

Memorandum

DATE: July 30, 2012
 TO: CABY Planning Committee Members
 FROM: CABY Staff
 RE: **Disadvantaged Communities and Environmental Justice (DAC/EJ) Issues and Priorities**

The State Department of Water Resources recognizes that some communities are underserved and/or disproportionately affected by land and water use planning efforts, resulting in concerns about environmental justice (EJ). In the CABY Region, these include primarily economically disadvantaged communities (DACs), California Native American Tribes, and Hispanic/Latino communities.

Often these communities face similar challenges, including but not limited to, poor access to clean drinking water, adverse impacts related to wastewater, cultural barriers, and economic challenges. The IRWMP process, therefore, provides for special focus on these communities during Plan development and revision in order that implementation of the IRWMP Plan will be responsive to their concerns in terms of improving long-term water supply reliability and water quality.

During the course of outreach activities it became clear that each DAC, Tribe and EJ constituency has divergent perceptions of water-related issues, priorities and projects. As a result, attempting to prioritize issues could serve to create dissension, so efforts focused on identifying issues of particular concern to these communities as outlined in this. The information presented here was identified through personal conversations and interviews with members of the respective communities, as well as key CABY members and stakeholders, during the first six months of the current CABY IRWMP revision process, combined with data and information about existing water resources, DAC and EJ for the region.

I. Disadvantaged Communities (DACs)

In the IRWMP process, a disadvantaged community (DAC) is identified as a community with an annual median household income (MHI) that is less than 80% of the statewide annual MHI. California’s MHI in 2010 was \$60,883 (based on DWR 2010 census data); therefore DACs are communities whose MHI is \$48,706 or below.

Based on review and assessment of the 2010 census (data became available in February 2012), 18 communities within the CABY region have been identified as DACs:

CABY Region DACs – 2010 Census		
Community	MHI - \$\$	New (2010)
<i>Rural DACs</i>		
River Pines	19,918	x
Plymouth	31,250	
Kirkwood	48,155	x
Grizzly Flats	32,173	x
Soda Springs	40,757	x
Graniteville (b/t Alleghany & Washington on Meadow Lake Rd.)	*	x
Washington	17,566	x
North San Juan	29,145	x
Rough and Ready	39,020	x
Penn Valley	47,530	

Downieville	48,125	x
Alleghany	22,188	x
Pike (b/t Camptonville & Washington - w/in hwy 191 loop)	26,946	x
Dobbins (just east of Oregon House)	42,946	x
Camptonville	27,031	x
Urban DACs		
Grass Valley	35,385	
Newcastle	29,324	x
North Auburn	44,372	
Communities that lost DAC status since 2000		
Palermo	-	
Diamond Springs	-	
Placerville	-	
Nevada City	-	
Foresthill	-	
Colfax	-	
Challenge-Brownsville	-	

*Additional research needed to ascertain specific MHI.

All DACs share certain challenges by virtue of their economic status, but also may face other specific challenges depending on whether they are in an urban or rural location. For purposes of the CABY IRWMP, a “Rural DAC,” which describes most of the CABY Region DACs, is defined as follows:

- Not incorporated
- Has its own water management structures
- Is not contiguous to other communities
- Generally has a population of under 500 people
- Has a water system with no intertie with any other water system.

An “Urban DAC” is defined as follows:

- Incorporated
- Water is managed by an internal department and staff
- It may share a boundary and/or infrastructure interties with an adjacent jurisdiction
- Has less than 3,000 individual connections (i.e. is not a “urban water management agency).

We seek to gain information specific to each DAC community over time. In the interim, the issues are described in general terms for each group, e.g., urban or rural, and appear roughly in order of priority.

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I. A. Disadvantaged Communities in Urban Locations

In the CABY Region, the following DACs are considered urban: Grass Valley, Newcastle and North Auburn.

Infrastructure: Aging infrastructure is a major issue where DACs are operating with old water pipes, some dating as far back as the 1800s. Others are operating with pipes and water treatment equipment installed following the Clean Water Act amendments in the early 1970s, which are now approaching 40 years old and requiring increased maintenance.

Water Supply: The same growth that taxes the infrastructure also places additional demands on water treatment and source/allocation capacity. DACs may not have the capacity to purchase additional supplies/rights, improve or expand their treatment capacity, cope with seasonal water shortages without interties, and/or develop ground water supplies to augment or replace surface water (which can be especially problematic due to regional geology).

Staffing/Personnel: The operation and maintenance of water systems requires personnel with knowledge specific to that system. DACs are faced with budget constraints that limit their ability to hire new or additional staff, the prospect of existing senior staff retiring with the concomitant loss of operational knowledge and institutional history, increasingly complex regulatory compliance requirements (which require certifications that can be expensive to acquire), and limited capacity to offer sufficient salary or benefits to recruit employees with the requisite experience.

Economic Challenges: The economic challenges already inherent for DAC communities have been exacerbated by the downturn in the economy. DACs are faced with decreased revenues from taxes, increased delinquencies in bill payments, less funding available from Federal and State grants – all in the face of increasing operation and maintenance costs.

Data: A lack of basic water supply and water quality data results in decisions that are based on inadequate or incomplete information, which can have long-term consequences on water supply, as well as risk creating further economic challenges. In addition, the lack of available data (to support long-term capital improvement planning) and mapping (to support ongoing operation and maintenance) result in a chronically underfunded and under-maintained system.

