager to submit a grant application to the Gordon and Betty Moore Foundation and to negotiate a grant funding agreement for up to \$1,000,000.

Responsible Department Head:

Stefan Jaskulak, Chief Financial Officer, Administrative Services

Staff contact/Prepared by:

Deborah Hirst, Grants Program Manager, Administrative Services

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Created By: apeth



Highway 17 Project Overview

- Midpen Preserves
- Other Protected Lands
- Private Property
- # Preferred Highway Crossing Alternative
- Existing Trail
- Existing Los Gatos Creek Trail
- Existing Juan Bautista de Anza Trail
- Existing Bay Area Ridge Trail

Miles July 2021

While the District strives to use the best available digital data, these data do not represent a legal survey and are merely a graphic illustration of geographic features.

RESOLUTION NO. 21-XX

RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT APPROVING THE GRANT OF FUNDS FROM THE GORDON AND BETTY MOORE FOUNDATION FOR THE HIGHWAY 17 WILDLIFE AND REGIONAL TRAIL CROSSINGS PROJECT

WHEREAS, the Gordon and Betty Moore Foundation (“Foundation”) is a private non-profit foundation, and the Foundation has a San Francisco Bay Area Program through which grants are provided to make positive impact on conservation in the San Francisco Bay Area; and

WHEREAS, the Foundation has invited Midpeninsula Regional Open Space District (“District”) to apply for grant funding in support of the Highway 17 Wildlife and Regional Trail Crossings Project (“Project”) and will consider the Project for grant funding; and

WHEREAS, the District is prepared to apply to the Foundation for grant funding for the Project.

NOW, THEREFORE, be it resolved that the applicant hereby:

1. Approves the filing of an application for funding by the Foundation.
2. Authorizes any of the following named officers or employees of the applicant or any person holding any of the following positions with the applicant to act as a representative of the applicant and to negotiate and execute on behalf of the grantee all agreements and instruments necessary to comply with the Foundation's grant requirements, including, without limitation, the grant agreement: Ana M. Ruiz, General Manager and Hilary Stevenson, General Counsel.

PASSED AND ADOPTED by the Board of Directors of the Midpeninsula Regional Open Space District on _____, 2021, at a regular meeting thereof, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

Larry Hassett, Secretary
Board of Directors

Curt Riffle, President
Board of Directors

APPROVED AS TO FORM:

Hilary Stevenson, General Counsel

I, the District Clerk of the Midpeninsula Regional Open Space District, hereby certify that the above is a true and correct copy of a resolution duly adopted by the Board of Directors of the Midpeninsula Regional Open Space District by the above vote at a meeting thereof duly held and called on the above day.

Jennifer Woodworth, District Clerk