



October 17, 2013

Mr. Theodore Daum
California Department of Water Resources
Division of Integrated Regional Water Management
Financial Assistance Branch
Post Office Box 942836
Sacramento, CA 94236

Dear Mr. Daum:

On behalf of the Tulare Lake Basin Portion of Kern County Integrated Regional Water Management Plan Executive Committee, we would like to thank you and the Department of Water Resources (DWR) for requesting stakeholder comments on the Draft Plan Review Process (PRP), an addendum to the IRWM Program Guidelines.

We have a few comments and suggestions for modifying the proposed PRP. These comments are provided in detail below.

Plan Standard: Region description

The Plan Standards Tool/Table includes a row “Define maximum opportunities for integration of water management activities:”

On page 38 of the Guidelines, the reference given for this standard, actually states: “...a region... shall be defined to maximize opportunities for integration of water management activities...” The language in statute requires that the region be defined to achieve this result, not that the opportunities be defined. Therefore the PRP should assess whether or not a Plan Region Description has described the rationale for forming the region to maximize integration opportunities, and what is required for Plan content should be clarified.

Plan Standard: Project Review Process

Two components are included in the PRP Plan Standards Tool/Table:

- “Address project cost and financing “
- “Address economic feasibility through economic analysis”

For most IRWM Plans, the project review process consists of a broad level of assessment as to whether or not submitted projects contribute to meeting plan objectives, how well they provide multiple benefits to the region, and some indication of

readiness to proceed, as well as other factors that may be decided upon collaboratively by the Regional Water Management Group (RWMG) and stakeholders. In many cases detailed cost and financing information is not yet available and economic analysis of projects is not performed simply for the purpose of inclusion in a Plan's project list. DWR should provide additional guidance on what is required for these two elements of the PRP, since it appears from the Guidelines that the intent is for the Project Review Process to consider, but not require, detailed costs and economic feasibility information.

Plan Standard: Impact and benefit

The Plan Standards Tool/Table includes a row "State when a more detailed project-specific impact and benefit analyses will occur (prior to implementation activity)."

Similar to the comment above, for most IRWM Plans, the process of assessing project impacts and benefits consists of a broad level of assessment. The 2012 Guidelines contain a certain amount of what appears to be leeway for this standard and does not mention a time element as to when analysis will occur. Also, many Plans utilize a table or tables to demonstrate compliance with this Plan standard, as suggested by the Guidelines (pages 49 and 50). DWR should provide additional guidance on what is required for this element of the PRP. We suggest that presence of such a table would constitute compliance.

Plan Standard: Plan Performance and Monitoring

The draft Plan Standards Tool/Table includes two required components for the Plan Performance and Monitoring standard:

- "Contain performance measures and monitoring methods to ensure that objectives are met."
- "Describe a method for evaluating and monitoring the RWMG's ability to meet the objectives and implement projects."

As currently worded, the second component is confusing and unclear, as it implies that the RWMG is to self-evaluate its ability to oversee the Plan and the implementation of projects, even though a RWMG is not directly implementing projects. The second component should focus on projects and a RWMG's ability to oversee their implementation.

We suggest that the wording for the second component be changed to: "Describe a method for how the RWMG will oversee and evaluate implementation of projects."

Plan Standard: Data management

The Plan Standards Tool/Table includes a row “Outline how data will be compatible with state systems.”

It is well known that under the directives of SBX7-7 (2009) the State is attempting to develop and utilize standard reporting formats for water-related data. These systems have not yet been developed, tested and implemented. Therefore it seems premature at this time to expect IRWM Plans to anticipate how the data collected through Plan implementation will be made “compatible” with them.

We suggest that this part of the Tool/Table be reworded to be more consistent with the Guidelines that plans describe in their data management section how they considered the need to provide data to the state and that any implemented project will also provide data to the state. Plans can also list data that Plan participants may already be providing, such as surface water diversion reports, well production data and other similar data.

Plan Standard: Finance

The draft Plan Standards Tool/Table includes five required components the Finance standard:

- “Include a plan for implementation and financing of identified projects and programs “
- “List known, as well as, possible funding sources, programs, and grant opportunities for the development and ongoing funding of the IRWM Plan”
- “List the funding mechanisms, including water enterprise funds, rate structures, and private financing options, for projects that implement the IRWM Plan”
- “An explanation of the certainty and longevity of known or potential funding for the IRWM Plan and projects that implement the Plan”
- “An explanation of how operation and maintenance (O&M) costs for projects that implement the IRWM Plan would be covered and the certainty of operation and maintenance funding”

These components are problematic as currently worded because they do not specify the level at which these aspects of Finance must be addressed, and seem to imply a level of specificity at the project level. Similar to our comments on the Project Review Process standard, this standard also consists of a broad level of assessment as to whether or not submitted projects contribute to meeting plan objectives, how well they provide multiple benefits to the region, and some indication of readiness to proceed, as well as other factors that may be decided upon collaboratively by the Regional Water Management Group and stakeholders.

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The Finance Standard is meant to be broad; a Plan should demonstrate financing of the overall plan and its implementation. It should not need to demonstrate financing for each and every potential project in the Plan project list.

We suggest adding language clarifying that what is sought in meeting the Finance standard is a general discussion of potential funding options for projects and programs included in the Plan. This could be accomplished by changing the first component to: "Include a general plan for implementation and financing of projects and programs including the following:"

Plan Standard: Coordination

The Plan Standards Tool/Table includes a row "Identify areas where a state agency can assist in communication or cooperation."

While this is a fairly simple standard, what is the *de minimus* requirement? Page 23 of the Guidelines, the reference given for this standard, actually states "...identification of areas where a State agency may be able to assist..." Is listing one state agency with one particular relevant area of expertise enough to achieve the yes/no review standard? There may be regions and plans that have fewer opportunities or reasons for communication with state agencies; this may be especially true for region with large proportions of Disadvantaged Communities. The standard should be clarified to reflect the flexibility of the statute language.

Review Process

We suggest providing the option for RWMGs to include with the submittal a table citing section and page numbers for each *Plan Standards Review Tool* component, similar to the process utilized in Urban Water Management Plan review. This could be done by adding a bullet under "IV - What to Submit" such as, "*Plan Standards Review Tool* list of component locations (optional)."

Thank you for the opportunity to provide comments on the Draft PRP. We look forward to working with you in your review of the Tulare Lake Basin Portion of Kern County IRWMP.

Very truly yours,



Lauren Bauer
Executive Committee Member

On behalf of the Kern IRWMP Executive Committee