

PLUMAS COUNTY FLOOD CONTROL & WATER CONSERVATION DISTRICT



April 23, 2010

Department of Water Resources
Division of Integrated Regional Water Management
P.O. Box 942836
Sacramento, CA 94236-0001
Attention: Joe Yun

Re: Comments on IRWM Draft Guidelines and PSPs

Dear Mr. Yun:

Plumas County appreciates the opportunity to provide comments on the Draft Guidelines and PSPs for the Prop. 84 phase of the IRWM program. The new guidelines both reflect and direct positive evolutions in both regional and state water management since the Prop. 50 guidelines were issued. Strengthened linkages between regional IRWM planning and the resource management strategies that are identified in the new California Water Plan reflect and anticipate further progress in both regional and statewide water management. Plumas County also appreciates the IRWM program guidance for helping regions grapple with new statewide responsibilities for water use efficiency and climate adaptation and mitigation.

Retaining IRWM programmatic commitments to improve the delivery of water management benefits to disadvantaged communities (DACs) is also appreciated. Especially commendable is Appendix D, which provides Regional Water Management Groups (RWMGs) with helpful information on tribal consultation.

General Comments

First and foremost, to be faithful to the intent and mandate of the voters under Prop. 84, DWR must maintain the regional funding allocations specified in the bond.

We oppose any reallocation of unspent funds from one region to another, as well as “lending” unspent funds in slower regions to the more active IRWM regions. The extremely slow and uneven distribution of IRWM Prop. 50 funds, although not DWR’s fault, undermines the credibility of promises of regional repayments.

When funding redistribution is combined with other language in the guidelines, the guidelines could have the practical effect of undoing the legislative interest in equitable allocation of opportunities for improved water management benefits to all regions and all citizens of the state.

Prop. 84’s programmatic recommitment to regional equity is critically important in these fiscally challenging times as poor communities with fewer economic options and smaller revenue bases typically face longer and deeper unemployment and income recessions than the state as a whole.

The Prop. 84 program must strive harder to narrow rather than widen the gap between affluent and low-income populations and regions by clearly recognizing and responding to the fiscal realities in California today. Otherwise, the Prop. 84 phase of the program will simply direct funding to areas in the state already having the largest financial and technical resources and the biggest portfolio of “shovel-ready” water management projects.

Planning Grants

1. The Guidelines and the PSP should prioritize planning funding for DACs and for IRWM start up areas without IRWM plans. RAP-approved, predominately DAC regions that need to update their plans and which have not received previous IRWM planning funds should also be high priority areas for receiving Prop. 84 planning funds. For these areas and circumstances the planning match requirement should be waived completely. For reference, during the more affluent Prop. 50 era, the IRWM planning grant match was 25 percent and there were waivers of that match for plans that provided DAC benefits. In the economy of the Prop. 84 era, the ability to provide a financial match should not be used as a measure for planning “commitment.” In these recessionary times, the ability to provide a 50 percent match indicates financial capacity. “Commitment” and financial capacity are not interchangeable concepts. We recognize that DWR’s interest in leveraging Prop. 84 funds is important. However, attempting to maximize gross investment cannot be used to justify an inequitable distribution of funding to DACs. A goal of simply maximizing investment is more appropriately applied to implementation projects among regions that have a level playing field based on a common foundation of affordable and adequate IRWM plans.

2. IRWM planning funds should be allocated based upon competition within the regional funding areas defined by Prop. 84. To help ensure that no region is left behind, statewide competition for planning grants should be avoided. In addition, if there are competing and competitive planning proposals within a funding area, DWR should encourage more and smaller planning grants using the criteria identified in the comment above. If funding for planning is overly restrictive, start-up areas may never catch up and the gap between the regions with the most and least financial resources for implementing IRWM projects will only widen.

Poor past performance (in terms of DAC benefits from planning match waivers for Prop. 50 planning funds) should not penalize DACs under Prop. 84 by discontinuing planning match waivers. DWR planning assistance to DAC populations located in regions with overall low regional water management capacity and in regions with high water management capacity where DAC communities have not received equitable water management benefits would also help remedy the performance problem. Assistance to DAC communities struggling with acute and/or chronic poverty within a region with moderate to high affluence is different than providing assistance to the rural areas in California where a large landscape of low density and low income households surrounds islands of affluence. Since the underlying revenue and tax base is structurally different when rural areas are compared to the urbanized parts of the state, technical assistance to DAC populations must be flexible enough to address different needs in different places.

