

Commenter	Agency, RCD, or Other	Comment
<p>WCB Guidelines Comment Rec'd by CDFW LA County Dept of Public Works (Leslie Schenk, Gov't Relations Group)</p>	A	<p>2.3 Eligibility Criteria The following criteria should be added to the Guidelines:</p> <ul style="list-style-type: none"> • Funds shall not be expended on any project that would result in increasing flood hazards to existing or currently permitted residential/business areas, or deny these areas the water needed to supply their critical needs. • Funds shall not be expended on any project that would impose unfunded monitoring mandates on landowners, water rights holders, water supply entities, or infrastructure operators without their written consent. <p>3.2.4 Project Evaluation Criteria Revise these bullets as shown:</p> <ul style="list-style-type: none"> • Project readiness (e.g., are all the involved/affected landowners, water rights holders, water supply entities and utility/infrastructure operators fully supportive, what is the status of environmental review and permitting, is the water right transfer timeline reasonable, are there any outstanding issues (e.g., hazardous materials)?)... • Assurances, including written concurrence from involved/affected water rights holders, water managers and utility/water infrastructure operators of how the enhanced stream flow will be protected against diversion by other water users (if necessary) in the defined reach during the defined period of use... • Scientific basis (is project is based on best available science, including hydrologic/hydraulic data specific to the region in which the project is located?)... <p>3.2.5 Monitoring Criteria Add the following criterion: The monitoring plan shall not impose unfunded monitoring mandates on landowners, water rights holders, water supply entities, or infrastructure operators without their written consent.</p>
<p>Jim Robins, Alnus Ecological</p>	O	<p>While the guidelines do talk about groundwater management and groundwater storage, I did not see anything that explicitly talks about groundwater recharge. From my perspective, this is one of the most pressing topics and might be a place for the highest impact when it comes to making our water supplies and ecosystems more resilient in the face of climate instability. I think it would be an invaluable investment for WCB to fund recharge studies like those that the SCC is funding in Santa Cruz Co through their Climate Smart Initiative. Building a strong technical understanding of recharge is the fundamental step to designing green infrastructure projects that encourage significantly higher rates of recharge than our current landscapes provide (levees, incised channels, disconnected floodplains, etc). Most water agencies focus on recharge along channel bottoms and this is really only one piece of the puzzle. Watching the early Dec storms in Pescadero with a bunch of farmers really sealed the deal for me. I was out with three old timers who more or less were watching storm flows race by their farms in incised channels and go straight into the ocean. All three told me that the drought and rain patterns had shifted their thinking and would give up land any day to encourage those flows to inundate portions of their farms and recharge the aquifer. I see strategic use of rangelands, farms and open space lands that sit atop unconfined aquifers for recharge as perhaps the most critical and cost effective way to support instream flows (summer base flows), extend the duration of spring fed and/or groundwater sustained wetlands, and mitigate flood peaks created by impervious surfaces.</p> <p>In summary, I'd love to see more explicit mention of studies to better understand recharge potential and acquisition and implementation of ecologically appropriate managed/enhanced recharge projects.</p>
<p>Bryan Cash - Natural Resources Agency</p>	A	<p>After consultation with the several Conservancies and Agency, the CCC provided the attached information to add to all Chapter 6 Prop 1 guidelines. The attached lays out a process by which the CCC and the local corps will be consulted to see if they can be used on a project. Section 79734 of Chapter 6 states: "For restoration and ecosystem protection projects funded pursuant to this chapter, the services of the California Conservation Corps or a local conservation corps certified by the California Conservation Corps <i>shall</i> be used whenever feasible." The attached process allows for a quick consultation before folks submit an application to Chapter 6 departments.</p>

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Alan Lessik - California Association of Local Conservation Corps	O	Division 26.7 of the Water Code, Chapter 6, Section 79734 requires that: "For restoration and ecosystem protection projects funded pursuant to this chapter, the services of the California Conservation Corps or a local conservation corps certified by the California Conservation Corps shall be used whenever feasible."
Toby Keeler - Parks and Recreation	A	As you know, matching grants can be tough to organize. My hope and request is that Prop 1, the guidelines of which are still being developed, can include online Parks and Recreation promotional projects like WebToursLA.com. The goal is to add additional park locations to the website.
Cathryn Hilliard - Construction Industry Force Account Council	O	<p>We ask that, included in draft language for Water Bond Guidelines, the following be added:</p> <p><i>Additional points and/or consideration will be given to those entities seeking grants that commit to using a competitive bidding process to select licensed contractors, and if applicable, to follow any state law for competitive bidding that may apply to those seeking grants.</i></p>
Jim Wunderman - Bay Area Council	O	<ol style="list-style-type: none"> 1. Explain all criteria: Draft criteria states PSPs will be subject to additional unspecified criteria. The criteria should be comprehensive and include all criteria. The creation of any additional material requirements for the PSPs should be open to public comment. 2. Clarify priorities: The process for identifying priority projects is unclear. There are 16 criteria. Some of the criteria are overlapping. Favorable consideration should be given to shovel-ready projects. 3. ROI Analysis: WCF should consider implementing a return on investment analysis. The California Water Commission and DWR have some preliminary concepts for calculating a return on investment for ecosystem benefits. 4. Clarify Streamflow targets: A project's percent-improvement to streamflow should be considered. There may be a way to categorize/prioritize the value of the watersheds that are benefiting. Consider and clarify if benefits to endangered species will be prioritized.
Anne Morkill - San Francisco Bay Joint Venture	O	<ol style="list-style-type: none"> 1. Regional presence It is well-documented that the waters of San Francisco Bay, its wetlands, watershed, and nearby coastal marshes are some of the most biologically important wetlands on the continent. Much of the coastal wetland protection and restoration that is occurring in California is in the Bay Area. All types of wetland and stream habitats in the region are being restored for the benefit of fish, birds, and other wildlife at a scale unprecedented anywhere else in the State. The Department manages vast tracts of wetland acreage and has invested staffing and funds to restore habitats on a landscape scale in San Francisco Bay and its coastal watersheds. Prioritizing wetlands in the region will connect habitats, build on successful projects, and complete those currently in the planning phases. <ul style="list-style-type: none"> • We recognize that funding will, and should, be distributed throughout the State. However, we request that funding be distributed proportionally as to need and in regions that have in place the mechanisms to deliver well-planned projects. • The Department and other funders have invested large sums in protecting and restoring wetlands in the region. We recommend that funds be appropriated to complete projects that have been launched so that investments are not compromised. • We also recommend that the Department be an initial funder, thereby playing a leading role in launching regionally important and well-vetted projects.

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2. Prioritize projects that meet the goals of Joint Venture Implementation Plans or adopted projects Two Joint Ventures (San Francisco Bay and Central Valley) and portions of three others (Intermountain West, Sonoran, and Pacific Birds Habitat) cover much of the State of California, and the Southern California Wetlands Recovery Program (SCWRP) fills a similar role in Southern California. As a result of strong partnerships, Joint Venture projects are well-vetted, have strong stakeholder involvement, are science-based, and have been coordinated through the state and federal regulatory processes. By leveraging partnerships and collectively working through challenges and potential disputes, Joint Ventures have the are able identify and promote those projects that are the best-placed, highest habitat value, and most likely to succeed.

The Joint Venture tracks projects in all stages of planning and permitting. "Ready to go" projects have or will soon be permitted and will deliver on Joint Venture goals and other regional plans and demonstrate success for Prop. 1. Validating the projects that meet Joint Venture goals and priorities can be formalized in a couple of ways:

- List the Joint Venture Implementation Plan and adopted projects in the guidelines. Specify that projects that meet the SFBJV Implementation Plan or have been vetted and supported by the Joint Ventures and the SCWRP be included as criteria.
- Points could be awarded for those projects that are supported by the Joint Ventures and the SCWRP.

3. Prioritize monitoring and evaluation for adaptive management

We are pleased at the Department's recognition of the need to evaluate project success and utilize data to provide for adaptive management to benefit species. Monitoring funding is some of the most challenging funding for project managers to secure. Much of the monitoring that is done at project sites is conducted for permit compliance. We strongly support the Department's commitment to monitoring and evaluation for project success and adaptive management and encourage the Department to fund a strong regional monitoring program that measures regionally-developed conservation targets.

4. Prioritize multi-benefit projects

Focal species planning is not conducive for long term habitat project planning and delivery. We suggest that instead of focusing an RFP to benefit one species over another, that the Department prioritize projects with multiple benefits, such as those that benefit wildlife while also addressing flood control and accommodating for sea level rise. The 2015 science update to the original Baylands Ecosystem Habitat Goals (1999) emphasizes an urgency to restore tidal marshes and associated habitats and protect migration areas to maximize habitat resiliency, provide flood and storm surge protection, and build shoreline resiliency. The recommendations, supported by the SFBJV's Climate Adaptation Decision Support models, show that biotic integrity of wetlands, migration space, and transitional habitats can be preserved if we invest in protection and restoration sooner than later.

5. Continuously appropriate funds and focus on timely project delivery

We recommend quarterly or ongoing RFP's to help ensure funding is available to those projects that are "ready to go" so that projects can be delivered in a timely way and important "match" from other funding sources is not lost. Larger scale restoration projects require leveraging funding from multiple sources and need to be completed within a window of time to avoid losing "match".

We recommend:

- developing a process that will time funding with need rather than with a calendar.
- diversifying the life-cycle of projects to ensure different timing with different phase of larger projects.

