

PROPOSITION 84 IRWM PROGRAM SUGGESTIONS

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1. IRWMP Regional Funding Allocations from Proposition 84 -

The question of the status of how Integrated Regional Water Resources Program funds will be allocated under Proposition 84 has been a matter of concern to potential applicants within the area called the Mountain Counties Region. This area is significantly different from the Sacramento and San Joaquin Regions geographically as well as in ground water resources, steep and dominating watershed canyons, winter snow pack, available water sources and institutional influences. This area shares common water and natural resource characteristics. It is also the source of origin for much of the state's water resources. These points were presented during the Bulletin 160-05 process and because of the noticeable differences this area is included as an Overlay Hydrologic Region (California Water Plan Update 2005, Vol. 3, Regional Reports, Pg. 1-4).

Proposition 84 (Section 75027 [a]) includes a regional allocation of funding for IRWMP efforts. The criteria of the regions is that the funding "*...shall be allocated to each hydrologic region as identified in the California Water Plan and listed below.*" It would seem prudent for the DWR to recognize the intent the Proposition with regards to the IRWMP funds to allocate funds to each hydrologic region. The allocation was at least in part an affirmation of the importance of the significant differences in California's geographic areas and a validation of the California Water Plan Update, Bulletin 160-05.

The Water Plan purposely divides the State into hydrologic regions in recognition of the state's diverse climate, topography, and other factors.

The recognition in Bulletin 160-05 of a Mountain Counties Overlay Region and the ongoing affirmation of that region in Bulletin 160-09 should underscore the importance of allocating sufficient funds to deal with the water resources challenges in that region. This would serve to allow for competition amongst applicants for similar projects. Thus, valley floor type proposals would not be being compared to Sierra Nevada and Cascade mountain range proposals. This would provide for a more equitably scored system for allocation of funds within each Region.

It is therefore recommended that DWR formally identify the Mountain Counties Overlay Region as a funding area in the funding allocations of Proposition 84.

2. Addressing the Proposition 84 mandate to “...effectively resolve significant water-related conflicts within or between regions.” (Section 75026 (b)(3)). -

Dealing with contentious and divisive conflicts in the context of an IRWMP process, which is anchored in most cases on the precept of consensus is a challenge of the highest order. Many of California’s water resource conflicts, within or between regions, have been with us for decades. Therefore, resolving these matters will be a Herculean effort in both time and funds. It is also evident that many of California’s most contentious and long festering conflicts have been between regions and not within regions.

In recognition of that level of effort, it seems logical that DWR should propose to allocate a percentage each region’s funds to be set aside to deal with IRWMP Plans which address the subject of water related conflicts between regions. For some regions this amount will be higher than others due to the water operations in the region. Thus, each region would have a reserve of funds for dealing with the interregional conflicts as anticipated in Prop. 84. This allocation would apply to interregional conflicts between those areas which receive benefits and those areas which send benefits. The funding allocations should be representative of the efforts in each

respective region to deal with the region or regions in conflict. It is recommended however, that there should be agreement and cooperation between regional IRWM partnerships to jointly carry out these efforts.

Additionally, a portion of the funds in the Proposition 84 designation 75027 (a)(12) "*Interregional unallocated*" should also be allocated for use in those IRWMP efforts, which include interregional conflict resolution. An appropriate amount of those funds should be used specifically for planning purposes targeting interregional conflict resolution.

3. Multi regional (more than two regions) matters or interregional issues of statewide significance.

Prop. 84 §75027(a)(12) Interregional/Unallocated funding "*...may be expended directly or by the Department to address multi-regional needs or issues of statewide significance.*" Section 75027 (b) anticipates this area of interest. A portion of these funds should only be eligible for funding IRWMP Plans which through interregional partnerships work to develop methods to resolve multi-regional needs and resolve issues of statewide significance. A matter of statewide significance would clearly be something that involved and area or areas of the state which transcended a single regional focus. As an example, the operations of the State Water Project could not effectively be dealt with in any single region. Indeed, a strict regional approach would piecemeal the Project into disconnected parts one unrelated to the other and leaving little opportunity to resolve potential mutual objectives or significant conflicts.

DWR should allocate an appropriate percentage of these funds to be set aside to deal with efforts which are consistent with Sections 75026 and 75027 while still accommodating the flexibility needed for these multi regional challenges.

4. Sustainable governance -

For an Integrated Regional Water Management Program to be sustainable and effective it must do more than just plan. The partnerships which work

together on preparing the Plan and who invest the time and resources into the development of, revisions to, and administration of the Plan are the logical actual governing board of the IRWMP Plan for that area. Therefore, to assure that later implementation actions are consistent with and actually implement the Plan in a manner consistent with the intentions of the crafters of the plan, there should be an ongoing responsibility of governance.

The agencies and stakeholders, which develop and adopt an IRWM plan must provide for an inclusive governance system that accounts for a multitude of policy, political, and legal parameters. The challenge faced by each region is reflected in the various approaches that have been taken to date and the strengths and shortcomings of those approaches. Where existing agency relationships and JPA's have developed IRWMPs though or with more formal governance structures, a significant challenge has been the inclusion of interests beyond the traditional, local water managers. Where IRWMPs have been developed with an expanded base of participants (such as NGOs or federal agencies), various constraints have led them to function initially through loose consortiums or MOUs. In both cases, more time and work are needed for formal, inclusive, and effective governance structures to mature. IRWMPs that have sprung from traditional agency roots are actively attempting to expand stakeholder involvement, while the consortium or MOU IRWMPs are looking down the road to the creation of new JPAs or other more formal institutions of governance.

DWR should allow flexibility for IRWMP governance to mature, but at the same time there should be a decision-making process within each region to ensure effective integration and the prioritization of grant-funded projects. As a result of the first round of Prop. 50's IRWM implementation grants, DWR and the State Board were successful in encouraging consolidation of overlapping regions – to a point where a regional entity is probably readily identifiable as the appropriate decision-maker in each region. DWR should require those regional entities to approve IRWM grant proposals within their respective regions, including making a finding that any proposed project is consistent with the applicable IRWMP. To the

extent an appropriate decision-making entity in a region is not readily identifiable by DWR, or in the event of legitimate conflict or dispute over that status within a region, those circumstances should be taken to reflect a lack of integrated planning and as an indication that any IRWM funding would be premature.

Another governance matter to consider relates to regions with intersecting boundaries. Even with the regional consolidation that has occurred, there are still regions with some amounts of geographic overlap, reflecting the wide impacts of water management decisions and the reconciling of wider topographic and hydrologic scales with a smaller scale of effective planning and governance. In the case of overlapping regions, the governance mechanism should include protocols for interregional consultation when a proposed project is situated geographically within multiple regions.

This use of the plan as an implementation road map, would create a vibrant and active planning partnership which transcended the funding from any single bond. The creation of such a governing entity could be a positive influence upon the development of region-wide consensus process and provide a forum for addressing important policy and priority issues in the State Water Plan update process.

The evolution of these locally driven but regionally focused IRWMP partnerships would provide for communications between IRWMP partner governing groups within regions. Ultimately, these entities could provide a valuable service to the region by helping to assist to coordinate individual agency member efforts in larger scale endeavors.

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