

## Appendix 3 – FAQ's

### General

#### **How do I use this Program Guidelines document?**

The Guidelines document governs Round 2 of the Environmental Justice Action Grants Program and provides resources and guidance for applicants.

It is important for past applicants to read these guidelines, as requirements have changed from the past funding round. This document is not the only source of information on EJ Action Grant requirements. The Application and Fluxx User Guide contain additional requirements and pertinent information. A timeline can be found here: <https://calepa.ca.gov/ejactiongrants>.

#### **How can I get on the email list to know the grants that are coming out from CalEPA?**

To sign-up to receive notices, updates, and information regarding the Program, visit the [Program webpage](#), scroll down to the “Contact the Program” section towards the bottom of the page, and click the “EJ Action Grants Listserv” link. This will take you to the [CalEPA EJ Action Grants Listserv webpage](#) where you can subscribe.

#### **What projects have been funded under the EJ Action Grants Program (Program)?**

Round 1 Grantees are listed on the EJ Action Grants Program website: <https://calepa.ca.gov/ejactiongrants/calepa-ej-grants-program-round-1-awardees/>

CalEPA welcomes applications that seek to support community science, provide technical assistance or build capacity.

#### **Is this Program replacing the EJ Small Grant Program?**

No. The EJ Action Grants Program is separate from EJ Small Grants and is governed by separate rules and guidelines. The funds CalEPA received from the Legislature for the EJ Action Grants Program must be encumbered by June 30, 2026. Through this Program, CalEPA seeks to demonstrate the continued need for community investment.

The EJ Small Grants is currently unfunded. CalEPA is focused on EJ Action Grants but may seek funding for EJ Small Grants in the future.

### Public Comment Period

#### **Are consultations available to all California Native American tribes, not just federally recognized tribes?**

Yes, the tribal comment period was open from November 20, 2024 until January 10, 2025 to all California Native American tribes.

CalEPA is available for tribal consultation on topics deemed a priority for tribes. Please request consultation via with the contact information below:

Sabine Talaugon, Deputy Secretary for Intergovernmental Relations

[Sabine.Talaugon@calepa.ca.gov](mailto:Sabine.Talaugon@calepa.ca.gov)

(916) 883-0958

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Sacramento, CA 95812-2815

### **Who can provide comments on the Program draft guidelines?**

The Tribal and Public Comment period for Round 2's draft guidelines was open from November 20, 2024, until January 10, 2025.

Any member of the public can provide comments on the EJ Action Grants draft Guidelines. Any California Native American tribe can provide comment or request consultation. Members of the public who want to improve CalEPA's Program can provide comments and engage with CalEPA. There is no need to be a part of an organization to provide public comments. CalEPA encourages all perspectives, including feedback from youth.

### **Will CalEPA diversify the regions in which meetings are held in-person?**

CalEPA will host EJ Action Grant Listening Sessions and Application Workshops in different geographic locations and offer hybrid options to reduce travel times for members of the public who want to participate, and to encourage broader participation. Listening Sessions and Application Workshops will be recorded, and the English recordings will be accessible online. Interpretation services will be available upon request.

### **Funding Eligibility**

#### **Are cities or counties eligible to apply?**

No. Eligible entities include federally recognized tribes, 501(c)(3) organizations, and organizations that are fiscally sponsored by a 501(c)(3) organization. Eligible entities may collaborate on projects with local partners, such as cities and counties, but cities and counties are not eligible to apply or to receive funds either directly or indirectly from the grant.

#### **Who is eligible to apply?**

Eligible entities include federally recognized tribes, 501(c)(3) organizations, or organizations receiving fiscal sponsorship from 501(c)(3) organizations. Applicants

must be organized in the State of California or legally authorized to conduct business in the State of California.

All eligible 501(c)(3)'s must verify eligibility status through:

- Internal Revenue Service [Tax Exempt Organization Search](#)
- California Secretary of State's [Business Search](#)
- Department of Justice's [Registry of Charitable Trusts Search](#)

For more information on fiscal sponsors, please visit Section 6, Appendix 1 and the relevant Fiscal Sponsor application area of Appendix 2. For more information on eligibility please visit Section 2.1 of the Program Guidelines.

### **How does Government Code section 87104 impact my application?**

Regarding CalEPA's EJ Action Grants Program, Government Code section 87104 applies to **members** of CalEPA's and California Air Resources Board's (CARB) advisory bodies. Note that CalEPA and CARB have a unique relationship because CARB provides administrative support services to CalEPA, including on CalEPA's grants and contracts.

CalEPA Advisory Bodies:

- Independent Emissions Market Advisory Committee
- Site Designation Committee
- Tribal Advisory Committee
- Border Relations Council
- Refinery Task Force

CARB Advisory Bodies:

- Assembly Bill 617 Consultation Group
- Environmental Justice Advisory Committee (EJAC)
- Research Screening Committee
- Scientific Review Panel on Toxic Air Contaminants
- Natural and Working Lands Expert Advisory Committee (jointly appointed with the California Natural Resources Agency under AB 1757 (C. Garcia, Stats. 2022, ch. 341)
- In the future, CARB will convene a sixth advisory committee pursuant to Assembly Bill 2446 (Holden, Stats. 2022, ch. 352)

CalEPA and CARB advisory body members are prohibited from being listed as an administrator, fiscal sponsor, principal investigator, co-principal investigator, or as completing tasks in a scope of work. If an advisory body member is listed anywhere in the application, it is considered prohibited communication.