6. Minimize process in favor of project delivery and ensure that all parties with capability to deliver quality projects can apply for funds

While an expansive grant review process can document success for accountability purposes, a protracted proposal review process will limit the number of applicants. In some instances, we have seen where smaller organizations do not have the resources to apply for an extensive grant program, yet are very efficient at delivering projects that will demonstrate success, meet the Department's priorities, and will demonstrate Prop. 1 success. It would be unfortunate if extensive an extensive review process limits applicants to only organizations/agencies with deep pockets to prepare proposals.

We suggest reducing barriers to entry by:

- establishing a smaller grant program that is not tied to focal species.
- establishing a review process that is both efficient and cost-effective for applicants.

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7. **Resolve ways to provide Prop. 1 funding to deliver habitat on state-owned lands.** The State owns and manages vast acreages of very important wildlife habitats in San Francisco Bay, such as Petaluma Marsh, the Napa Sonoma Marshes State Wildlife Area, and Eden Landing. Since agencies are precluded from granting funding to themselves under the competitive process specified in Prop. 1, we encourage creative solutions to fund wetland restoration on state lands, by creating partnerships between the various state agencies and with nongovernmental organizations. *We are more concerned about functioning wetland ecosystems and delivering habitat for wildlife, water quality, flood protection, and conservation benefits than we are about who owns the land.*

Terrie Mitchell -
Regional San

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General Comment

We encourage the WCB to consider the role that recycled water can have with in stream flow enhancement projects, both in the Delta and across the state. Recycled water is a reliable source of water that is readily available, even in times of severe drought and can help enhance stream flows and provide ecosystem benefits. Projects that make use of recycled water should be eligible for funding, and perhaps receive a higher ranking priority.

Priority Streams (Section 1.4)

In the program purposes description, the Draft Guidelines state that the program will be primarily focused on “priority stream systems.” We urge the WCB to clarify how they will define “priority stream systems.”

Eligible Project Types (Section 2.2)

Regional San appreciates the broad list of eligible project types described in the Draft Guidelines, and that the Draft Guidelines allow the WCB to include additional eligible project types in its PSPs. We believe this approach will ensure the WCB has the flexibility to fund projects that maximize in stream flow enhancements.

Soft costs are associated with many of the listed eligible project types, and we encourage the WCB to develop PSPs that will allow project proponents to apply for planning, governance, institutional frameworks, and design costs associated with implementing a stream flow enhancement project.

Regional San would also like to highlight the importance of funding both projects that are shovel ready and those that are in earlier stages of development. Shovel ready projects can provide needed near term benefits. At the same time, early investments in planning and design of larger scale projects before they are shovel ready means that state dollars can be highly leveraged and ultimately generate significant and long term benefits.

Allow public comment on the PSPs (Section 3.2)

Regional San encourages WCB to keep multi-benefit projects in mind as it develops the PSP eligibility requirements, and to keep the criteria broad enough for many different types of projects to be eligible to apply and compete for these grant funds.

The guidelines specify that PSPs will describe the “nature and scope of projects eligible for funding, eligibility criteria, and any restrictions on the use of funds supporting that specific solicitation.” Regional San encourages WCB to allow public comment on the PSPs so that there is an opportunity to weigh in on these important factors.

Project Selection and Evaluation Criteria (Section 3.2.4)

The second bullet in this section requires a “Clear demonstration of how the project will measurably enhance stream flows at a time and location necessary to provide fisheries or ecosystem benefits or improvements that improve upon existing flow conditions and are greater than required applicable environmental mitigation measures or compliance obligations.” Regional San encourages WCB to clarify whether this requires demonstration through modeling, physical measurements or some other metrics.

Bullets nine and ten under this section imply that short-term projects may rank higher than longer-term projects. However, we encourage the Draft Guidelines and PSPs be written so that both short-term and long-term projects can compete for funding. Although large projects can take many years to complete, these projects can offer multiple-benefits often with greater environmental and economic value. Therefore, we would recommend that the WCB recognize that implementation time frames will vary between short-term and

Monitoring Criteria (Section 3.2.5)

Monitoring costs can be very expensive, and we encourage WCB to allow monitoring costs to be included as a component of compliance costs in proposals.

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<p>Invoicing and Payments (Section 4.2) The PSPs should have a specific reimbursement timeframe.</p>		
<p>Jane Dolan - Sacramento River Conservation Area Forum</p>	<p>O</p>	<p>Our organization works with stakeholders on the Sacramento River to facilitate resource management and restoration efforts to be effective, balanced and sensitive to the needs of local communities. We believe that supporting and fostering policies, programs and efforts to develop partnerships with private landowners will provide long term, cost effective benefits to restoring habitat, while also providing for ongoing management of lands for wildlife habitat, water conservation and water quality. These programs can be more cost effective while still providing strong benefits for ecosystem improvement.</p> <p>This approach can be used in place of or as a complement to traditional approaches where land or land rights are purchased to achieve environmental goals.</p> <p>Proposition 1 placed a high value on working landscapes in Section 79707(j), stating <i>California's working agricultural and forested landscapes will be preserved wherever possible. To the extent feasible, watershed objectives included in this division should be achieved through use of conservation easements and voluntary landowner participation, including, but not limited to, the use of easements pursuant to Division 10.2 (commencing with Section 10200) and Division 10.4 (commencing with Section 10330) of the Public Resources Code and voluntary habitat credit exchange mechanisms .</i></p> <p>Easements have been used extensively in state-funded habitat projects and we believe that Proposition 1 calls for the equivalent use of voluntary landowner participation in projects funded by the Stream Flow Enhancement Program. We recommend that this priority of Proposition 1 be added as a review criterion by evaluating the degree to which a proposed project achieves the clear goal of preserving working landscapes.</p> <p>Proposition 1 is intended to address the most critical statewide needs and priorities, with the guidelines including a review criterion for project significance. The bond sets forth language in Section 79732(a) that can help define projects that address statewide priorities. We recommend adding a review criterion for a project's relationship to the purposes identified in Section 79732(a).</p> <p>We appreciate and are supportive of the Wildlife Conservation Board including floodplain and riparian habitat projects in the Stream Flow Enhancement Program. We believe that the health and function of these ecosystems are critical for enhancing stream flow.</p> <p>We strongly recommend that planning be a priority in early rounds of funding.</p> <p>Proposition 1 approaches watershed restoration from a new perspective: restoring habitat to enhance the water supply of the state or addressing the impacts of water supply systems on our ecosystems. Also, the challenging issues surrounding water supply and voluntary partnerships with landowners will take time and effort to address. Developing effective, long term solutions that address statewide priorities while utilizing new or innovative technology will require investment upfront in planning and research.</p> <p>There are some areas of the guidelines where additional detail could provide clearer guidance in regards to match. Provision of match is a review criterion, but the guidelines do not specify when the eligible match period begins. We recommend that match become eligible on the date of adoption of guidelines, which we have seen in other funding guidelines and we view this as a common practice among state grant making agencies.</p> <p>Also, the bond states in 79707(b) that priority will be given to projects that leverage other funding sources or that produce the greatest public benefit. The review criteria only address leveraged funding and do not include an alternative criterion for those projects that might not have high levels of match but provide great public benefit. We recommend that such an alternative review criterion be included.</p> <p>We appreciate the clear and robust outreach for the development of these guidelines and look forward to further opportunities for input on the solicitation package.</p>
<p>John Garamendi, Doris Matsui, Doug LaMalfa, Mike Thompson, Ami Bera</p>	<p>O</p>	<p>We write to strongly urge that considerable weight and emphasis for water bond fund eligibility be expressly given in these guidelines to projects that, in accordance with Proposition 1's provisions: 1) protect and restore California's rivers, lakes, streams and watershed, and 2) which also have received substantial financial commitments or appropriations of matching dollars by the federal government.</p>

