

## Wallace, Keith A.

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**From:** Yun, Joseph  
**Sent:** Friday, April 23, 2010 2:05 PM  
**To:** Wallace, Keith A.  
**Subject:** FW: Biola CSD\_Comments\_Prop 84\_Draft\_Guidelines\_Implementation\_and\_Planning\_PSP

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**From:** Joseph, Trevor M.  
**Sent:** Friday, April 23, 2010 2:00 PM  
**To:** Yun, Joseph  
**Subject:** FW: Biola CSD\_Comments\_Prop 84\_Draft\_Guidelines\_Implementation\_and\_Planning\_PSP

FYI

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**From:** Ruben Moreno [mailto:rubenm@att.net]  
**Sent:** Friday, April 23, 2010 11:51 AM  
**To:** Joseph, Trevor M.  
**Subject:** FW: Biola CSD\_Comments\_Prop 84\_Draft\_Guidelines\_Implementation\_and\_Planning\_PSP

Good Morning Mr. Trevor\_ As discussed yesterday, I am forwarding our comments on the Draft Prop 84 Guidelines and PSPs.

Best Regards,

Ruben

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**From:** Ruben Moreno [mailto:rubenm@att.net]  
**Sent:** Friday, April 23, 2010 11:38 AM  
**To:** 'dwr\_irwm@water.ca.gov'  
**Cc:** 'rabago764@kermantel.net'; 'Cheryl S Belluomini'; 'Cervantes, Phillip'; 'annie.lam@asm.ca.gov'; 'debbie@ejcw.org'  
**Subject:** Biola CSD\_Comments\_Prop 84\_Draft\_Guidelines\_Implementation\_and\_Planning\_PSP

### **:Public Review Drafts of Proposition 84 IRWM Guidelines, Implementation PSP, and Planning PSP**

Dear Mr. Yun:

I am writing on behalf of the Biola Community Services District ( a Disdavantaged Community) and specifically in regards to the lack of clarity and specificity, and thus the failure of the draft guidelines and PSPs to explicitly incorporate the requirements of prior law and recently enacted law (AB 626, Chaptered 11/09).

AB 626 provides, in relevant part:

Of the \$181,971,000 appropriated to the department, existing law allocates \$100,000,000 for implementation grants and \$39,000,000 for planning grants, local groundwater assistance grants, and CALFED scientific research grants. Of that amount, existing law also requires the department to allocate not less than 10% to address the critical water supply needs of disadvantaged communities and to facilitate the participation of those communities in integrated regional water management planning.

This bill would require the department to achieve that 10% statewide allocation by awarding grants for those purposes to disadvantaged communities within a hydrologic region in a total dollar amount that is not less than 10% of the total dollar amount of grants awarded within that region. The bill would require the department to implement the allocation with due diligence, but would require the department to implement that specified regional allocation only to the extent that the implementation does not affect the expeditious allocation of funds, as specified. The department would be required to submit a related report to the Legislature by July 1, 2010.

## **COMMENTS**

The clear meaning of prior law and newly enacted law (AB 626) provides that not less than 10% of the \$100,000,000.00 Implementation funds (\$10,000,000.00) and not less than 10% of the \$39,000,000.00 Planning funds (\$3,900,000.00) be awarded to Disadvantaged Communities to: (Part 1) address critical water supply needs (implementation projects) and (Part 2) to facilitate the participation of those communities in integrated regional water management planning (planning projects) and further (Part 3) that the grants be awarded to DACs by hydrologic regions with due diligence, apportioned at not less than 10% of the total dollar amount of grants awarded within that region.

## **DRAFT PROP 84 GUIDELINES**

While the guidelines purport to incorporate AB 626 (see Section II, Introduction and Overview), the body of the guidelines is silent on and thus falls short of and fails to meet the requirements of law.

## **IMPLEMENTATION GRANTS PSP**

The draft Implementation Grants PSP provide, in relevant part:

"Not less than \$10,000,000 will be used to support projects that address critical water supply or water quality needs for DACs, where feasible, to be awarded consistent with the Funding Area allocation schedule in Proposition 84 (See Guidelines, Figure 1)."

While this language more closely reflects that which is found in AB 626 (Part 1 and Part 3), the department should be mindful that the law places the burden on it to award with "due diligence". The law does not provide for the creation of a "feasibility" standard that may shift the burden to DACs, undermining the intent of providing "meaningful participation" to DAC.

## **DRAFT PLANNING GRANTS PSP**

The Draft Planning PSP are silent on Parts 2 and 3 requirements of prior law and recently enacted law (AB 626) and thus falls short of and fail to meet the requirements of law.

## **CONCLUSIONS AND RECOMMENDATIONS**

The Biola CSD, as a DAC, is ready, willing and able to participate in a "meaningful" manner with the Prop 84 Program and upcoming grant opportunities for both implementation and planning projects and looks forward to the department making the necessary changes in the Prop 84 guidelines and PSPs that will incorporate the true spirit and intent of prior law and recently enacted law (AB 626). Finally, in making the appropriate changes, the department should be mindful that AB 626 provides for "...awarding grants for those purposes to disadvantage communities.." and not to other intermediary agencies.

Thank you for allowing us to enter these comments into the record.

Ruben Moreno, J.D., P.E.  
Biola CSD, District Engineer