

CALIFORNIA WATERSHED COALITION

Urban Creeks Council
California Watershed Network
Salmonid Restoration Federation
Northern California Association of
Fly Fishermen
California Association of Resource
Conservation Districts
Sacramento River Watershed Program

June 15, 2006

The Honorable Allan Lowenthal
California State Senate, Room 3048
Sacramento, CA 95814

RE: Senate Bill 1242

Dear Senator Lowenthal:

On behalf of the California Watershed Coalition, an ad-hoc collaboration of non-profit community-based organizations, we would like to extend our appreciation for your initiating discussions of the structure and transparency of the Integrated Regional Water Management Plan (IRWMP) process through SB 1242.

As indicated by the responses to the bill, there are many components of the IRWMP structure that are in need of revision. This is especially true for community-based restoration groups that are mandated to submit their habitat restoration and watershed management project proposals for inclusion in IRWMP's in order to be eligible for Proposition 50 funding. In addition, the proposed Water and Parks Bond that will be on the November, 2006 ballot emulates the funding structure of Prop 50, extending the IRWMP funding mechanism for the foreseeable future.

The California Watershed Coalition has expressed concerns for certain procedures of the IRWMP process, based on comments received from local community groups from throughout the state. In fact, the Coalition distributed a handout in January of this year (attached) with proposals to address these problems and with the intention to pursue legislation to correct them.

We are also attaching a letter that highlights one of the unresolved policy issues the IWRMP process has raised. This letter by Bruce Wolfe, Executive Officer of the San Francisco Bay Regional Water Quality Control Board to Stan Williams of June 2, 2005 describes the need to expand the participation in the IWRMP process to include all stakeholders, and specifically to include NGO's and state agencies as "formally recognized interests."

Hearings held by the Legislature at the time it was considering the content for a large infrastructure bond act revealed that there was inadequate direction from the Legislature on the planning processes that should be used to direct regional coordination of water resources projects. The Bay Area Regional Water Quality Control Board has been compelled to request that the steering committee (Technical Coordinating Committee) for the San Francisco Bay Area IWRMP revise their planning process that is now dominated by one segment of the water community before the

committee concludes its plan in December. Specific recommendations include adding state agencies and non-profit organizations to the plan's steering body and housing the planning in the more publicly responsive and representative Bay Area Water Forum. This is one of the critical steps needed to bring transparency and equity to the IRWMP process and we commend Mr. Wolfe for his leadership.

Although SB 1242 is currently on suspense, the California Watershed Coalition respectfully requests your assistance in scheduling hearings of the Senate Natural Resources & Water Committee and the Assembly Water, Parks and Wildlife Committee to hear the concerns of affected community groups and to consider legislation that would amend the procedures of IRWMP's to assure equity and transparency for all participants.

If we can be of any assistance in this action, we hereby offer that help and appreciate your continuing interest in the health and sustainability of the natural resources of our state.

Sincerely,



Michael Wellborn, President
California Watershed Network
9840 La Amapola
Fountain Valley, CA 92708

cc: Senate members of the Natural Resources & Water Committee
Assembly Members of the Water, Parks and Wildlife Committee
Mike Chrisman, Secretary for Resources
Linda Adams, Secretary for Environmental Protection

Attachment 1: Integrated vs. Watershed Handout

Attachment 2: June 2, 2006 Bruce Wolfe Letter

The Integrated Regional Water Management Program Is Not a Watershed Program

Proposition 50 introduced a well-intended Integrated Regional Water Management Program (in Chapter 8) to create the incentive for regional entities involved in water supply, ground water management and flood issues to identify projects consistent with adopted “integrated” plans .Watershed management planning and implementation are among the list of water management issues to be addressed by the plans and the projects proposed for implementation funding can address “environmental and habitat protection and improvement.” The legislation and the regulations adopted to implement the legislation are silent on the definition of “integration.”

Historically, “integration” has been interpreted by water planners to mean coordinating across federal, state and local jurisdictions and coordinating different categories of water management concerns. At its worst “integrated” planning produces lists of projects different agencies want to build and they cooperate to get each others projects on The List. At its best integrated planning can create cooperative agreements among agencies such as to tie ground water management and stormwater management to water supply development or wetlands creation to water quality programs.

The operative planning concepts that are missing from the state’s IRWMP is that the planning goal should be to produce **multi-objective** plans which are not coordinated lists of projects but projects designed to actually simultaneously meet multiple needs such as a flood control project which reduces flood damages while at the same time restoring floodplains, rivers and habitat. The other missing concept is that the integration must be publicly transparent and all the stakeholders need to have equal access to the planning processes. These important elements are missing from many of the IRMP efforts under way. Finally, the watershed management projects are placed in a non-competitive situation to make it on The List because the real political muscle in these large regional “integrated” plans is the regional water supply and treatment agencies.