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		<p>Now with the recent overwhelming passage by the voters of Proposition 1 and the expressed desire by both the Governor and the Legislature to quickly dedicate water bond funding for projects intended to address critical water supply, water quality and watershed restoration and enhancement needs, we strongly believe that the time is ripe for the federal and state governments to again demonstrate their continued mutually shared commitment to the screening of the last three large diversions on the Sacramento River in a timely manner.</p>
<p>William L. Marble, Woodland-Davis Clean Water Agency</p>	<p>A</p>	<p>As such, we strongly believe that the WCB should place particular emphasis in the initial solicitations for the next two fiscal years to extensively focus on eligible projects that can sufficiently demonstrate the following:</p>
<p>Robert Thomas, RD 2035</p>		<ol style="list-style-type: none"> 1) Will significantly implement or complete one of more actions of the California Water Action Plan within the 2014-2018 timeframe described therein. 2) Have broad federal, state and local stakeholder support, including any cost-share funding previously provided or currently committed to the project. 3) Will provide regional benefits. 4) Have completed the necessary planning and design phases. <p>Are "shovel ready" (i.e. are compliant with all applicable state and federal laws and regulations, including the NEPA, CEQA, the Delta Plan, and other environmental permitting requirements, or will be compliant before the date in which the Director approves the selected grant recipients for that particular solicitation cycle).</p>
<p>Josh Collins, Melissa Scianni, Shakoora Azimi- Gaylon - California Wetland Monitoring Workgroup</p>	<p>O</p>	<p>We suggest that the eligible projects be broadened to include regional and watershed-scale analysis aimed at prioritizing the kinds and locations of stream restoration efforts in light of natural and human water demands. Such broad planning endeavors are the key in coordinating among the various efforts to maximize their positive cumulative effects. The watershed approach to project planning is also being advanced by USEPA, USACE and the State Water Board, which promises to increase coordination between water quality control plans and habitat conservation planning through HCP and NCCP.</p>
		<p>WRAMP is a framework and toolset developed through the CWMW to support the landscape and watershed approach to planning, assessing, and reporting on wetland, stream, and riparian projects. We suggest that the WCB Proposition 1 guidelines include a recommendation that monitoring be consistent with WRAMP. The California Wetland Monitoring Workgroup, Delta Stewardship Council, Delta Conservancy, and other interests are providing a similar recommendation to the Department of Water Resources and Department of Fish and Wildlife.</p> <p>Please find our specific comments in the form of suggested edits and revised language in the enclosed WCB Draft Grant Guidelines.</p>
<p>Nita Vail - California Rangeland Trust</p>	<p>O</p>	<p>The Rangeland Trust has reviewed WCB's guidelines and summarized our comments below. We suggest several modifications and clarifications, including:</p> <ol style="list-style-type: none"> 1. The guidelines should put equal emphasis on land protection through conservation easement acquisition as on restoration of stream flows. 2. Conservation easements over forested, agricultural and watershed lands should be included as eligible activities and program purposes where enhanced stream flows, cooler water temperatures, and improved water quality can be quantified. 3. Restoration projects which include permanent protection via conservation easements should be prioritized in the selection criteria. 4. Partnerships between restoration groups and land trusts should be prioritized in the selection criteria. 5. Conservation easement and restoration projects in upper watersheds should be prioritized where significant strides can be made to protect water quality and quantity.

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Carol Vander Meer - Northern Region Council of Land Trusts Michael Cipra - North Coast Regional Land Trust	O	<p>We, members of the Northern Region Council of Land Trusts, have several suggestions that we hope you grant due consideration as you develop funding guidelines and criteria for evaluating prospective projects for funding.</p> <p><u>We urge you to explicitly include conservation easements and fee- title acquisition among the eligible tools listed in these guidelines for achieving the aims of Proposition 1.</u> There are significant benefits to using conservation easements —or, in appropriate cases, conservation acquisition of water-supplying lands— as effective, cost-efficient means of achieving the goals outlined in Proposition 1 and the California Water Action Plan. One major benefit is that use of conservation easements insures the water resource protections and enhancements this program funds today will last in perpetuity, providing California’s taxpayers the best return on investment for their conservation dollar. In addition, conservation easements have built-in structures and an established track record of monitoring and enforcement, removing much of the uncertainty associated with implementing a brand new generation of projects under Proposition 1. Conservation easements can include forestlands and meadows that function as water storage for both human and ecological needs, and easement prescriptions can contain protections specially aimed at stream flow enhancement, including ground water recharge or storage projects, forbearance agreements that prevent diversions from springs, creeks, and streams, and creekside set-backs and canopy cover to improve fish habitat, water quality, and water quantity. These sorts of restoration projects are more likely to occur, and to succeed, on lands under some form of long-term conservation protections. In certain circumstances, conservation easement or fee acquisition may be the single best tool we have to achieve the kind of integrated, long-term land- and water-use solutions that the Water Bond was specifically intended to achieve.</p> <p><u>We urge you to prioritize projects that permanently safeguard watersheds vital to the recovery of endangered fish species and their habitat, and focus on protecting or restoring the natural and ecologically functional water flows, including strategic conservation easement projects that protect against the threat of illegal water withdrawals.</u> The recently published <i>Impacts of Surface Water Diversions for Marijuana Cultivation on Aquatic Habitat in Four Northwestern California Watersheds</i> [Bauer S, Olson J, Cockrill A, van Hatter M, Miller L, et al. (2015). PLoS ONE 10(3): e0120016. doi:10.1371/journal.pone.0120016] makes explicitly clear in a peer-reviewed study that there are significant adverse impacts to streamflow in areas of marijuana cultivation. Moreover, this study determines that in impacted watersheds, diminished streamflow can have lethal impacts on state-and federally-listed salmon and steelhead trout. Alternately, in inland areas of the north coast ranges, the natural drying up of watercourses makes hill-side seeps and springs vulnerable to tapping by marijuana cultivation operations, which alters the water availability to the unique and rare plant species as well as wildlife that rely on these seeps. We strongly recommend that the WCB consider funding land and water projects concurrently in these areas as part of a watershed approach. Proposition 1’s emphasis on protecting and enhancing in-stream flows is unlikely to achieve success without a simultaneous strategic investment in land conservation. A successful project in these watersheds of the state that support critical habitat for salmon and steelhead might look like a conservation easement on a property with stream or river frontage, combined with a mechanism or combination of mechanisms such as a forbearance of water right agreement, habitat restoration projects, surface or groundwater storage, or studies of habitat and instream flow. These non-easement mechanisms are certainly needed to protect water, streams, and fish. Yet our years of experience in conservation in this region of California lead us to believe that without a funded conservation easement to help support legitimate working lands protection, land ownership becomes fractured, marijuana cultivation and illegal water withdrawals ensue, and that this established and documented pattern of illegal land and water use will undermine such strategic investments. Also, protection of the natural state of water courses and their watersheds, even in areas where stream flows cease during the Mediterranean summer, is important to protecting rare ecosystems and maintaining sound creek beds and riparian areas that can withstand winter water flows, properly function in ground-water recharging, and minimize transportation of sediments to valleys, reservoirs, and deltas. We strongly urge you to not only consider, but to also prioritize projects that combine water conservation strategies with land-based conservation easements in areas that support priority habitat for threatened and endangered salmon and steelhead.</p>

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We urge you to prioritize projects that protect and restore coastal and inland wetland habitats, and particularly those vital to the recovery of threatened and endangered fish species, flood control, and sea level rise. Inland wetlands are unique habitats that may support rare, threatened, or endangered species but are rare statewide, having been altered or drained for agriculture or other development. Low-gradient stream reaches that enhance connectivity between inland and coastal freshwater wetlands and saltwater are essential to the resiliency of estuarine ecosystems and the wildlife populations that depend on them. Emphasis should be placed on projects that restore or protect the natural watercourses and watersheds that generate wetlands, as well as agriculture that overlaps functioning wetlands as occurs on many coastal plains of the North Coast and which provide some of the best opportunities for the enhancement of fish and wildlife habitat.

In the case of groundwater recharge and other streamflow enhancement projects, we urge you to support multiple stages of project development and implementation, including planning, permitting, implementation, and monitoring. Successful completion of these important projects requires significant up-front and follow-up work that project proponents may not be able to fund through alternative sources. Covering the full spectrum of activities associated with these kinds of project should be a funding priority. Building a monitoring component into projects will often be necessary if we are to continuously learn from and improve restoration projects over time. Lastly, providing support in overcoming regulatory obstacles to innovative water projects will facilitate greater implementation of on-the-ground projects that advance Proposition 1 goals.

We at Northern Region Council of Land Trusts believe the recommendations outlined above would lead to an expenditure of Proposition 1 funds on the North Coast and throughout California that best meets the goals of that initiative.

Vic Classen O

Regarding Section 2.2 Eligible Project Types.

Please add a bullet item:

~~Increase rangeland watershed infiltration through enhanced vegetative cover (grazing management, perennial plant enhancement, upper watershed seasonal wetlands)~~

Comments:

The examples that are given for 'Eligible Project Types' list stream needs and water acquisitions, but not enough about the stream flow sources - the watersheds that feed the gaining reaches of these streams. The examples listed under 'Habitat Restoration Projects' do not extend to the large areas of rangeland through which much of the state's ground water passes. Examples should include upper watershed infiltration enhancement and connectivity to the stream. Since the landscape has seen historical conversion from perennial plants to annual grasses, the infiltration capacity of the soil has decreased, resulting in the hydromodification impacts of flashy flows and reduced water retention in the soil of the upper watershed. Broader programs for rangeland management study and incentives are needed for increased rainfall capture in these rangelands, in addition to the stream-focused examples listed in these 'Eligible Project Types'.

Data collected for CDFW Big Game Management Fund in western Colusa County indicate that of the major storms we had in 2014-2015, nearly half the rainfall ran off during the storm as flashy flow, leaving the upper watersheds insufficiently hydrated. These flashy flows stripped the upper watershed of much of the water delivered as rainfall that otherwise would have soaked into the soils and gradually seep into local drainages in the following weeks to months. The resulting lack of transitory water storage in the upper watershed results in streams with lower base flow levels and shorter periods of flow. The widespread stream incisement and headcutting is the result of hydromodification from land uses that should be addressed and partially remediated with these Prop 1 funds.

These vegetative improvements enhance the soil's ability to continue to infiltrate additional rainfall, so they are not net costs in terms of water use, they provide net gains in usable water from the storms that occur. As the climate changes, the predictions are for more intense rain events that occur less frequently. Improving the upper watershed through enhanced vegetative cover is the only way to capture these large scale events and to meter the water flow gradually into our natural and constructed water conveyance system. Flood flows are wasted flows.

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The example given in the Draft Guidelines 'Reconnecting Flood Flows to Restored Flood Plains' is valid, but this is after-the-fact management. Improving infiltration and retention in the upper watershed reduces flashy flood flows in the first place

Grant Davis -
Sonoma County
Water Agency

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We support the inclusion of conjunctive use, reservoir reoperations and fans for frost protection as eligible project types in the Draft Guidelines.

