6/5/07 Bd Mtg ITEM 7
IRWM Rnd. 2 Guidelines
Deadline: 5/31/07 Noon

MAY 24 2007

From: choward@co.slo.ca.us

To: IRWM_GRANTS@water.ca.gov; scouch@waterboards.ca.gov;

CC:

Subject: Comments from San Luis Obispo County on Prop 50 Round 2 Draft Guidelines & PSPs

Date: Thursday, May 24, 2007 3:42:54 PM

Attachments: SLO County Comments on Draft Prop 50 Rnd 2 Guidelines.doc

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Thank you very much for the opportunity to comment on the Draft Guidelines for Round 2 of Proposition 50. Please let us know if you have any questions. We look forward to submitting a successful Round 2 application.

Sincerely,
Paavo Ogren, Deputy Director of Public Works
Courtney Howard, Water Resources Engineer
San Luis Obispo County Flood Control and Water Conservation District

(See attached file: SLO County Comments on Draft Prop 50 Rnd 2 Guidelines.doc)

6/5/07 Bd Mtg ITEM
IRWM Rnd. 2 Guidelines
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Proposition 50 Round 2
Draft Guidelines

Comments from San Luis Obispo County Flood Control and Water Conservation District

Page 7: III.B. Eligibility Criteria

Groundwater Management Plans (GWMP)

The guidelines do not address groundwater basins which are currently subject to judicial adjudication proceedings. It is not reasonable to assume that groundwater basin plans can be developed, completed, approved and/or implemented in accordance with CWC 10753.7 when subject to current litigation that can take years to resolve. This requirement could, in fact, impair the development of "physical solutions" that are a normal, critical aspect of settling legal groundwater disputes.

Page 9: IV.D. Modification of a River or Stream Channel

The requirement to "fully mitigate" environmental impacts of river or stream channel modifications is inconsistent with "significant, unavoidable impacts" defined by CEQA. By definition, these impacts cannot be "fully mitigated" but require findings and overriding considerations, pursuant to CEQA, that explain why the action/project is needed. It is entirely conceivable that a Fish and Game Permit is obtained for these impacts and that "environmentally driven" projects themselves could have these impacts due to other competing environmental issues.

Pages 14 – 16: Appendix A

The Minimum Plan Standards should come before the Plan Standards, or at least have a more significant title, in order to reference them when completing Attachments 2 and 3 described in Appendix C.2 for Step 1.

Page 16: Minimum Standards

The first standard should read "Must be adopted by the Regional Agency or Regional Water Management Group prior to . . ." in order to be clear and consistent with the definition in Appendix D.

Page 17: Appendix B

The deadline for hard copy/CD mailing should be a post-marked-by date, not received. It gives those near Sacramento an unfair advantage.

Providing all referenced material electronically and by the deadline seems unnecessary.

Page 20: C.2 Requirements for Attachments – Attachment 4

Disadvantaged Communities – Environmental Justice
The guidelines provide preference and points for disadvantaged communities but no discussion of preference or points where the cost of a mandated project exceeds affordability standards adopted by the mandating agencies. In addition, no recognition is provided when the local agency develops fiscal plans so that grants are targeted to disadvantaged persons within a community when the cost of complying with regulatory mandates exceeds adopted affordability standards.

Page 21: Table C-2 – Step 1 Scoring Criteria

Consistency w/Minimum Plan Standards
The first question should read "Will the IRWM Plan be adopted by the Regional Agency or Regional Water Management Group by the Step 2 application date?" to be consistent with Appendix D definitions and to allow flexibility in the Step 2 application deadline.

The second question should read "Does the Regional Agency or Regional Water Management Group meet the definition of such agencies or groups as outlined in Appendix D?" in order to be clear and consistent with the definitions in the appendix.

Adopted IRWM Plan and Proof of Formal Adoption
A line for Weighting Factor and Maximum Score should be added to reflect that 1 point is available for those that have their Plans out for the 30 day public review period prior to August 1, 2007.

Pages 28 - 29: Appendix C.5 – Attachments 3, 4 and 5

What is considered "ready to proceed"? We believe that a request for proposals for implementation of a design-build contract for the project should satisfy "ready to proceed" requirements.

Pages 34 – 37: Table C-5 – Step 2 Scoring Criteria and Scoring Standards

Budget
Please provide an example of appropriate documentation for supporting the costs shown in the budget – would it be things like quotes or similar project bid results?

Economic Analysis and Other Expected Benefits
Under Scoring Standards, it says the minimum score is 1 point, yet the ranges start at 3 and 2, respectively.

Page 38 and 42: Exhibit 1 – Work Plan, Introduction

The third bullet references "terms of percent completion of design" - the guidance for the percentages is out of place on page 42. It also seems to disregard projects that will be implemented through design-build or design-build-own-operate contracts.