3. A broader suite of eligible planning activities for DACs is another way to help such areas catch up and effectively compete for Prop. 84 implementation funds. DAC s should be eligible

for the first of a two-step process for assessing the costs and benefits of alternatives for meeting water needs, including accessing technical assistance from DWR for economic planning in their project prioritization. In addition, other eligible planning activities could include conceptualizing alternative project designs; developing baseline water quality monitoring plans to support water supply and water quality needs assessments; and preparing initial CEQA and NEPA checklists, health screening information, etc.

DWR has already broadened implementation guidelines for DACs. We strongly support the first full paragraph on page 18 of the Guidelines:

Because DACs may not have a developed project to put forward, the types of eligible projects to address critical water supply or water quality needs of a DAC are expanded. Eligible projects in direct support of DACs include feasibility studies that may lead to a construction project to address DAC needs; engineering designs and specifications; or needs assessments where a critical water supply or quality issue is perceived but specific needs have not been determined.

In addition to assistance with engineering designs and compliance, we suggest adding assistance with CEQA and NEPA compliance. Broadening eligible planning activities for DACs better enables these communities to reach the level of knowledge needed to access the opportunity that the Guidelines promise.

4. The Guidelines should encourage inter-regional planning on DAC issues that span multiple regions and thereby increase burdens to DACs in neighboring regions. Planning among DAC communities to reduce mercury loads and exposure is a good example of an inter-regional opportunity that would be especially important for the rural areas of the Sacramento-San Joaquin watersheds above the Delta, and particularly for tribal communities. Inter-regional DAC planning could be encouraged through the following revisions to the Guidelines:

Page 18: Add two more bullets under the third paragraph:

Because Proposition 84 allotted funds by funding area, DWR will default to project location in determining which fund allotment is applied to which project. In some cases, an IRWM region may choose to propose use grant funds allocated to its funding area to perform work in another funding area, this is allowable, but the applicant must include in their proposal:

- Clear explanation of how the project contributes directly to the objectives of their IRWM Plan
- Documentation that the Regional Water Management Group (RWMG) for the IRWM region in which the project is located is cooperating with the effort and agrees with the need for the project
- *Clear explanation of interregional planning efforts undertaken between RWMGs to address interregional water management problems*
- *Discussion of the interregional funding and implementation opportunities fostered by interregional planning*

These two additions would reinforce other guidelines (“*Identification of neighboring and/or overlapping IRWM efforts (if any) and an explanation of the planned/working relationship that promotes cooperation and coordination between regions*”) and provide more specific direction for the Coordination Standard “*that RWMGs are aware of adjacent planning efforts and are coordinating with adjacent RWMGs.*” (p.21)

Planning and Implementation Grants

1. Coordination. The “Coordination with Agencies” section on page 71 should include the United States Forest Service in the second bullet (Federal Agencies). Tribes should be added to page 71 as a separate bullet.

2. Grant Application Schedules. DWR should provide for longer PSP application preparation periods and not schedule grant solicitations that run concurrently. The current schedule favors the applicants with the highest capacity and with previous experience with the IRWM program. Longer application development times and sequential grant solicitations are most needed for applicants needing to catch up. Scheduling the Round 1 Implementation grants at least 4 months after the Round 1 planning grants would allow more participation from less experienced RWMGs. We suggest a submittal period of 16 weeks for implementation grants and a submittal period of 12 weeks for planning grants.

3. Project Consistency with an Adopted IRWM Plan. Regions that did not include an explicit process for amending their DWR-accepted IRWM plans or for updating their project lists in their original IRWM plans should be allowed to submit amendments to their existing plans. These amendments would update project acceptance and prioritization processes in response to changing circumstances, including the RWMG’s current make-up and capacity. The goal for such an amendment would be to document the evolution of the region’s current IRWM project acceptance and prioritization process and how those processes are consistent with the new Prop. 84 guidelines, although eventually complete plan updates may be needed to meet the new standards.

4. Consistency between the Guidelines and the PSP. DWR must ensure that any changes in the Guidelines are consistently and accurately reflected in the PSP documents – especially in the scoring criteria and scoring process.

Thank you for the opportunity to submit these comments.

Sincerely,

/s/ Brian L. Morris

Brian L. Morris
General Manager