Regarding frost protection, we would like to suggest the addition of another eligible project type: off stream storage ponds or tanks for frost protection. When frost events occur in our service area, many wine grape growers spray their vines with a fine mist of water to protect the buds from damage. Unfortunately, a prolonged frost event can dewater creeks and streams, stranding young coho and steelhead. In addition to fans, off stream storage ponds or tanks can help grape growers address prolonged frost events without needing to dewater creeks and streams. We suggest that WCB consider adding "off stream storage ponds or tanks for frost protection" to the list of eligible projects.

The Draft Guidelines state that specific information concerning eligible project types may vary and will be documented in the solicitation. Grant applicants would benefit from timely communication of any further specifics regarding eligible project types. SCWA is fortunate to work with the Sonoma County Youth Ecology Corps (SCYEC), a jobs, workforce training and ecosystem education program aimed at employing youth and young adults while teaching them about environmental stewardship. This program has provided tremendous benefits to young adults in our community, and we are confident that SCYEC corpsmembers could be valuable partners with WCB in the implementation of Proposition 1.

We appreciate that the Draft Guidelines encourage collaboration with the California Conservation Corps (CCC) and local conservation corps, and we suggest that WCB also encourage applicants to work with other programs employing at risk youth in conservation or restoration projects.

In cases where applications are deemed ineligible or incomplete, we ask WCB to consider providing grant applicants with feedback on the application and to add language to this section which allows for such applications to be resubmitted during future solicitation periods.

Beau Goldie -
Santa Clara Valley
Water District

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To that end, we write to provide some suggestions on the draft Proposition 1 project solicitation and evaluation guidelines released for public comment by the California Wildlife Conservation Board. We believe the draft guidelines provide a well-thought-out program that seems fair and inclusive of a broad range of projects that would benefit the environment and enhance instream water flow. We respectfully request that you consider the following suggestions on the draft guidelines:

Comment 1—Weigh the Criteria: Projects proponents should have a clear understanding on how projects will be weighted. The draft guidelines provide a good list of criteria that will be used to evaluate projects but does not provide the scores provided to each one. These criteria should be weighted in the review process.

Comment 2—Transparency: The draft guidelines make reference to additional requirements that could be created separately through the Project Solicitation Packet (PSP), depending on the type of projects that the program may focus on in the future. We ask that the creation of any additional requirements through the project solicitation package be open to public review and comment.

Comment 3—Timing: We recommend that the guidelines include the timing of the funding cycles (annual, quarterly, etc.) that will be used to award the program funds. Providing a schedule allows project proponents to plan for the application of grants.

Comment 4—Grant Amount and Cost-Shares: We recommend including the grant size that will be made available for projects. The guidelines should and also include the minimum cost share required to qualify.

Commenter	Agency, RCD, or Other	Comment
Jeannette Tuitele-Lewis - The Big Sur Land Trust	O	<ul style="list-style-type: none"> • This section indicates that funding from this program will focus on “providing and protecting enhanced stream flow in <i>priority stream systems</i> for important species and habitat.” We ask that WCB provide clarity on how priority stream systems are defined, including information on which agency (WCB, DFW or other) determines priority stream systems. Upon what criteria is this list developed? How often do the priority stream systems list get updated during this funding program cycle? • Specific language in Proposition 1 relating to working with the California Conservation Corps (CCC) to implement projects supported by the bond has understandably prompted every agency’s Proposition 1 funding program guidelines to include a provision to “use whenever practicable, the services of the California Conservation Corps or a certified community conservation corps...” We fully support these efforts to encourage collaboration with the CCC or local conservation corps to carry out projects funded through Proposition 1 funded programs. We also feel it is important to ask if an evaluation of the capacity of the CCC to handle what could be a substantially increased workload prompted by Proposition 1 funds has been conducted. Capacity by the CCC or local corps to manage the workload presented by this funding source is an important point to consider when advocating for this objective. In cases where the CCC is not an option due to capacity issues how will grant applicants be assured that this will not count against them in the project selection process? • In cases where working with the CCC or local corps is not a viable option, a specific process to document such a determination to the satisfaction of WCB would be helpful. We also suggest that the guidelines clarify if working with a conservation corps makes a grant solicitation more competitive. If working with a CCC or local corps will lead to a higher ranking, please consider adding other programs that employ at-risk youth in conservation or restoration projects as an option to meet this objective. • The Background and Program Purposes section of the guidelines call out the acquisition of real property, rights in real property and the desire to preserve California’s working agricultural landscapes as components of the legislative basis and program intent for investments of stream flow program funds. To that end, we suggest including fee title or conservation easement acquisition to the list of eligible projects. Acquisitions that prevent development on important watershed lands provide significant benefits that meet the three broad objectives of the California Water Action Plan. Adding real property acquisitions explicitly to the list of eligible projects will broaden opportunities for these funds to support multi-benefit projects. • A recent analysis of a potential recharge project in the Santa Margarita Groundwater Basin in Santa Cruz County demonstrated direct benefit to a nearby stream that NOAA has identified as a critical reach for Coho recovery. Additional benefits, beyond streamflow, including habitat creation, water quality improvement and flood risk reduction could be achieved through these types of projects. For these reasons, we suggest that recharge projects be listed as an eligible project type under this program. • As the list of eligible project types is not exhaustive, grant applicants would benefit from timeliness in communication of any further specifics regarding eligible project types. • Given the monitoring plan requirements outlined in Section 3.2.5, please consider adding monitoring plan implementation as an eligible project type or eligible budget item for grant solicitations. • We encourage WCB to provide a minimum of two solicitation opportunities during each year funding is available under this program. • The guidelines (Section 2.0) indicate that “specific PSPs for each solicitation shall describe the nature and scope of projects eligible for funding, eligibility criteria and any restrictions on the use of funds supporting that specific solicitation.” Section 3.2 further stipulates that “specific criteria upon which reviews will be based and scored will be provided in each PSP.” Given the potential variations in PSPs, we encourage WCB to provide sufficient lead time for grant applicants to review PSPs before a solicitation deadline. In addition, we suggest WCB consider a public comment process for each PSP so the public can contribute to the conversation and weigh in on the critical elements that determine the success of this funding program. • Please consider providing feedback to grant applicants that submit applications determined to be ineligible or incomplete and clarify if revised applications can be submitted during a future solicitation period.
Chris Coburn - RCD of Santa Cruz County		

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- We support the use of a selection panel to review scores and comments for grant applications. In an effort to ensure effective and comparable processes throughout the life of this funding program, we suggest that WCB make every effort to establish a standard protocol for this selection panel (e.g. number of participants, participation of representatives from other agencies, scoring documentation, etc.)
- Greater clarification regarding assigned scores to review criteria, how scores were established and measured, and any prioritization or higher scoring for certain criterion will be important to provide for each solicitation period.
- The details provided in the guidelines about monitoring requirements are helpful. Please refer to our comment about monitoring plan implementation under the Eligible Project Type comment section in this letter.
- Providing applicants with standard contract terms and provisions as part of the Project Solicitation Packages will enable grant applicants to prepare a highly effective and well thought out application for support from this program. Providing detailed contractual, signage, labor, reporting, and invoicing requirements upfront leads to more effective project, scope of work and timeline development by the grant applicant. Please consider providing general grant agreement provisions as part of the Project Solicitation Packages.

Sara Aminzadeh -
California Water
Partnership

I. Program Purpose and Significance

The stated purpose of the WCB California Stream Flow Enhancement Program is to "conserve and enhance water supplies for the future sustainability of ecosystems and survival of fish and wildlife species in the state." As such, any WCB funded project will be required to demonstrate enhancement of stream flows for environmental purposes. This program not only supports efforts to conserve and better manage water resources, but also requires that the resulting water conserved through projects that are funded by the program actually achieve public benefits.

Recommendation: *As a new program for California, and a unique program for the WCB, we recommend that WCB staff work with staff from sister agencies in the refinement of program guidelines, development of proposal solicitations, and proposal review. In particular, we recommend that WCB engage staff from the California Department of Fish and Wildlife (CDFW), the Ocean Protection Council, the California Coastal Conservancy, and the State Water Resources Control Board (SWRCB) that have expertise and analyses in water rights, instream flow studies, hydrologic assessment, aquatic biology, and water quality conditions that are influenced by stream flow. We also recommend that WCB staff look to existing stream flow enhancement efforts both within California and in other states such as Oregon and Washington, which both have well established instream flow programs, in order to better understand the range of approaches as well as the potential benefits and limitations of such projects before finalizing the program's project selection and evaluation criteria.*

II. Eligible Project Types

We commend the WCB for recognizing in the Draft Program Guidelines that stream flow enhancement can be achieved in a variety of ways, many of which involve changes in water management or infrastructure improvements/modifications and not the direct purchase of water. Many of these projects can be used to help facilitate permanent dedications to instream flow and offer the opportunity to achieve multiple benefits in a sustainable and comprehensive manner. While the outright purchase of water rights can be effective in some watersheds, it is a single tool in the suite of project types that can result in stream flow enhancement - not the only tool. Additional tools include changes in location, timing, and method of diversion that enhances stream flows.

Recommendation: *Maintain the variety of eligible project types.*

In order to meet the Draft Stream Flow Enhancement Program Guidelines objective of "providing and protecting enhanced stream flow in priority stream systems for important species and habitat," projects must demonstrate how they will protect enhanced flows. As stated in the bond guidelines, any water that is acquired with Bond funding shall be transferred or dedicated to instream use in accordance with Water Code Section 1707 (CWC §79709(c)).