The related issue is that the IRWMP process does not serve the many watershed partnerships which are where and how the actual work occurs to produce the type of integrated, multi-objective plans and projects which appear to be the intent of the proposition 50 program. These partnerships are the Resource Conservation districts or the watershed councils which bring competing interests and antagonists to the same table to work out differences and craft consensus solutions to difficult regulatory issues , habitat protection, flood damage reduction , forestry management etc. These watershed partnerships are served in part by the competitive grant programs administered by the Wildlife Conservation Board, DWR, Dept of Fish and Game, and the Coastal Conservancy .The partnerships are mostly local in nature to create the best scale for negotiations and for communications to succeed and craft multi-objective projects. If it is the intent of the legislature to serve those who are carrying the substance of the on-the-ground work to protect and restore the state’s resources, then the model that needs to be put in place is to authorize the Resources Agency to conduct a separate statewide Watershed, not water management, grants program which employees a de-centralized administration of the program using representatives of the regional boards, DWR and Fish and Game district offices who work in these watershed partnerships. The grant funds need to be specifically identified for watershed

management and restoration to watershed partnerships which are representative of the interests in the watersheds and employ inclusive and transparent planning processes.

What IRWMP Usually Means	What is Missing from IRWMP
Regional scale using traditional agency and district boundaries and authorities	Watershed Planning & Management developed collaboratively at the grass-roots level
Single objective projects, often developed through lists of projects different agencies already want to build, who then cooperate to get each other's projects on The IRMP List	Multi-objective projects designed to simultaneously meet multiple needs, such as a flood control project which reduces flood damages while at the same time restoring floodplains, rivers and habitat
Traditional decision-making process, dominated by agencies and utilities	Public transparency with all the stakeholders having equal access to the planning processes
Absence of diverse partnerships that bring competing interests and antagonists to the same table to work out differences and craft consensus solutions to difficult water-related issues	Not serving the many watershed partnerships which is where and how the actual work occurs to produce actual integrated, multi-objective plans and projects
Regional lists of projects by multiple agencies using traditional approach	Intent of the Proposition 50 program, to support integration across the landscape, interests, disciplines, problems, and boundaries
Centralized program administration, with projects selected at the regional level	Decentralized, regional program administration
Targeted funding for traditional water agencies	Targeted funding for watershed partnerships on-the-ground

California Watershed Coalition

(Urban Creeks Council, California Watershed Network, Salmonid Restoration Federation, Northern California Council of Fly Fishers, California Association of Resource Conservation Districts)



California Regional Water Quality Control Board

San Francisco Bay Region



Linda S. Adams
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Arnold Schwarzenegger
Governor

June 2, 2006

Mr. Stan Williams, Chair
Technical Coordinating Committee
Bay Area Integrated Regional Water Management Plan
Santa Clara Valley Water District
5750 Almaden Expressway
San Jose, CA 95118

Dear Mr. Williams:

Thank you for meeting with BCDC's Will Travis and me and other resource agency staff on January 11, 2006, to update us on the objectives and development of the Bay Area Integrated Regional Water Management Plan (IRWMP), to describe the role of the IRWMP's Technical Coordinating Committee (TCC) in that planning process, and to discuss how best to get resource agency input on that process. We are pleased that, as a result of that meeting, the TCC has added state and federal agencies and non-governmental organizations (NGOs) to the organizational chart drawn up to guide the development of the IRWMP over the next year. Nadine Hitchcock of the Coastal Conservancy has also worked with our staff on behalf of the TCC to facilitate a meeting with representatives of state and federal agencies to brief those agencies on the IRWMP and request agency input on its development. Because these changes in the IRWMP's organizational structure and planning process have been made early in the process, as requested, we have much more confidence in the direction of the IRWMP.

The purpose of this letter is twofold. First, we would like to recognize these positive changes in the planning process. Second, we would like to record the other aspect of our conversation at the January meeting regarding the evolution of the IRWMP that we anticipate over the next year, in order for it to realistically serve as an integrated plan for proposed implementation projects when it is submitted to the Department of Water Resources (DWR) and State Water Resources Control Board (State Board). We specifically recommend that the TCC evolve into a committee of the Bay Area Water Forum, which has been formed to create the type of open and inclusive body for Bay Area water planning that the state guidelines for integrated regional water management planning call for.

