



CLEAN WATER ACTION

March 23, 2004

Ms. Tracie Billington
Department of Water Resources
Division of Planning and Local Assistance
Conjunctive Water Management Branch
901 P Street, Room 213A
P.O. Box 942836
Sacramento, CA 94236-0001

Dear Ms. Billington:

On behalf of Clean Water Action, I would like to thank you for giving us this opportunity to comment on the Proposition 50 Scoping Considerations for Chapter 8, Integrated Regional Water Management. This funding provides an important and unprecedented opportunity for coordinating activities across a range of disciplines and agencies, and we're very excited to have the opportunity to participate. We are also keenly interested in the efforts made by the Department to involve disadvantaged and minority communities in the process, and to provide access to the funding in this chapter.

Since the objective of Chapter 8 is to foster communication and cooperation among agencies at a regional level, it is essential that the same coordination be achieved at the state level. While we appreciate the strides that have been taken by CAL EPA and DWR to that end, we think that DHS also needs to be included in the process. We recommend that DHS be consulted in both the development of IRWM plan requirements, and the evaluation of drinking water quality benefits in proposed projects.

Process Issues

1. Funding cycles. Multiple or continuous funding cycles are more advantageous to small and disadvantaged communities, who often do not know that new grant programs are available in the first year of funding. More importantly, Clean Water Action is interested in how the Department and the Board plan to advertise the availability of these funds, particularly to disadvantaged communities.
2. AB1747 specifies that the Department and the Board will offer technical assistance in applying and qualifying for this grant program. We would recommend a 2-step application process that would allow the Department and the Board to step in and offer assistance, where it has not been previously provided.
3. Funding reserves. Clean Water Action strongly recommends a minimum of 10% of the available funds be set aside for planning efforts, with a separate and additional set aside for feasibility studies and pilot projects. We suggest that the funds for planning not be disbursed until the Department completes its guidelines for IRWM plans. In addition, the Department should follow the lead of the Department of Health Services and set aside 25% of the funding for projects in disadvantaged communities.

CALIFORNIA OFFICE
111 New Montgomery St. Suite 600
San Francisco, CA 94105
415.369.9160 • 415.369.9180 fax

www.CleanWaterAction.org/ca
cwasf@cleanwater.org

NATIONAL OFFICE
4455 Connecticut Ave. NW Suite A300
Washington, DC 20008
202.895.0420 • 202.895.0438 fax



CLEAN WATER ACTION

4. The question of separate funding and standards for coastal plans is interesting. Wouldn't the same concern over differing IRWM requirements be posed by urban versus rural projects?
5. Project eligibility should be limited to public agencies, non-profit or not-for-profit water management districts, and nonprofit organizations that work in partnership with any of these groups.

Evaluation Criteria. While we appreciate the detail of input requested, Clean Water Action is concerned that much of this belongs in a process for development of IRWM plan guidelines. We worry that this concurrent process for developing both the funding and the IRWM planning guidelines will result in a loss of funding for disadvantaged communities and other nascent regional efforts that won't have a clear understanding of what is expected from them in the process

1. Degree of Regional Involvement

- a. **Size.** It seems clear from both the bond language and the legislative direction that the overriding criteria for the chapter are the creation of multiple, lasting benefits. The size of the geographic area should be a secondary or even tertiary consideration
- b. **Agency participation.** While we agree that it is important that agencies with regulatory oversight be actively involved with the process, we feel that the community involvement component should be given priority in this process. In other words, participation from all agencies is preferable, but unanimity is not essential. On the other hand, community participation must be a required component in every project;
- c. **Support from other regions.** To the extent that the activities of the project impact another area, that region should be included, to some extent, in the process. So a Central Valley project can receive support from agencies that benefit from the improvement to Delta water quality.
- d. **Needs of disadvantaged communities.** It is essential that these projects identify disadvantaged communities in the project area, evaluate the benefits that accrue to that community compared to the project area as a whole, include a participation component, and incorporate community monitoring into the project. A project that benefits residents of a project area but excludes disadvantaged communities from these benefits should not be funded.