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Due to the variety of project types and approaches for enhancing instream flows, there may be circumstances in which a direct acquisition of water from a water rights holder to a project applicant does not occur, but stream flows are enhanced as a result of the project. For example, a project may involve water efficiency that results in enhanced stream flows or a conservation entity may work with willing water rights holders to establish conservation easements or other mechanisms to dedicate existing water rights to instream use and restrict future consumptive water use. Even though these project types do not explicitly involve the acquisition of water through a direct water or water right purchase, they need to show how they will protect enhanced flows that result from the project. This could include the dedication of conserved or contractually reserved water to instream use in accordance with Section 1707 or in tandem with the use of a forbearance agreement. The utility of Section 1707 dedications and forbearance agreements vary widely depending on the underlying water right(s) associated with the project, the larger physical and legal landscape, and project intent. Due to the wide variety of circumstances, it will be important that projects demonstrate how their intended approaches for protecting enhanced stream flows are effective.

Recommendation: *We recommend that the WCB prioritize projects that legally and permanently dedicate water instream in accordance with Water Code Section 1707 (CWC §79709(c)) and/or other legally binding agreements. WCB must require project applicants to demonstrate how their proposed approach is legally protective of instream flows as part of the application process.*

We recognize that the WCB has identified the ‘acquisition of water’ as an eligible project type. At the same time, the discussion of water markets and water pricing for water transfers that are occurring among large agricultural and municipal water users has become a hot topic in California. While these water transfers have received a lot of attention, it is important to recognize that the majority of locations that both provide high quality habitat and have the potential for stream flows to be significantly improved through non-regulatory mechanisms consistent with the WCB program objectives are located in smaller stream systems that are outside of the realm of large water markets. Even in locations where there are opportunities for outright water purchases and leasing programs that utilize market approaches in smaller stream systems, they are typically localized and should be appraised accordingly.

Recommendation: *We recommend that pricing for outright water and water rights purchases be appraised based on local conditions. WCB staff should look to appraisal methodologies that have been utilized in other western states such as Oregon, Washington, and Colorado to identify suitable appraisal approaches.*

Proposition 1 (section 79704) allows for up to ten percent of the grant award to be used for monitoring and planning, and the WCB can elect to reserve a portion of this funding to assist disadvantaged communities, NGOs and tribes to conduct necessary monitoring. Stream flow gauging is an important aspect of stream monitoring and we appreciate that the WCB specifically notes the eligibility of this activity as a project type. Funding for stream gauging is especially important since the ability to understand stream flow needs and project impacts as well as the ability to complete permitting and water rights modifications associated with some stream flow enhancement projects will require information that can only be obtained by stream flow data acquisition and on-the-ground monitoring.

Recommendation: *We support the inclusion of stream gauging as an eligible project type and recommend that funding that is allocated towards stream gauging be explicitly connected to efforts to develop or continue regional stream flow enhancement programs and specific on-the-ground projects that will result in stream flow enhancement. While a proposal requesting funding for flow gauging may not need to include requests for funding for these other components, the proposal should show how any monitoring and study efforts are part of a larger plan or program that enhances stream flows and not just a stand-alone study.*

III. Addressing State Priorities

The guidelines call for the promotion and implementation of state plans and priorities, but only specifically call out the California Water Plan and the Wildlife Conservation Board’s Strategic Plan. It would be helpful if the guidelines could also reference the NOAA Recovery Plans and any other plans that will be used to evaluate and rank proposals.

Recommendation: *Provide a more thorough identification of restoration and recovery plans that can be used to evaluate projects in the Program Guidelines.*

Proposal reviewers should assess project needs in terms of both the benefits of projects (in meeting statewide priority conservation objectives along with multi-benefits) as well as the need for Bond funding in order to make sure that funding is allocated appropriately.

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Recommendation: *Projects that meet priority conservation objectives that would not be financially feasible without Bond funding or other financial assistance should be prioritized. For example, a project within a disadvantaged community that would result in instream enhancements that improve critical ecological habitat or function but could not be implemented without financial assistance should be prioritized over a similar project type that could readily be financed locally. Additionally, WCB funds should also be targeted to the aspects of flow restoration projects that are the most difficult to fund through other sources of state and federal money.*

IV. Project Evaluation and Ranking

We appreciate the many good requirements in the Projection and Solicitation Criteria. However the criteria are currently simply a laundry list, with no detail, no information on how each criterion is weighed and no discussion of how proposals will be prioritized. As a result, the draft guidelines provide little information about how actual project decisions will be made, and does not appear to provide the public with an opportunity to comment on the “project solicitation and evaluation guidelines” as required by Proposition 1. See Water Code § 79706.

Recommendation: *We encourage WCB to revise the guidelines to provide more detail about how criteria will be used to evaluate and rank projects and whether the criteria have equal weight in the evaluation process, or provide a separate opportunity for public comment on the specific ranking and project evaluation criteria in future PSPs.*

Recommendation: *Project prioritization should be based on relevance to watershed, ecosystem, or species goals or plans and the ability of a proposed project, either on its own or as part of a more regional effort, to protect and improve water supplies for the future sustainability of ecosystems and the survival of fish and wildlife species. For example, projects that enhance stream flows to provide critical habitat for endangered species occurring in streams that are seasonally dewatered or otherwise severely depleted should be prioritized. It is also important to recognize that timing, location, and volume of water are all important considerations when evaluating the effectiveness of stream flow enhancement efforts. The limited amount of funding available should be directed toward priority watersheds where the scale of investment can have measurable benefit specific to the sustainability of ecosystems and survival of fish and wildlife species. For example, a project that results in a stream flow enhancement of 1cfs in a small stream during a critical fish migration period at a location that has historically been a thermal fish passage barrier due to high temperatures caused by unnaturally low flows, where the added 1cfs provides enough flow to allow for fish passage to high quality spawning habitat, is substantially better than one that provides 50cfs in a larger stream system at a time and location where there is little quantifiable improvement to ecological processes or habitat. Accordingly, ranking criteria should quantify and prioritize the value of fisheries or ecosystem benefits rather than the volume of water produced.*

Recommendation: *We recommend that the WCB generally avoid acquisitions and dedications in larger water bodies of the Bay-Delta watershed. The SWRCB is in the process of updating water quality standards that will likely result in updated regulatory requirements on water quality and instream flows. Additionally, the overall costs and complexity associated with acquiring enough water to have a quantifiable impact and subsequently ensure that dedicated water remained instream relative to the resources available to the WCB for the California Stream Flow Enhancement Program generally makes the Bay-Delta and its major streams an unsuitable location for this specific program. Smaller tributaries in the watershed, where a relatively small amount of streamflow enhancement can quantifiably improve ecological function are an exception to this recommendation.*

Recommendation: *The WCB should elevate the ranking of projects that are part of a regional strategy for improving instream flows or result in substantially greater instream benefit on their own, as opposed to a project that provides some incremental benefit to stream flows but is not part of a larger program or series of efforts that can result in significant ecosystem or species benefits. Leveraging these projects with actions by agencies that are doing related work on the same site such as restoration and instream flow studies can yield even more benefits.*

Recommendation: *In addition, we recommend that the WCB revise the guidelines to explicitly prioritize projects that result in permanent improvements in instream flows. While the bond authorizes transactions that result in both permanent and long term (over 20 years) improvements in instream flows, permanent benefits should generally be prioritized over long term transfers.*

V. Exceed Existing Environmental Mitigation and Compliance Obligations

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The Draft Guidelines clearly state that funding cannot be used towards meeting environmental mitigation or compliance obligations, which is clearly required by Proposition 1. This would include requirements under the state or federal endangered species acts, the Public Trust and Reasonable Use Doctrines, sections 5937 and 1600 of the Fish and Game Code, water quality standards adopted by the SWRCB, and other permit obligations and mitigation requirements (such as required mitigation measures under CEQA, obligations under streambed alteration agreements, existing water rights conditions, etc.). The Guidelines should also be clear that any funding allocated towards reservoir operations at either existing or new storage sites must be to acquire flows which are above those required to meet the requirements of the aforementioned laws. In cases where flows necessary to meet compliance obligations are not currently quantified, the proposal must provide an explanation of how the applicant determined that their project exceeds existing obligation requirements.

In order for the WCB and independent reviewers to adequately assess whether projects exceed existing environmental compliance and mitigation requirements, and that projects are not funding compliance with these existing obligations in violation of Proposition 1, WCB must revise the guidelines to require applicants to certify and demonstrate that the proposed project exceeds existing environmental compliance and mitigation obligations.

Recommendation : *Revise the Guidelines to require applicants to certify and demonstrate that projects result in improvements in instream flows that exceed existing regulatory requirements or environmental compliance obligations. An example of this would be to require that an owner of a dam that is proposing reservoir re-operation is exceeding Fish and Game Code Section 5937 requirements, or, in the absence of such requirements provide substantive evidence that the project exceeds likely requirements.*

Recommendation : *Utilize CDFW and SWRCB staff expertise when developing project evaluation criteria and evaluating project proposals to ensure that projects are consistent with existing agency plans and actions.*

VI. Assessment and Measurement of Multiple Benefits

Proposition 1 clearly and repeatedly indicates that funds are to be used to achieve multiple benefits. The directive in Section 79730, the section in which CDFW funds are distributed, reinforces and expands that statement, stating that funds are to be allocated to provide “multi-benefit water quality, water supply, and watershed protection and restoration projects for the watersheds of the state.”

