

April 7, 2016

Subject: Comments DWR Draft 2016 IRWM Guidelines due 4.8.2016

Public involvement seems to be avoided. Governance issue guidance is weak.

SB 1 (Perata, 2008) states:

*10541. (g) The guidelines shall require that the development and implementation of an integrated regional water management plan **include a public process that provides outreach and an opportunity to participate in plan development and implementation to appropriate local agencies and stakeholders, as applicable to the region, including all of the following:***

(1) Wholesale and retail water purveyors, including a local agency, mutual water company, or a water corporation as defined in Section 241 of the Public Utilities Code.

(2) Wastewater agencies.

(3) Flood control agencies.

(4) Municipal and county governments and special districts.

(5) Electrical corporations, as defined in Section 218 of the Public Utilities Code.

(6) Native American tribes that have lands within the region.

(7) Self-supplied water users, including agricultural, industrial, residential, park districts, school districts, colleges and universities, and others.

(8) Environmental stewardship organizations, including watershed groups, fishing groups, land conservancies, and environmental groups.

(9) Community organizations, including landowner organizations, taxpayer groups, and recreational interests.

(10) Industry organizations representing agriculture, developers, and other industries appropriate to the region.

(11) State, federal, and regional agencies or universities, with specific responsibilities or knowledge within the region.

*(12) **Disadvantaged community members** and representatives, including environmental justice organizations, neighborhood councils, and social justice organizations.*

*(13) **Any other interested groups appropriate to the region.***

The public, whether citizen, resident or voter should be considered stakeholders. Public process insinuates outreach to the public yet they are omitted in your guidelines. Open meetings have been avoided in the IRWM process. This makes it extremely difficult for a public process.

GREATER LOS ANGELES COUNTY IRWM (GLAC IRWM) has avoided the public process making it an insiders game with water consultants and engineers the beneficiaries.

You do define STAKEHOLDER as:

Stakeholder—an individual, group, coalition, agency, or others who are involved in, affected by, or have an interest in the implementation of a specific program or project.

Please apply this definition throughout your documents. Because the City of Los Angeles is so unique as to the municipal ownership of its public utility-Los Angeles Department of Water and Power LADWP. Board of Water and Power Commissioners, an appointed board by the Mayor, can be overruled, in some circumstances, by the City Council. There is no state agency oversight.

Your definition states:

Public Utility—as defined in *Public Utilities Code §216*.

This is not sufficient for proper execution of the IRWMs since LADWP plays a major role in the water rights of the adjudicated basins in Los Angeles.

City of Los Angeles should cover more than one IRWM region as the water is supplied from another county with the natural resources available. This unique relationship is not reflected in your documents as you consider only a geographic region and no relationship to asset ownership and water resources. Basin Plan assignments are also limited to a geographic area within the Regional Water Board jurisdictions and omits Basin Plans where the water source originates (and is under another Regional Water Board jurisdiction, geographically).

Your definition states:

IRWM Plan—*a comprehensive plan for a defined geographic area, the specific development, content, and adoption of which shall satisfy requirements developed pursuant to this part. At a minimum, an Integrated Regional Water Management Plan describes the major water-related objectives and conflicts within a region, considers a broad variety of resource management strategies, identifies the appropriate mix of water demand and supply management alternatives, water quality protections, and environmental stewardship actions to provide long-term, reliable, and high-quality water supply and protect the environment, and identifies disadvantaged communities in the region and takes the water-related needs of those communities into consideration.*

(Water Code §10530 et seq., in particular §10534)

These insufficiencies are also reflected in the Regional Water Management Groups RWMGs.

Your definition states:

Regional Water Management Group—*or RWMG means a group in which three or more local agencies, at least two of which have a statutory authority over water supply or water management, as well as those persons who may be necessary for the development and implementation of an IRWM Plan that meets the requirements in*

Water Code §10540 and §10541

Only agencies are involved, not necessarily governments with elected officials representing the interests of the public.

For GLAC IRWM, the website requires a password for access for project review. Some documentation for the plan and the meetings has been recently made available.

Memorandums of Understanding MOUs involving the agencies, not the local governments, create a governance structure outside the local governments requirements of financial disclosure. MOUs are not required to be reflected in the Comprehensive Annual Financial Report CAFR, a document used to support bond sales.

The public has no clue of any liabilities incurred because of the IRWM relationship. This is the case for the GLAC IRWM governing relationship.

Los Angeles Regional Water Quality Board issued Municipal Separate Storm Sewer NPDES Permit (for surface water). Enhanced Watershed Management Plans EWMPs are a voluntary part of compliance. The estimated cost is over \$20 billion with no funding source. Groundwater basins, not adjudicated, have water rights owned by each individual property owner or assignee. LA Regional Water Quality

Control Board has no legal authority under the permit for stormwater capture with underground storage.

Stormwater Resource Plans are required, yet the Enhanced Watershed Management Plans is being marketed as a pilot under the IRWM. There is no legal authority to represent those water rights property owners.

LADWP is unique as it has water rights under the Upper Los Angeles River adjudication. That should not be a pilot program. EWMPs are a creation of a MS4 permitting process and are not pilot programs.

Public was not involved in the formation of the Enhanced Watershed Management Plans. You have not addressed the State Water Resources Board granting of Water Rights. The Pueblo Rights for the City of Los Angeles, under court determination, was usurped by the Board in the granting of rights to LAUREN BON (attached). This permit allows her to become a water supplier.

Your governance authority does not address the legal situations of water ownership in an area reliant on outside water sources that are not part of the geographic IRWM area. Public streets are being viewed as Green Streets with possible water storage under those streets. Transportation issues are not addressed under the IRWMs. There are difficulties in legal ownership of the water.

We find a failure to define MULTI-BENEFIT as in:

J. Strategic considerations for IRWM Plan implementation

Purposefully implementing projects with multi-benefits CEQA issues are underplayed. Geology including faults and oil resources are not addressed. Not all areas should qualify for the project expectation in this guidance.

Please note that we have been involved with the GLAC IRWM for years, as a public participant, and find few people even know or understand the IRWM process. We have been the sole public citizen attending many of the meetings.

Funding is not identified outside of the state propositions.

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