



SAN JERARDO COOPERATIVE, INC.

October 18, 2013

Via Electronic Mail

California Department of Water Resources
Division of Integrated Regional Water Management
Financial Assistance Branch
Post Office Box 942836
Sacramento, CA 94236
Attn: Ted Daum

RE: Integrated Regional Water Management Grant Program (IRWM). Comments on Plan Review Process and DAC Challenges

Dear Mr. Ted Daum:

As community leaders, residents, and social justice organizations working with disadvantaged communities (DACs) and Tribal communities in California, we appreciate this opportunity to comment on the IRWM Plan Review Process (PRP).

Our comments recommend changes to the PRP and also highlight several continued and ongoing challenges preventing DACs/Tribes from successfully participating in the IRWM process. While we intend to comment again during the Round 3 IRWM Guidelines comment period, tentatively scheduled for the first quarter of 2014, we present DWR the following expanded comments in hopes that staff will begin to address our concerns in advance of the Round 3 Guidelines Workshops later this year. Also, to ensure inclusive and effective public participation in the guidelines review process, we urge DWR to conduct extensive outreach to DACs/Tribes well ahead of the comment period.

Access to clean, safe and affordable water is a fundamental human right; essential for a healthy population, environment, and economy, yet millions on California lack basic access to clean, safe, and affordable water. This reality is mostly disproportionately lived by DACs and Tribal communities. Making changes to the IRWM Program will create a more inclusive, efficient and comprehensive program and process, so that DACS/Tribes, including those neglected in the previous two rounds, are integrated in the program. We have repeatedly expressed our concerns and see this opportunity as a way to start removing barriers and create a stronger program that is meaningful in addressing DAC/Tribal needs.

IRWM PLAN REVIEW PROCESS (PRP) COMMENTS

IRWM Guidelines and Plan Review Process (PRP)

IRWM Plan Review Process (PRP) is used by DWR to assess whether the IRWM Plans are consistent with the IRWM Planning Act and the related IRWM Plan Standards contained in the IRWM Program Guidelines. The PRP is also used to determine IRWM Region eligibility for the Round 3 IRWM Implementation Grant solicitation. These documents are all linked, and have previously been released for comment at the same time. Bifurcating the review of the Guidelines from the PRP, when these documents are linked (PRP is an addendum to guidelines), makes the review process confusing and ineffective. It is imperative that stakeholders be afforded an opportunity to comment on the Guidelines in their entirety, not piecemeal, such as the current process.

Recommendation Change: Round 3 Guideline review process should include review and comment of all related documents including attachments (i.e., PRP).

Section VIII. DWR Response

A 10-day comment period for the public is not an adequate amount of time. It does not allow stakeholders sufficient time to review, especially coalitions or DACs/Tribes, which need at least 10 days to coordinate and negotiate collective comments.

Recommended Change: Extend comment review period to a minimum of 30 days to ensure meaningful participation.

IRWM Plan Standard Review Form

IRWM Plan Standard: Governance

- Requirements: From IRWM Guidelines: *Balanced Access and opportunity for participation in the IRWM process.*

Recommended Change: *Balanced Access and opportunity for participation in the IRWM process demonstrated through documented involvement of DACs and tribal communities.*

- Requirements: From IRMWM *Guidelines: The collaborative processes (es) used to establish plan objectives.*

Recommended Change: *The collaborative processes (es) used to establish plan objectives, demonstrated through documented involvement by DACs and tribal communities in the region.*

IRWM Plan Standard: Region Description

Requirements: From IRMWM *Guideline: Describe social and cultural makeup.*

Recommendation: *Describe social and cultural makeup, including specific information on DACs and tribal communities in the region and their water challenges.*

IRWM Plan Standard: Objectives

Requirements: From IRWM *Guidelines: Describe the collaborative process and tools used to establish objectives. How the objectives were developed? ...What groups were involved in the process? ...*

Recommendation: *Describe the collaborative process and tools used to establish objectives. How the objectives were developed? ...What groups were involved in the process? ... Which groups, including DACs and Tribes were part of the process, are part of the process currently, and/or requested to be part of the process, but are not included in the final application, and Why?*

IRWM Plan Standard: Objectives: Impact and Benefits

Requirements: From IRWM *Guidelines: Discuss potential impacts and benefits of plan implementation with IRWM region, between regions, with DAC/EJ concerns and Native American Tribal communities.*

Recommended Change: Detail ~~Discuss potential~~ *impacts and benefits of plan implementation with IRWM region, between regions, with DAC/EJ concerns and Native American Tribal communities.*

IRWM Plan Standard: Objectives: Stakeholder Involvement

Requirements: From IRMWM *Guideline: Discuss involvement of DACs and tribal communities.*

Recommended Change: *Discuss involvement of DACs and tribal communities or lack thereof. If DAC and/or Tribal communities were not part of this process please explain why.*

DAC/TRIBAL IRWM PARTICIPATION CHALLENGES

Many of the communities we work were denied access to be part of an IRWM application or funding after two rounds of awards. Given that experience, we have found that structural obstacles, both during the application process and award selection process, impede equitable and meaningful DAC participation. It also appears, after reviewing applications that received awards in Round 2, that applications that included more small projects, which is often the case in applications with DAC/Tribal projects are less likely to be awarded funding. To date, very few Regional Water Management Groups in certain regions have included DACs/ Tribes in governance roles and few DAC/Tribal projects have been funded. Below, we have outlined several barriers and challenges that DWR should address, or explain before the next round of IRWM implementation funding is released, and preferably prior to Round 3 Guidelines Workshops later this year.