At our January meeting, both the Water Board and BCDC recognized and appreciated the efforts of the current TCC membership in making the IWRMP planning process possible through the TCC's commitment to fund and hire consultants to carry it out. It is unfortunate that all the relevant and potential stakeholders cannot also carry some of the financial burden for these planning costs, but the reality for most governmental agencies and NGOs is that they do not have

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budgets for regional planning. Ultimately, however, we should all benefit from the use of these public funds to develop these plans, and it is our charge to benefit the greater public good with the potential receipt of even more public dollars. Our recommendation to add resource agencies as well as regulatory agencies and NGOs to the TCC organizational chart was made to indicate that the planning process would continue to evolve from one that is currently limited to consultants responding to the directions of their agency clients, towards a process that will best recognize broad stakeholder interests without regard to who can pay to plan. The logical outcome for a truly integrated planning process would be that the commendable efforts of the TCC will result in an integrated water planning committee of the Bay Area Water Forum that sustains integrated planning in the Bay Area. This planning would involve publicly announced meeting dates and locations and be transparent and open to all parties who desire to put time or other contributions into the project.

We understand that the dotted lines that currently link the regulatory agencies and NGOs to the TCC in the new IWRMP organizational chart signify that these entities are now formally recognized interests. This is a step in the right direction, but ultimately integrated planning goes beyond the planning strategy now in use by the consultants, which is to inform, explain and allow responses. This current method of participation may ultimately breed cynicism among stakeholders familiar with investing time in public forums but not enabled to ultimately determine outcomes and participate in decision making. It is our hope that the TCC does not believe that legitimate sharing of decision making to create an IRWMP is mutually exclusive with producing a timely plan. The plan can also take on the advantage of being a dynamic, evolving document over time if it has legitimacy in the broader water community.

There are a number of compelling reasons and advantages for the TCC to evolve into a more open process with the help of the Bay Area Water Forum. The first is that agencies and other stakeholders will be able to adopt and endorse the plan. Likewise, we can minimize detractors of the plan who may publicly oppose the plan's recommendations or the process used to develop them. Finally, while the state's integrated planning grant guidelines may not have explicitly defined all details of an integrated planning process, they are specific in regards to a number of **resource management concepts and priorities that require meaningful governmental and NGO involvement to meet the basic requirements of the plan.** The following outlines the guidelines that agencies must be mindful of as the planning process moves forward.

The intent of the integrated planning process is to identify regional priorities and potential water and watershed projects based on how "selected water management strategies work together to produce some synergistic effect in water management," address major water related objectives and conflicts in the region, identify the benefits of the integration of projects with multiple benefits, and integrate regional water planning with local planning efforts. DWR and the State Board have advised that, given the constraint of developing a plan within a year, the development of the regional process for integrated planning is a greater or at least equal product than the plan itself. The nature of this "integrated planning" goes beyond making coordinated lists of projects by the water supply and water quality agencies, flood control agencies and the Coastal

Conservancy. From our reading of the grant guidelines, the IRWMP is **not** intended to be solely a coordination of water and resource plans that receive review and comment from other parties.

There are a number of published integrated planning standards, program preferences and statewide priorities that must be met in the next year through IRWMP development. The program preferences that attract the attention of resource agencies are:

- Include integrated projects with multiple benefits
- Contribute expeditiously and measurably to the long term attainment and maintenance of water quality standards
- Eliminate or significantly reduce pollution in impaired waters and sensitive habitat areas of special biological significance

Statewide priorities to be contained in the IRWMP of particular interest include the implementation of:

- TMDLs
- California Non-point Source Pollution Plan
- Recommendations of the Floodplain Management Task Force, Desalination Task Force, Recycling Task Force, and State Species Recovery Plan.
- Regional Water Board Watershed Management Initiative plans and policies

The Plan Standards specified in Appendix A of the state's grants guideline package, which determine the criteria upon which the planning and implementation grants are evaluated, are of particular interest to our Water Board. These include the demonstration that all the agencies and organizations necessary to address the objectives and water strategies of an integrated plan are involved in the planning process, and the demonstration of coordination with local land use planning decision makers. We are interested in how the IRWMP performs in meeting an appropriate standard for stakeholder identification, how stakeholders participate in planning and implementation efforts, and how they influence decisions made regarding water management. We are of course interested in how state and federal agencies are "...involved with strategies, actions and projects."

The Water Board hopes this feedback on the IRWMP is helpful, and we look forward to participating further with the TCC in this process. We appreciate the enormity of the task before us and recommend the practicality of increasing our focus on process over content within the constraints of the planning time.

Sincerely,

Bruce H. Wolfe
Executive Officer

CC: Will Travis, Executive Director, SF Bay Conservation and Development Commission
Lester Snow, Director, Department of Water Resources
Mike Chrisman, Secretary, Resources Agency
Celeste Cantu, Executive Director, State Water Resources Control Board
Linda S. Adams, Secretary, CalEPA