The California Water Action Plan includes as one of its priorities to “increase regional self-reliance and integrated water management across all levels of government.” Multiple benefit projects are physical manifestations of integrated water resource management. Successful projects are locally supported by multiple types of stakeholders, leverage complementary funding sources where possible, and integrate benefits across a spectrum of services, including water supply and quality, public health and safety, environmental protection, economic stability and employment opportunities in impacted communities. Critical to the success of multiple benefit projects is ensuring that the benefits promised are both quantifiable and lasting.

We appreciate the inclusion of multiple benefits in the criteria. Unfortunately, as mentioned above, the guidance as written provides no information about how this criteria will be prioritized or weighted in evaluating proposals. It would also be helpful to provide some guidance to applicants in identifying and quantifying those benefits. We encourage the WCB to revise the draft guidelines to place more emphasis on multi-benefit projects and to provide greater detail on those benefits.

A. Identifying multiple benefits.

There are many models for identifying multiple benefits. As an example, the chart below was developed for the Los Angeles County Clean Water Clean Beaches funding initiative draft ordinance in 2013 in order to rate stormwater management projects. It provides a guide to applicants to identify the benefits of proposed projects over and above the main proposal objective of water quality. Of course this model would require changes in order to apply to ecosystem restoration projects. Also, because it was a water quality measure, water quality benefits were quantified in a separate section and are not reflected below. However, this provides a template for assessing the many and diverse benefits of project proposals.

Recommendation : *Provide guidance to assist applicants in identifying multiple benefits; require projects to demonstrate that they will measurably improve conditions for disadvantaged communities and sensitive species.*

A. Methodology for evaluation: WCB should promote utilization of replicable, scientific pre-implementation evaluation methodologies.

Recommendation: Provide extra points for projects that quantify how their project will advance SMART objectives.

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B. Support for planning of multi-benefit projects.

The development of high quality, multi-benefit projects is difficult and time consuming due to the number of collaborators that should be involved in the integrated planning process, particularly members of disadvantaged communities who should be engaged early in the planning process to ensure that projects are designed to meet their needs. Furthermore, designing projects to advance measurable criteria, particularly ecological and social criteria linked with benefits to sensitive species or disadvantaged communities respectively, requires a greater investment in the planning process. Unlike water and flood management agencies that can fund planning processes to advance their objectives, disadvantaged communities, NGOs, and fishery agencies often lack funding to plan multi-benefit projects, resulting in projects that too often fail to benefit disadvantaged communities or sensitive species.

Recommendation: *Offer planning assistance and separate planning grants, to help organizations advance promising multi-benefit projects and demonstrate that the proposed projects will achieve measurable criteria and prioritize planning and technical assistance for disadvantaged communities.*

VII. Recommendations for Additional Provisions

A. Specific Measures to Address the Water-Related Needs of Disadvantaged Communities.

We're disappointed that the guidance makes no reference to disadvantaged communities, and recommend that the Board revise the draft guidelines to specifically address potential benefits for disadvantaged communities in the review criteria. At the state level, state agencies are required to implement the Human Right to Water when revising, adopting, or establishing policies, regulations, and grant criteria, and, at minimum the guidelines should reference and respond to this requirement.

While this program is focused on instream flows for ecosystem restoration, the need for restoration often occurs where developed and natural communities meet. The ability of disadvantaged communities to address infrastructure, management, and resource protection needs is often limited due to a lack of available financial and technical resources. We recommend that WCB create incentives for stream flow enhancement projects that also will benefit disadvantaged communities, such as adding bonus points, or prioritizing projects with demonstrated benefits. Additionally, an evaluation of if and how projects benefit disadvantaged communities should be included as part of the ranking criteria for all proposals.

A few examples of projects that incorporate both ecosystem flows and direct benefits to disadvantaged communities include: improving the ecological function of an estuary to improve habitat conditions and reduce flooding in an adjacent community, improving water supply infrastructure to reduce the impact of water diversions on stream flows while improving community water supply reliability, and providing local employment opportunities through resources protection and enhancement activities.

Recommendation: *Include evaluation of benefits to disadvantaged communities in the review criteria and provide incentives for projects that benefit disadvantaged communities.*

B. Provide the opportunity to submit concept proposals that are competitively scored.

We recommend splitting the proposal process into two steps and/or explicitly providing the opportunity for consultation with WCB staff prior to the submittal of a final proposal. This approach is important for disadvantaged communities and for small but effective organizations and tribes. This approach would also help optimize resources and the WCB's ability to meet their strategic goals. By having WCB staff apprised of projects prior to the submittal of final project proposals, potential applicants can be informed early in the process as to whether or not their project would qualify for funding as initially proposed. This approach would provide applicants, particularly smaller organizations with limited resources, with the opportunity to vet their proposals with WCB staff for project readiness and overall competitiveness prior to expending limited resources on more extensive proposal applications. This would also provide WCB staff with an opportunity to inform project scoping to best achieve program goals. Providing a means to filter out project proposals that would not qualify would also reduce the burden of state resources spent on technical review of final proposals. Recognizing that the WCB's Flow Enhancement Program is a completely new program, we feel that this approach is needed in order to help ensure that projects funded by the Wildlife Conservation Board achieve the best achievable outcomes.

Recommendation: *Create a competitive, pre-proposal process to review concept proposals before inviting full proposals.*

VIII. Integrated Funding Decisions

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Proposition 1 provides funding across multiple agencies to fund projects that have similar scopes and objectives. For example, the California Department of Fish and Wildlife, the Wildlife Conservation Board, the Department of Water Resources, and presumably several of the Conservancies all administer programs under Proposition 1 that have water conservation and efficiency as an eligible project type within their respective programs. It is important that there is a unified approach across these agencies in developing the evaluation criteria for project funding, as well as monitoring requirements, for such projects to ensure that projects funded across the various Proposition 1 funded programs meet the same level of accountability in providing public benefits. Accordingly, agencies should coordinate in development of their program evaluation criteria and utilize staff expertise across agencies for technical review of project proposals.

Recommendation: *Develop an integration panel with other agencies (particularly DWR and Delta Conservancy in the case of the Delta) to coordinate funding decisions and facilitate joint investment in the best multi*

Rachel Zwillinger -
Defenders of
Wildlife

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(1) The review criteria should be modified to include point values to enhance transparency and ensure selection of the most beneficial projects

Clearly articulated project review criteria are critical for facilitating selection of the most beneficial projects, and for ensuring that funding decisions are transparent. Currently, the Draft Guidelines include a list of evaluation criteria that will be included, among other criteria, in future project solicitation packages. Draft Guidelines at 8-9. The criteria are not assigned point values, and there is no indication of how WCB intends to prioritize the different criteria to select projects. *Id.*

We recommend that WCB assign a point value to each criterion so that the public and potential grant applicants can understand how WCB will be evaluating applications. Including point values in the guidelines rather than in individual solicitations is preferable because the criteria listed in the Draft Guidelines are important for evaluation of *any* proposed project, irrespective of the focus of a particular project solicitation, and defining funding priorities at the programs' outset will enhance transparency and facilitate long-range planning.

(2) The Draft Guidelines should clearly indicate that wetland enhancement projects are eligible for funding.

[Wetlands enhance stream flows in a variety of ways, including by improving water quality through filtration and recharging groundwater aquifers. They also provide extremely valuable habitat for migratory birds, the threatened giant garter snake, and many other species. Because of these benefits, California's Water Act Plan specifically identifies "secur\[ing\] reliable and affordable water for managed wetlands statewide" as a priority. Water Action Plan at 11.\[1\]](#)

However, although wetland enhancement projects should clearly be eligible for funding, the Draft Guidelines do not identify such projects in Section 2.2. Draft Guidelines at 6. Further, the Draft Guidelines' description of water acquisitions projects seems to preclude projects that would acquire water for wetlands because the description focuses on acquisitions for instream dedication, and is limited to long-term purchases that are often unrealistic in the managed- wetlands context. *See id.*; *see also* Cal. Water Code § 79709(b) (indicating that water transfers benefitting Central Valley manage wetlands can have a duration of less than twenty years). We recommend that Section 2.2 of the Draft Guidelines be modified to specifically identify projects involving water transactions, water acquisitions, infrastructure developments or improvements, and restoration efforts that benefit wetlands as eligible project types.

(3) The Draft Guidelines should place more emphasis on selection of small-scale projects that are distributed throughout the state.

We also recommend modifying the Draft Guidelines so that they more clearly encourage the funding of small-scale restoration projects. Small-scale projects have the potential to make a big impact—for example, small flood plain restoration projects can substantially improve fish survival and provide habitat for other wildlife. Small-scale projects can also be completed much faster than larger projects, and their benefits can be seen and enjoyed within months rather than years of initiation.

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Additionally, funding small-scale restoration projects would help WCB to make sure Proposition 1 projects are distributed throughout California. A significant amount of Proposition 1 funding for restoration projects will be distributed through conservancies that are focused in particular geographic regions. The fact that WCB's funds are not geographically restricted gives the Board the opportunity to support projects that will fill in gaps and provide wildlife benefits in regions that are ineligible for conservancy funds. By strategically funding small projects, WCB can help to make sure that wildlife and communities all across California are able to enjoy Proposition 1's benefits

Focusing on small-scale projects may also allow grantees to take advantage of AB 2193, California's Habitat Restoration Enhancement Act. Providing Proposition 1 funding for 2193- eligible projects will stimulate use of the bill's expedited permitting process, which will mean projects can get permitted, started, and finished more promptly.