Lack of Technical Assistance

The lack of technical assistance combined with the burdensome and cost-prohibitive DWR grant application process results in DAC project proponents spending years in IRWM planning processes. Effectively they are precluded from submitting projects for implementation funding.

Scoring Requirements

The scoring requirements outlined in the PRP are an ongoing challenge for DACs. DWR's scoring process and the current scoring and application process discourages inclusion of DAC and tribal projects. Small community infrastructure projects do not achieve the economies of scale and/or per capita benefits of larger communities. Often, the per-capita costs and benefits of small systems are deemed "uneconomic" and therefore uncompetitive, despite their relatively low overall costs and the fact that they are generally unable to be otherwise financed, except through state or federal grant funding. Round 2, similar to round 1 grant funding awards favored larger projects, which tend to score higher. Small disadvantaged communities to be part of a winning overall application package, add to the number of projects, thus seeming to create a "less competitive" package, or it would seem from based on the results in the last two rounds of funding.

Recommended Changes:

- Expand the scope of activities covered by a technical assistance set-aside, including but not limited to: engineering and feasibility studies, project design, MHI surveys, and preparation of applications.
- Provide technical assistance that is culturally and linguistically appropriate, and when possible, provide funding directly to local technical assistance providers that are already familiar and working with DAC communities.
- All DWR grant programs (both planning and implementation) should support development of DAC projects, including outreach and needs identification, feasibility studies, and application preparation and development.

- Non-profit organizations and other stakeholder groups representing DACs projects should be financially assisted to complete engineering studies, construction plans, and environmental studies to complete applications and have a competitive opportunity in the IRWM process.
- DWR staff should conduct an internal audit to assess potential favoritism in funding applications with larger and less projects, versus small and more projects. The results of this audit should be made available to stakeholders.

Application of Statutorily Required 10% DAC Set-aside

DWR's interpretation that the 10% DAC set-aside is not required by each region, allows local IRWMs to exclude DACs/Tribes from participation. The scoring criteria that emphasize cost-benefit analysis, readiness to proceed, matching funds, etc., works against inclusion of DAC projects that cannot compete with larger financially resourced institutional stakeholders. Furthermore, the lack of clarity from DWR on DAC project requirements and interpretation of DAC benefits further weakens the ability of DACs to be fully and equitably integrated in all aspects of IRWMs.

Recommended Changes

DWR should require that all IRWM regions program at least 10% of funding to address DAC/Tribal needs, including in the outreach, needs assessment, project inclusion in the plan, planning projects, project implementation grants, and other key areas. Furthermore, DWR scoring criteria should reflect this requirement and value.

DACS and Benefit to DACs not Defined

The lack of clarity on the definitions of "DAC" and "DAC benefits" results in "DAC projects" that will not produce vital DAC benefits. The severity of water quality issues for DACs (such as no alternative drinking water sources) are undervalued in the DWR criteria and generally therefore in the ranking criteria that the IRWM governing body uses for the selection or prioritization of projects. Our experience has been that projects that claim community outreach, recreation, and surface water quality enhancement as "benefits to DACs," both outnumber and outrank projects designed to meet vital water quality and water supply needs identified by actual residents. The benefits claimed by non-DAC project proponents are derivative at best, since even the surface water quality enhancements do not directly benefit DACs, who rely primarily on groundwater.

Recommended Changes

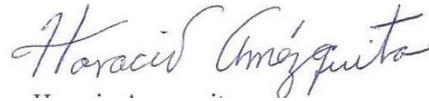
- DWR should work with DAC representatives to clearly define and provide guidelines for what are DAC benefits and critical needs of DACs.
- DWR planning grants should require IRWMs to conduct outreach and needs assessments for all DACs in their region, and facilitate development of DAC prioritization directly from local DACs, and integrate those priorities into all aspects of the IRWM, including implementation grant applications and DWR scoring

We believe that without the significant changes outlined above, IRWMs will continue to be ineffective in supporting DAC/Tribal needs in the state, and further exacerbate the disparities between DACs and non-DACs ability in securing safe, clean, affordable, and accessible drinking water. We ask that DWR use our comments in this letter to begin thoughtfully evaluating the IRWM process and components and more effective communication and collaboration with DACs/Tribes throughout the state, so that the program can fully serve the interests of DACs/Tribes in Round 3.

Respectfully,



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