For more information on Government Code section 87104, please see Section 4.4 in the Program Guidelines. You may also refer to CalEPA's FAQ document:

### **Are EJ Action Grant recipients from Round 1 eligible to apply for Round 2?**

Tribes and organizations awarded an EJ Action Grant in prior funding rounds are eligible to re-apply if they demonstrate sufficient capacity to administer both grants simultaneously.

Organizations from the same jurisdiction are also eligible to apply, and project partners on current grants may apply as Applicants or be included in applications.

### **What types of projects can be funded?**

CalEPA is administering the Program to provide grant funding to a wide variety of projects. The Legislature has directed CalEPA to use that money for grants to support community-based organizations and residents to engage in:

1. emergency preparedness,
2. public health protection,
3. environmental and climate decision-making, and
4. coordinated enforcement efforts affecting their communities.

CalEPA is exercising its discretion to focus, within those categories, on projects that meaningfully involve and engage disadvantaged communities to serve environmental justice purposes.

### **Can a project have one or more sources of funding in addition to EJ Action Grants?**

Yes. Neither the grant guidelines nor legislative conditions placed on the disbursement of grant funds prohibit funding projects that depend on funding from other sources, so long as the proposed project is not fully funded by another source. However, a larger project that depends on unsecured or unidentified funding sources may score lower on feasibility, which is one of the project evaluation criteria.

### **Will technical assistance be provided?**

Third-party technical assistance is not currently available for Applicants. As capacity allows, Program Staff may be able to answer questions from potential applicants and encourage interested Applicants to join pre-application workshops or collaborate with others for group discussion.

**Can grant applicants contract with consultants for technical or community expertise?**

Yes. For the purposes of the Program, grant applicants may contract with consultants for technical or community expertise, including with individuals supporting community science projects. Consulting contracts, however, must not exceed 20 percent of the total grant award (Section 3.2), though CalEPA retains the discretion to increase the cap for certain consulting agreements representing Partnerships with tribes, community-based organizations, student-run organizations, and residents with special expertise in executing the vision for the project. Consideration will also be given to grant applicants that have limited capacity to recruit and retain professional and technical staff and demonstrate the capacity to manage contracts to fill these gaps. If an applicant has further questions about Partnerships, please contact the program email: [EJActionGrants@calepa.ca.gov](mailto:EJActionGrants@calepa.ca.gov). Grant applicants are required to identify potential Partnerships and consultants in the application.

**To be eligible applicants, must California Native American tribes that are not federally recognized, but that are recognized as 501(c)(3)s, also be included on the Native American Heritage Commission (NAHC) contact list?**

The NAHC manages the NAHC contact list, not CalEPA, and inclusion (or not) on the contact list neither supports nor detracts from an entity's eligibility. Any entity that has 501(c)(3) status is an eligible applicant whether or not it is also recognized as a California Native American tribe.

**Does this proposal require a federal System for Award Management (SAM) ID?**

No. The Program is a state-run and state-funded program.

**Grant Activities**

**Where can I see a sample Agreement from Round 1?**

A sample Grant Agreement from the previous funding round will be posted on the EJ Action Grant resources page, found here: <http://calepa.ca.gov/EJActionGrants>

**Is this a reimbursement-based grant?**

Yes. Existing legal requirements require that EJ Action Grants be reimbursement-based. A grantee may pay upfront for amounts sought to be reimbursed but need not do so before submitting the request for incurred costs.

Pursuant to AB 590 (Hart, 2023), CalEPA is authorized to provide qualifying 501(c)(3) grant recipients advance payments for grant awards to support program initiation and implementation with a focus on mitigating the constraints of modest

reserves and potential cash flow problems. Please refer to Section 5.2 of the Program Guidelines for more information.

**What activities qualify as an eligible cost? Will translation of outreach materials qualify?**

Yes. Translation and interpretation for meetings and written materials are eligible costs, in Section 3.2 in the current guidelines.

Section 3.2 details other eligible activities that qualify for reimbursement.

**Will there be a requirement for tribes to sign a limited waiver of tribal sovereignty?**

Per Section 5.2, “CalEPA is committed to working collaboratively with federally recognized tribes on tailoring limited waiver of sovereign immunity terms and deed restrictions to support tribal priorities while also meeting the state’s legal obligations.”

CalEPA will consider not including limited waivers of sovereignty for grants less than \$50,000 under certain circumstances.

**What is the permissible length of a grant?**

Section 2.3 provides that grants may be for up to 24 months.