I. B. Disadvantaged Communities in Rural Locations

Rural DAC communities face all the challenges of urban DACs, only more so as a result of their remote location, low population, and generally low institutional capacity. The following CABY Region DACs are considered Rural: River Pines, Plymouth, Kirkwood, Grizzly Flats, Soda Springs, Graniteville (portions), Washington, North San Juan, Rough and Ready, Penn Valley, Downieville, Alleghany, Pike (portions), Dobbins (portions), and Camptonville.

Infrastructure: While urban DACs are challenged by aging treatment and distribution systems, in many rural DACs these systems are functionally obsolete. This often results in chronic leakage and water loss, low water pressure, inadequate treatment, inadequate storage, and lack of system redundancy. All of these problems are exacerbated by poor record keeping, lack of water meters to assist in monitoring system performance, lack of available system maps to locate infrastructure components, etc.

Water Supply: With no interties to other water systems, rural DACs have no back-up water in drought/shortage conditions or in situations where water contamination has occurred. This can leave customers with periods of no water. This may be of special concern for rural DACs that experience significant growth. Additionally, districts that rely on ground water are vulnerable to a lack of back-up supply, as are districts with limited water rights or which purchase surface water and cannot afford the direct cost or the indirect costs of infrastructure improvements. Finally, the treatment of water (with the attendant regulatory compliance issues) can further limit the flexibility and management options for rural DACs.

Data: Rural DACs share the same general problems as urban communities however the impact is disproportionately high due to the overall isolation and lack of capacity that occurs in rural communities. A lack of basic water supply and water quality data results in decisions that are based on inadequate or incomplete information, which can have long-term consequences on water supply, as well as risk creating further economic challenges. In addition, the lack of available data (to support long-term capital improvement planning) and mapping (to support ongoing operation and maintenance) result in a chronic underfunded and under-maintained system.

Staffing/Personnel: Low institutional capacity is especially challenging for rural DACs. Where urban DAC purveyors generally have paid staff, rural DACs typically have one or no paid staff. The loss of a single individual within the system can result in the district losing its (generally) undocumented institutional history and reducing its institutional capacity.

Furthermore, where urban DACs generally have experienced staff, relatively sophisticated boards of directors and budgets that support management of funds for a capital improvement program, rural DACs typically rely on volunteer boards comprised of a small nucleus of dedicated individuals, often operating with little or no relevant training, and

often have no capital improvement plans. A lack of knowledge and management sophistication often creates challenges in meeting regulatory requirements and compliance, and often leads to poor decisions regarding capital improvements.

II. California Native American Tribes

At this time, we have preliminary indication of Tribal process-related issues and priorities, but we do not have information on Tribal water-related issues and priorities.

Tribal outreach efforts prior to this update (i.e., 2006 – 2010) had resulted in feedback that the facilitation and process management were not responsive to Tribal needs and expectations. Based on this feedback a different strategy was employed in the opening months of the 2012 IRWMP update. The revised strategy included the use of a facilitator of Native American heritage brought in from out of region.

The new outreach effort met with uneven results. The Native American coordinator experienced two main challenges during outreach: (1) was not successful in engaging broad participation by local Tribal entities over the six-month duration of work effort; and (2) the few participants who did become engaged identified process-related issues around Tribal involvement that would need to be addressed before additional participation could be ensured (which CABY has begun to address).

Ultimately the limited Tribal feedback on this outreach strategy was that an out-of-region person was not able to be responsive to local concerns. Efforts to identify a Tribal representative from within the region to serve in this role have not yet been successful, and new outreach strategies are still being explored with the hope, ultimately, of identifying Tribal water-related issues and priorities for inclusion in this or future revisions of the Plan.

II. B. Hispanic/Latino Communities

Latino communities are typically under-represented in IRWMPs and other planning efforts, in part due to linguistic and cultural barriers. Latinos comprise an increasing percentage of the population of the CABY Region (2000 census; 2007 CABY IRWMP). From a socio-economic perspective, studies show that a greater concentration of Latinos is associated with more of the population in poverty, more of the labor force in agriculture, fewer adults with a high school degree or some college education, lower per capita community revenues, and lower per capita community expenditures.

Consultants conducted a series of one-on-one stakeholder interviews to identify priority water issues in the monolingual Latino community. Participants included a half-dozen community leaders, and one focus group with 15-20 residents at a local church, following an *English as a Second Language* class.

Water Quality: Poor water quality or perceived poor water quality is the primary issue of concern. The vast majority of participants indicated they purchase bottled water for consumption, and some even for cooking -- a significantly costly option for low-income families.

Education and Information: For many participants, this was the first time they had considered specific water resources-related concerns beyond the quality of their drinking water, and expressed interest in receiving more information. Materials and signage would need to be provided in Spanish.

- **Fats, Oils and Grease Disposal:** None of the focus group participants knew how to properly dispose of fats, oils and grease, and most indicated they dump it down the drain. Focus group respondents identified disposal of used car oil as an area for community education.
- **Signage:** While several participants indicated distrust that rivers and streams were safe for fishing and swimming, others said that they do use these waters for recreational purposes. Either way, they expressed safety concerns about the lack of signage available in Spanish, e.g., dangerous currents. If subsistence fishing is present in these communities, Spanish-language signage regarding mercury warnings for fish would be effective for health safety purposes.

- **Water Quality:** While some focus group participants reported receiving notices from their landlords warning them against drinking the water, most did not have specific data about their water; they simply do not trust the quality and “don’t feel comfortable drinking it.” This aversion to tap water likely reflects cultural differences, as many immigrants come from places where water is not potable and bottled water is a necessity.

Efforts are underway to interview Latinos in agricultural communities to obtain similar information about their concerns and priorities.