

The Environmental Justice Coalition for Water

c/o Pacific Institute ♦ 654 13th Street ♦ Oakland, CA 94612 ♦ Phone: (510) 251-1600 ♦ Fax: (510) 251-2203



September 30, 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

Ms. Billington,

The Environmental Justice Coalition for Water would like to thank you for offering this opportunity to comment on the Proposition 50, Chapter 8 Grant Program once again. Based on the Integrated Regional Management Grant Program Guidelines we appreciate your consideration of our previous recommendations on the Scoping Considerations. We are pleased with your responsiveness to our concerns around integrating Environmental Justice into the grant solicitation process, specifically expecting all applicants to understand and address Environmental Justice in their PSP applications. Having applicants include how they will involve disadvantaged communities within the region to participate in the planning of their project will encourage meaningful stakeholder involvement from the beginning of the project.

While we can empathize with the staffing and budgetary constraints your agencies have recently faced, we must keep in mind that the communities who need the funding the most have even more limited resources than you have even in your least funded years. As you draft the PSP for Prop 50, Chapter 8, we hope you will keep in mind the longer-term problems facing Environmental Justice communities around the competitive grant process. In the past, funding from water bond competitive grant cycles did not reach underrepresented communities with severe water problems and legitimate project ideas to address them.

Serious limitations in capacity such as the ability to hire grant writers keep low-income, and people of color at a competitive disadvantage when competing with large water agencies for bond funding. We know that there are creative solutions to these long-term systematic issues in disadvantaged communities, but that they can only be reached with continued open-mindedness and continued dialogue. We thank you for your transparent process and we look forward to meeting with you to discuss our recommendations.

Sincerely,

Alisha Deen
Legislative Analyst

We are pleased with the following of our recommendations being adopted into your Guidelines:

- DWR should not require a matching fund requirement for project applicants meeting the criteria for disadvantaged communities.
- Preference should be given to projects that serve disadvantaged communities.
- Projects that create partnerships between local agencies and non-profit organizations should receive bonus points.
- Small non-profit private mutual water management districts that serve disadvantaged communities should be eligible, but all other for-profit private entities should NOT be eligible for Prop 50 funding.
- Involvement of disadvantaged communities, people of color communities and underrepresented communities within the region should be required. All IRWM plans should be required to address the needs of the disadvantaged communities within the region.
- Detailed questions regarding environmental justice objectives should be built into the PSP application, and if the applicant unable to provide details in answering these questions, they should not receive any points for satisfying an environmental justice requirement.
- Up front inclusion of community members, tribes, non-profit private mutual water companies or any communities of color residing within the region in the project implementation should be required, rather than simply informing the community after decisions have already been made and claiming such notice as “public outreach.”
- Benefits and costs should include third party impacts and long-term benefits rather than a least-cost analysis.

We are disappointed that the Guidelines did NOT include many of our suggested recommendations and we hope that you will consider including them in your Final Guidelines and implementation of the grant solicitation:

- Funding allocated to Prop 50 Chapter 8 should contain a 25% set-aside for economically disadvantaged communities
- Capacity building, technical assistance and outreach to disadvantaged communities should be included in the set-aside for economically disadvantaged communities.
- In order to ensure that disadvantaged communities with relevant projects are qualified at the time of the PSP, “technical assistance with preparation of grant applications” should include assisting disadvantaged communities with the process of getting projects adopted into local Integrated Regional Water Management Plans before in order to help applicants qualify for Ch. 8 grants.
- DWR and SWRCB staff should contract outreach to community-organizations with expertise in respective disadvantaged communities.
- Capacity building, technical assistance and outreach to disadvantaged communities should be included in the set-aside for economically disadvantaged communities.
- DWR and the SWRCB should use its resources to solicit input from disadvantaged communities by informing community organizations about all hearings and draft documents utilizing traditional outreach methods by phone, fax, and US postal service, in addition to posting materials on the internet, because potential low-income grant applicants may not have internet access.
- DWR and the SWRCB should consider either hiring consultants to assist in outreach to disadvantaged communities, or to request that the California Watershed Council Economics and Funding Working Group form a subcommittee to assist with outreach and technical assistance to disadvantaged communities.
- Environmental Justice should be listed as a CALFED goal because of CALFED’s commitment to furthering Environmental Justice as stated in the ROD.
- Those projects with negative impacts on groundwater quality in areas where disadvantaged communities use groundwater as drinking water, should be score low in the “address environmental justice concerns” category.

- DWR and the SWRCB should use the CalEPA guidelines for “meaningful public participation” as stated in the CalEPA Recommendations for Implementing Environmental Justice.
- Projects that include non-traditional sources of drinking water in disadvantaged communities like stormwater and groundwater should be considered eligible safe drinking water and water quality project applicants.
- Planning grants should be more than a one-step process. Two or more rounds of funding cycles will give greater access to disadvantaged communities.
- Projects with a citizen monitoring component should be given bonus points.
- Capacity building and technical assistance should be offered to disadvantaged communities to ensure their ability to operate and maintain projects in the long-term.
- Disadvantaged communities should be offered technical assistance by DWR and SWRCB for the management and administration of funds throughout the life of the project.
- The PSP should ask a specific question about how third party impacts will be mitigated, and how the applicant will budget for mitigation.
- Educational and outreach components that address the needs of disadvantaged communities should receive bonus points.
- Those planning projects that offer long-term capacity-building within the community should be given bonus points in order to help communities to be project-ready for future funding cycles.