There are several minor modifications WCB should make to the Draft Guidelines to encourage the funding of small-scale restoration projects that are distributed throughout the state. First, Section 2.2 should explicitly state that small-scale restoration projects are eligible project types. Second, the evaluation criteria should be used to prioritize projects in geographic areas that are not served by Proposition 1-funded conservancies. Third, WCB should incorporate an opportunity for organizations seeking funding for small-scale projects to consult with Board staff prior to the submittal of a final proposal. Having such an opportunity would allow organizations with limited resources to vet their proposals with staff for project readiness and competitiveness before they expend significant time and money compiling a more extensive application. Fourth, the Draft Guidelines should permit programmatic or block grants for multiple small-scale projects to reduce WCB's administrative and financial burden. Finally, WCB could allow small-scale restoration projects that are involved in other programs—such as the expedited permitting process created by AB 2193 or the State Water Resources Control Board's Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects—to use the monitoring requirements from the other program to satisfy their Proposition 1 monitoring obligations. This would help to avoid expensive, duplicative efforts for project applicants and for WCB.

(4) The Draft Guidelines should prioritize projects that promote climate change adaptation benefits.

The Draft Guidelines should be modified to prioritize projects that include climate change adaptation benefits. Currently, the Draft Guidelines' review criteria lists only the extent to which the "[application addresses how global climate change might affect the project's long-term impacts or benefits." Draft Guidelines at 9. To adequately address climate change adaptation, an additional criterion should be added that evaluates the extent to which a proposal includes a detailed description of the project's benefits to climate change adaptation. Watershed protection and restoration can support significant adaptation benefits for both human and wildlife communities as outlined in the Safeguarding California Plan, the state's most recent climate adaptation strategy. Projects that help us reach our adaptation goals should be prioritized for funding.

Laurie A. Wayburn ○
- Pacific Forest
Trust

Prioritize projects that ensure lasting benefits

Investments that make a permanent improvement to water quality, quantity, timing, or security are a better value than investments that do not ensure that benefits will endure over time. We encourage the guidelines and solicitations to recognize this and incorporate permanence into the ranking criteria to give a preference for actions where benefits have the best chance to persist over time.

In particular, restoration projects that seek to enhance stream flow should be paired with a form of site control that ensures that the benefits will endure, and not be reversed by a future change in ownership or management priorities. As a complement to acquiring existing water rights, mechanisms for maintaining site control include conservation easements that prevent negative land use impacts and guide site-specific watershed management.

Prioritize projects that take a holistic, ecosystem approach to water enhancements

For projects that seek to manage local watersheds to enhance stream flow, in addition to ensuring that benefits endure over time, the guidelines and solicitations should encourage projects that take an ecologically thoughtful, holistic approach.

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For example, riparian or wet meadow restoration does not occur in a vacuum: the ecological function of those areas is affected by condition of the surrounding upland forest or rangeland, road development and maintenance, etc. Further, stream flows and optimal timing are enhanced by a variety of upslope management practices such as thinning forests. The Enhanced Stream Flow program should encourage projects that recognize and address the inter-related elements of a well-functioning watershed.

Explicitly include protection and enhancement of important springs and riparian flows

The guidelines leave the impression that the program will focus on acquiring developed water rights secured by appropriate permits. The revised guidelines should clarify that protection of springs and riparian instream flows are also goals; again, prioritizing projects where landowners dedicate such flows to instream uses in a long-term, enforceable way.

Build consultation with WCB into the grant process

As the WCB changes its grant making process, and launches this new program with potentially complicated new criteria related to water "enhancements", having project developers and grant applicants consult with WCB prior to submitting a grant proposal will help in the efficient development of good projects.

Mary Ann King - Trout Unlimited

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Eligible Project Types

Support for broad array of project types. We are pleased to see that the draft guidelines take a broad approach to the types of projects eligible for streamflow enhancement funding - including not just traditional transactions with diverters (leases, purchases, and forbearance agreements), but also habitat projects, conjunctive use, floodplain projects, etc. It is important to recognize that a wide range of projects can have positive effects on streamflow, and different tools will be necessary and/or advantageous to use in different watersheds. At the same time, however, we would caution the Board to be sure that projects are evaluated and scored primarily for their beneficial effects on streamflow. Since this is the first grant program dedicated specifically to streamflow, it is important to keep its focus on providing streamflow benefits.

Funding for planning and design. While it will be imperative to fund on-the-ground projects, we want to emphasize how important funds for project planning and design are for developing successful implementation projects. We recommend that the Proposition 1 funding be available for design projects, and that solicitations packages specifically include design as an eligible project type.

Funding for instream flow studies and gauging. We also strongly support the inclusion of essential preliminary work such as instream flow studies and stream gauging among the project types eligible for Proposition 1 funding. Even though these types of studies and data gathering are a necessary prerequisite for developing viable streamflow enhancement projects, they are often overlooked in competitive grant application processes, where greater emphasis tends to be placed on funding implementation projects. Again, while we recognize the importance of funding implementation, we urge the Board to give full consideration to funding streamflow studies and related gauging - particularly where applicants can demonstrate such studies are likely to lead to a suite of related implementation projects with strong prospects for improving streamflows in key stream reaches for the benefit of fish and wildlife.

Project Evaluation Criteria

In general, we support the list of proposed criteria for ranking and selecting projects, which appear to be logical, thorough, and well thought out. We would like to address three specific issues.

Scoring water quantity relative to streamflow benefit. We are pleased to see that the proposed criteria do not attempt to score projects on the overall quantity of water dedicated to instream flow. Such criteria would be a poor guide to the effectiveness of projects in coastal watersheds, where salmon and steelhead spawning and rearing often takes place in very small headwaters tributaries, and very large positive effects on species recovery can be obtained by securing relatively small increases in dry season streamflow. Scoring projects based on simple quantities of water would significantly undervalue projects in these coastal areas, which are crucial to species recovery.

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Prioritization of projects with significant benefits to fish and wildlife. We echo the views of other commenters that smaller projects can be important to species recovery and should be given due consideration, particularly given the smaller scale of many coastal watersheds. To ensure effective use of funds, however, and to avoid "scattering" funding across the landscape, we urge the Board to prioritize small projects that are part of clusters of other such projects - whether concurrent, already completed, or reasonably foreseeable - that will collectively provide significant benefits to fish and wildlife. In addition, we recommend that the scoring criteria give priority to projects in watersheds critical for fish and wildlife, as supported by species recovery plans.

Funding for programmatic work that addresses cumulative effects. Finally, and along the same lines, we urge the Board to consider funding programmatic projects whose purpose is to implement a series of related sub-projects. In many watersheds, dewatering is caused by the combined effects of a number of diversions - often relatively small diversions. Addressing such situations through a series of individual project applications can be a cumbersome and inefficient process. At the same time, waiting to apply for grant funds until project designs and landowner agreements have been obtained for all diversions can cause years of additional delay. In some cases, where streamflow issues have been sufficiently diagnosed and initial landowner outreach completed, it will make more sense to award a grantee funds to design and implement a cluster of subprojects in an identified area. Project tasks could include identifying specific subproject sites, developing subproject designs, and obtaining water rights dedications and/or forbearance agreements from landowners. A good example of such an approach is the Fisheries Restoration Grant Program grant recently awarded for Little Arthur Creek in the upper Pajaro River watershed.

Clarification of the Level of Permitting Required for Submittal

We recommend that WCB clarify in the Guidelines and/or the Proposal Solicitation the expected requirements and timelines for securing permits. We recommend that WCB *not* require that permits be in-hand at the time of the application, but rather that the applicant identify the permitting pathway and associated timelines, and that any grant agreements be staged such that public funds are not spent on construction or water right purchases until regulatory approvals and legally binding agreements with landowners to improve streamflow are in-hand.

Furthermore, we recommend that WCB allow for submittal of implementation projects for funding with a 65% -- rather than 100% -- design package. This can allow applicants to request funding to move from 65% to implementation or to move to 100% design while the application is being considered for funding and speeds up the overall implementation process.

Consultation with the California Conservation Corps

The Guidelines (Section 1.4) require applicants to use the services of the California Conservation Corps to implement projects "whenever practicable." We appreciate that the Water Bond recognizes the importance of the CCC's involvement in conservation projects across the state. We work closely with the CCC and, in our experience, some projects may be a good fit and some may not. Ultimately, that determination comes out of a two-way conversation between the applicant and the CCC.

We ask that any required consultation process be as clear and transparent as possible, and we recommend that both the CCC and the applicant have an opportunity to weigh in on whether the CCC have the experience and capacity for project implementation on a case-by-case basis.

Chris Alford -
American Rivers

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Agency Coordination

As a new program for California, and a unique program for the WCB, we recommend that WCB staff work with staff from sister agencies in the refinement of program guidelines, development of proposal solicitations, and proposal review. In particular, we recommend that WCB engage staff from the California Department of Fish and Wildlife (CDFW), State Water Resources Control Board (SWRCB), and other agencies that have expertise in water rights, hydrologic assessment, aquatic biology, and water quality conditions that are influenced by stream flow. We also recommend looking to existing stream flow enhancement efforts in California and other states such as Oregon and Washington, which both have well established instream flow programs, in order to better understand the range of approaches as well as the potential benefits and limitations of such efforts before finalizing the program's project evaluation and selection criteria.

