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

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Subject: Bay Area comments on draft guidelines for round 2 of Prop 50, chapter 8 IRWM grant program

Date: Thursday, May 24, 2007 10:34:07 AM

Attachments:

The Coordinating Committee (CC) for the SF Bay Area IRWMP offers the following comments on the Draft Guidelines and Scoring Criteria for Round 2 of the Prop 50, Ch 8 Integrated Regional Water Management (IRWM) Grant Program.

1. The Bay Area CC supports the simplified application process proposed by the DWR and State Water Board where information about the Plan would be submitted at Step 1 of the process and project information would be submitted at Step 2 of the process. This seems more straightforward than submitting information on the Plan and projects at both steps of the process as was done previously.

2. The Bay Area CC supports the DWR and State Water Board proposal to add a Program Preference for proposals that address environmental justice concerns. However, the method to carry out this additional Program Preference deserves more consideration. The Bay Area CC requests that the DWR and State Water Board consider amending the Scoring Criteria for Step 2 as specified below to encourage inclusion of projects benefiting DAC and or EJ communities and eliminate the possibility that such projects could lower the overall score of a proposal provided such projects are a relatively small portion of the proposal. Also, the DWR and State Water Board should consult with other state agencies that have addressed environmental justice concerns in grant guidelines and evaluation criteria, including the Department of Health Services, prior to finalizing guidelines and grant evaluation criteria.

The specific suggestion is to add the following paragraph to Section V.F. Review Process (pg. 10) and Section C.6 (pg. 33) of the Draft Guidelines and PSP:

Disadvantaged Communities – Environmental Justice

"If one or more projects included in a Step 2 proposal are designed to specifically benefit a disadvantaged community or address environmental justice concerns, the technical review process will consider whether the inclusion of this/these project(s) affects the overall score in a beneficial, neutral or adverse manner. If the inclusion of such project(s) adversely affects the proposal score the technical reviewers may re-score the proposal without such project(s), provided that the overall goals and objectives of the proposal can still be advanced."

Rationale

DWR and the State Water Board have proposed adding a Program Preference in the Guidelines to give preference to proposals that address environmental justice concerns (Draft Guidelines, pg. 6). Yet, in terms of scoring this Program Preference is only 5 points out of the 80 point potential maximum at Step 2 whereas the downside potential could be significantly greater in the Work plan (15 points), Scientific and Technical Merit (15 points), Economic Analysis (10 points) and Other Expected Benefits (10 points) if a high degree of certainty and detail is not available for such projects.

Advocates for DAC/EJ communities have submitted comments about this scoring issue to both the State IRWM Program (dated Dec. 8, 2006) and the Bay Area IRWMP (App. F, Comment #43, dated Oct. 18, 2006). In the Bay Area, one mechanism proposed in public comments to ensure that implementation of the IRWMP addresses Environmental Justice concerns is a set aside within a funding request (% of total grant request) for projects or technical assistance to specifically benefit DAC/EJ communities. The Step 2 Scoring Criteria proposed by the DWR and State Water Board could render this mechanism ineffective if the criteria and subsequent funding only reward detail and certainty. Currently, there are at least 7 projects in the Bay Area IRWMP targeted to address EJ concerns, some of which are in a conceptual state of development.

The Bay Area agencies that participated in the first IRWM grant round also have direct experience with how the scoring criteria can affect a proposal. The Bay Area participants considered adding a regional project addressing risk reduction for subsistence fishers and their families that eat fish from SF Bay. This region-wide project would not cost much and had/has broad support, yet it was in a conceptual state of development where detailed information responsive to the Step 2 scoring criteria was not available, and because of that the project ultimately was not included in the June 2006 proposal. At least a year will go by between that proposal due date and a pending grant agreement where the project details could have been developed better. Additionally, the time between a grant commitment letter and a final grant agreement can be a months-long window providing a final opportunity to either firm up a project or drop it from consideration within a particular grant.

As is the case now, DWR and the State Water Board provide a Step 2 applicant the opportunity to clarify details about each project within its proposal between the Step 2 due date and execution of a grant agreement. The State would be under no obligation to finance uncertain projects at the time a grant agreement is executed if these comments are adopted.

Thank you for considering these comments.

Stan Williams, on behalf of the Bay Area IRWMP-Coordinating Committee