2. Degree of integration.

- a. The key funding consideration should not be the number of plans combined or elements considered, but the creation of lasting, measurable benefits to the region. Look at the end, not at the means.
- b. **Completion of plans/preference for longer term planning.** The drawback to this and every bond is that it does not allow sufficient time or funding to complete any given process. With the short funding stream of this bond, it isn't feasible to fund projects from start to finish. That can only happen with projects that are already underway, that are far along in planning and that already have some funding. We think it is important to begin the process in areas that have a demonstrated need for regional planning, with the idea that this bond is seeding multiple regional movements.

3. Multiple benefits



CLEAN WATER ACTION

- a. The legislative intent is clearly to prioritize projects that improve water quality. Clean Water Action recommends that the Department and Board take advantage of the nearly completed Source Water Assessment Program at DHS. This program identifies, for each drinking water source, potential threats to that source. Source water protection is a key component of IRWM planning. This is a valuable new tool that can aid in assessing project need.
- b. Education/outreach/capacity building – these should all be required in potential projects
- c. Weight of benefits. The measurement of lasting benefits to the region and the redress of inequities to disadvantaged communities is the primary considerations in weighing benefits.
4. Consistency with statewide/regional priorities
 - a. Statewide goals. If this section is about prioritization, this laundry list of statewide issues should be prioritized. In that event, we would list environmental justice as a priority, and the other recommendations, objectives, and strategies as secondary to the measurable achievements of the project.
7. Readiness to proceed
 - a. This calls into questions the primary function of this chapter. Is it to provide funding to complete projects that are already in progress? Or is it to encourage communities to begin to consider their water management needs on a holistic basis? We think that the latter view is appropriate. In addition, funding projects that are ready to proceed draws money away from smaller programs (including disadvantaged communities) that lack the capacity to respond quickly to funding opportunities
6. Technical Adequacy
 - a. Our question is this? What are the needs of disadvantaged communities to meet TMF requirements and comply with CEQA/NEPA? How will the Department and the Board assist these communities in meeting those needs?
7. Public Participation/Stakeholder Outreach
 - a. Does planning include all interested parties – add “How were interested parties identified?”
 - b. Were negative comments addresses during planning process - I would reword this to ask “what project changes were made as a result of public participation in the planning process”
 - c. 3rd party mitigation – I would reword this to say “project does not redirect impacts at the expense of a 3rd party”
 - d. Environmental justice objectives met – add “in the opinion of the Environmental Justice community” - required
 - e. Needs /benefits for disadvantaged communities – Can we just add “how” to the front of both phrases here?
 - f. Preferences for disadvantaged communities – remove the “why”. If a community has been identified as disadvantaged, isn’t that sufficient reason for building preferences into the project?
11. Monitoring, assessment, and performance measures
 - a. Community monitoring should be noted here as a project requirement



CLEAN WATER ACTION

13. Applicant's ability and experience

- a. How will the requirements of this section be tailored to accommodate the differing needs of disadvantaged communities? What level of assistance will the Department and the Board offer to these communities to help them build the capacity to administer their project?

14. Relative importance of criteria – 1 most important, 5 least

1. Effectiveness
2. Inclusiveness
3. Regional priorities
4. Value added
5. Statewide priorities

C. Standards for IRWM plans

The tables offered, while somewhat helpful, are too short on detail for us to comment on effectively. Can the Department provide a list of sources used to develop these standards? Are they drawn from existing plans? If so, a reference to those would be very helpful for purposes of evaluation.

We would ask that source water protection, a key objective for most watershed initiatives, be incorporated into the water management elements listed. And we would like to be included in future iterations of this draft.

Thank you for providing us with the opportunity to comment.

Sincerely,

Jennifer Clary
Program Associate