**What are the insurance requirements for contracting? For example, will a grantee be required to have a certain amount of liability insurance, and will subcontractors be required to have the same level? This can be prohibitive for smaller organizations.**

CalEPA grants include the following provision related to an insurance requirement as a standard term and condition:

The Recipient will procure and maintain or cause to be maintained insurance on the Project with responsible insurers, or as part of a reasonable system of self-insurance, in such amounts and against such risks (including damage to or destruction of the Project) as are usually covered in connection with activities similar to those activities undertaken for this Project. Such insurance may be maintained by a self-insurance plan so long as such plan provides for (i) the establishment by the Recipient of a separate segregated self-insurance fund in an amount determined (initially and on at least an annual basis) by an independent insurance consultant experienced in the field of risk management employing accepted actuarial techniques and (ii) the establishment and maintenance of a claims processing and risk management program.

The Recipient agrees that for any policy of insurance concerning or covering the Project activities, it will cause, and will require its contractors and subcontractors to cause, a certificate of insurance to be issued showing CalEPA, its officers, agents, employees, and servants as additional insured; and must provide the Division with a copy of all such certificates prior to the commencement of Project activities.

### **Does any proposal we send become the intellectual property of CalEPA once submitted?**

No; however, records, including submissions accompanying the application, will become government records and may be subject to disclosure under the Public Records Act. Please refer to Section 4.2 in the Guidelines.

## **Review and Scoring Process**

### **What is the timeline for review and funding?**

CalEPA aims to open Round 2 of grant applications in January 2025. CalEPA expects to complete Round 2 review by April 2025.

### **How will disadvantaged communities be prioritized?**

The Program application requires a description of how proposed activities would serve a specific Environmental Justice program or project (defined in Section 1.2), using appropriate documentation and identification tools (e.g. CalEnviroScreen). For more information on Scoring Criteria Details, please visit Section 4.6 of the guidelines.

CalEPA is committed to advancing racial equity. Despite progress in addressing explicit discrimination, racial inequities continue to be deep, pervasive, and persistent, across many key indicators of well-being.<sup>13</sup>

### **What steps are being taken for accountability and transparency when it comes to allocation of grants?**

CalEPA aims to have regional diversity across the state when funding projects. We want to uplift the Administration and Agency's commitment to forwarding Environmental Justice by including an environmental justice component in the grant application process.

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<sup>13</sup> CalEPA's Commitment to Racial Equity, Racial Equity Explained: <https://calepa.ca.gov/about/calepa-racial-equity-home/>.

CalEPA is coordinating closely with its BDOs' Environmental Justice Liaisons to ensure the Program development and the grant review process takes a holistic and comprehensive approach to the scoring process and rubric criteria development.

If an application is denied, the applicant may request a follow-up to discuss general themes from the review.

**Is there a plan of evaluating or tracking the long-term efficacy of the funded projects? And if so, how? And if not, do you plan to in the future?**

CalEPA is considering opportunities and tools to evaluate and track the efficacy of projects funded by the Program.

CalEPA has developed a Grant Management System that contains both EJ Action Grant and EJ Small Grant project information from throughout the years. CalEPA will be using this resource to gain insight into its funding areas and further develop evaluation metrics.

**Grant Application**

**Has CalEPA considered a simplified and digital application form? Is there an online portal to submit materials?**

To simplify and streamline the EJ Action Grants (EJAG) Application process and grant management, CalEPA has purchased a subscription to Fluxx, a grant management platform that houses the EJAG Application, post-award grant information, and a process to comply with grantee reporting requirements including agreements, bi-annual reports, reimbursement requests, and amendments. Access CalEPA's Fluxx Grants Portal: <https://calepa.fluxx.io>.

CalEPA has developed a comprehensive Fluxx User Guide to aid applicants and recorded Fluxx demos that are available on the Program Website: <https://calepa.ca.gov/EJActionGrants>.

Program Staff will consider other forms of application submission. Please contact [EJActionGrants@calepa.ca.gov](mailto:EJActionGrants@calepa.ca.gov) early if there are access needs.

**Why did CalEPA remove the alternative submission methods in Round 1's Guidelines, Section 4.3: Application Components?**

Program Staff evaluated these alternative submissions and determined that neither the Supplemental Environmental Protect (SEP) nor the grant application operated by one of CalEPA's Boards, Department or Office methods served the purpose we had intended.

We continue to seek ways of reducing the burden on grant applicants and have developed an online submission platform for Round 2. CalEPA is looking into other opportunities to collaborate across its BDOs grant programs.



**Will there be future coordination with other agency grant programs to integrate grant applications?**

We are working diligently on inter-agency coordination. We've reached out to California Natural Resources Agency and other agencies across the Administration to see how projects like this could leverage other funds.

**Can applicants use more than the listed EJ screening tools in the current guidelines to support their application?**

Yes. The guidelines give examples of tools that exist, and we understand that different tools serve different purposes. The examples in the guidelines are not the only tools we are considering.

If an applicant would like to request a training or informational meeting on available screening tools, please reach out to [EJActionGrants@calepa.ca.gov](mailto:EJActionGrants@calepa.ca.gov) for Program Staff to gauge interest and capacity.