Eligible Project Types

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We commend the WCB for recognizing that stream flow enhancement can be achieved in a variety of ways, many of which involve changes in water management, infrastructure improvements, or restoration of hydrologic processes and not exclusively the direct purchase of water. These types of projects facilitate permanent dedications to instream flow and offer the opportunity to achieve multiple benefits in a sustainable and comprehensive manner. While the outright purchase of water rights can be effective in some watersheds, it is a single tool in the suite of project types that can result in stream flow enhancement - not the only tool. Additional approaches may include changes in location, timing, and method of diversion; water efficiency improvements; floodplain projects; and conjunctive use, among others.

In addition to recognizing that a variety of project approaches can enhance stream flow conditions for ecosystems and species, it is also important to recognize that there are various approaches available to protect instream flows, and the need for and utility of different approaches can vary widely depending on project-specific conditions. As stated in the Bond guidelines, any water that is acquired with Bond funding shall be transferred or dedicated to instream use in accordance with Water Code Section 1707 (CWC§79709(c)). For projects that do not involve an outright acquisition of water, we recommend allowing the use of forbearance agreements or other legal mechanisms in tandem with or in place of a Water Code Section 1707 dedication. The utility of Water Code Section 1707 dedications and forbearance agreements vary widely depending on the underlying water right(s) associated with the project, the larger physical and legal landscape, and project intent. We recommend that the WCB allow for flexibility in determining the approach for protecting enhanced stream flows in order for projects to be implemented in the most effective and efficient manner possible.

We appreciate that the WCB specifically notes the eligibility of studies and streamflow gauging as they are both important elements of a stream flow enhancement effort. Funding for these items is especially important since the ability to understand stream flow needs and project impacts, as well as the ability to complete permitting and water rights modifications associated with some stream flow enhancement projects, will require data acquisition and on-the-ground monitoring. We recommend that funding allocated towards studies and gauging be explicitly connected to efforts to develop or continue regional stream flow enhancement programs and specific on-the-ground projects that will result in stream flow enhancement. While a proposal requesting funding for a flow study or gauging may not need to include requests for funding for these other components, the proposal should show how the monitoring and study efforts are part of a larger plan or program that enhances stream flows and not just a stand-alone study.

Project Selection and Evaluation Criteria

We generally support the list of proposed criteria and have the following recommendations for prioritizing projects that meet the criteria:

First, the evaluation and selection criteria should prioritize projects based on the ability of a proposed project, either on its own or as part of a more regional effort, to protect and improve instream flows for the future sustainability of ecosystems and the survival of fish and wildlife species. We recognize that in many stream systems the ability to enhance stream flow conditions will require the implementation of many, often small, projects. As such, priority should be given to projects that strategically coordinate clusters of smaller projects as part of a regional strategy or result in substantially greater instream benefit on their own in order to optimize the efficiency and effectiveness of efforts funded by this program.

Secondly, it is important that project selection criteria recognize that timing, location, and volume of water are all important considerations when evaluating the effectiveness of improving ecosystem and species sustainability through stream flow enhancement efforts. The environmental benefit of any given volume of water is specific to the location and time in which it is applied. Project selection criteria should quantify and prioritize the value of ecosystem or fisheries/wildlife benefits rather than the volume of water produced. Along these lines, the limited amount of funding available should be directed toward priority watersheds where the scale of investment can have measureable environmental benefit.

Regulatory Requirements

The draft guidelines clearly state that funding shall not be used towards meeting environmental mitigation compliance. Additionally, the Guidelines should also be clear that any funding allocated towards reservoir operations at either existing or new storage sites must be to acquire flows which are above those required to meet the requirements of Fish and Game Code Section 5937, which requires that the owner of any dam shall allow water to pass downstream as needed to provide adequate flows for fish below the dam.

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Many of California's streams are already over allocated and the State has limited resources to address current public trust resource needs in a timely manner through regulatory actions alone. Recognizing this, the State should strategically prioritize implementation of both regulatory actions and support for non-regulatory approaches that result in maximum benefits in an efficient and cost-effective manner. As such, the WCB should coordinate closely with CDFW and SWRCB to make sure that efforts are conducted in a coordinated manner that is supportive, but not duplicative.

Proposal Process

We recommend splitting the proposal process into two steps and/or explicitly providing the opportunity for consultation with WCB staff prior to the submittal of a final proposal. This recommended approach would help optimize resources and the WCB's ability to meet their strategic goals. By consulting with WCB staff prior to the submittal of final project proposals, either informally or through submittal of a brief proposal concept, potential applicants can be informed early in the process as to whether or not their project would qualify for funding as initially proposed. This approach would provide applicants, particularly DACs and smaller organizations with limited resources, with the opportunity to vet their proposals with WCB staff for project readiness and overall competitiveness prior to expending limited resources on more extensive proposal applications. This would also provide WCB staff an opportunity to inform project scoping to best achieve program goals. Providing a means to filter out project proposals that would not qualify would also reduce the burden of State resources spent on technical review of final proposals. Particularly because WCB's California Flow Enhancement Program is a completely new program, we feel that this approach is needed to help ensure that funded projects accomplish the best achievable outcomes.

Proposition 1 Program Coordination and Consistency

Proposition 1 provides funding across multiple agencies to support projects that have similar scopes and objectives. For example, the California Department of Fish and Wildlife, the Wildlife Conservation Board, the Department of Water Resources, and presumably several of the Conservancies all administer programs under Proposition 1 that have water conservation and efficiency as an eligible project type within their respective programs. It is important that there is a unified approach across these agencies in developing project evaluation criteria, as well as monitoring requirements, to ensure that all projects funded Proposition 1 programs meet the same level of accountability in providing public benefits. Accordingly, agencies should coordinate in developing their program evaluation criteria and utilize staff expertise across agencies for technical review of project proposals.

Roger Patterson -
Metropolitan Water
District of
Southern
California

1. Sections 1.4 and 2.3: Multi-Benefit Project Funding as Fundamental Prerequisite.

Section 1.4 sets forth the fundamental purpose of Prop. 1 to "implement the three broad objectives of the California Water Action Plan: more reliable water supplies; the restoration of important species and habitat; and a more resilient, sustainably managed water resources system (water supply, water quality, flood protection, and environment) that can better withstand inevitable and unforeseen pressures in the coming decades." (Draft Guidelines at p. 4.) The Draft Guidelines then state that the Board will "primarily focus" on "addressing the objective of providing and protecting enhanced stream flow in priority stream systems for important species and habitat;" with the "co-benefit" that such projects may also contribute to the other two objectives in the California Water Action Plan, namely, more reliable water supplies and a more resilient, sustainably managed water resources system. It is important to note, however, that Prop. 1 explicitly provides that competitive grants be available for projects that provide multiple benefits. Thus, the primary focus for determining eligibility should be that a project advances at least two of the three broad goals of the California Water Action Plan. This should be added to the general eligibility criteria set forth in Section 2.3.

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Water Code sections 79730 and 79731 direct that \$1.495 billion be made available for competitive grants for multi-benefit ecosystem and watershed protection and restoration projects, consistent with statewide priorities. This is not only a foundational tenet of Prop. 1 but should be a prerequisite for eligibility. Additionally, the Legislature expressed intent in Water Code section 79701(e) that Prop. 1 funding implement the three objectives of the California Water Action Plan, that being more reliable water supplies, the restoration of important species and habitat and a more resilient and sustainably managed water infrastructure.

To make this point further, and as relevant to the Draft Guidelines, the Legislature found that "[protecting lakes, rivers, and streams, cleaning up polluted groundwater supplies, and preserving water sources that supply the entire state are crucial to providing a reliable supply of water and protecting the state's natural resources." (Water Code § 79701(i), emphasis added) In addition, among the purposes of Chapter 6 are "[p]rotect[ing] and increase[ing] the economic benefits arising from healthy watersheds, fishery resources, and instream flow[;]" "acquisition of water rights for instream flow[;]" and "[a]ssist[ing] in the recovery of endangered, threatened, or migratory species by improving . . . instream flows . . ." (Water Code, § 79732(a)(1), (4), (12).) Thus, we recommend that the primary focus of the Board's Prop. 1 Guidelines should be projects that result in both enhanced stream flows and also substantially contribute to a reliable supply of water by assisting in the recovery of endangered, threatened or migratory species, which results in economic benefits—not streamflow enhancement projects that may (or may not) contribute to the California Water Action Plan's other goals.

Metropolitan also recommends that the Board include the following and additional prerequisites in Section 2.3 to govern the eligibility of Prop. 1 funding:

- Projects must utilize and be informed by the best available science, as prescribed in Water Code § 79707(d). The best available science requirement is not only the law but is essential to achieving lasting, long-term benefits;
- Multi-benefit projects should achieve public benefits that address critical statewide needs and priorities as prescribed in Water Code §79707(a); and
- Projects must advance the purposes articulated in Water Code Section 79732.

2. Section 3.2.4: Project Selection and Evaluation Criteria Should Include Relative Weighting to Reflect Prop. 1 Priorities.

The Project Selection and Evaluation Criteria should be revised to reflect the intent of Prop. 1 that funded projects "will result in public benefits that address the most critical statewide needs and priorities for public funding." [Water Code § 79707(a)] Instead of providing Project Selection and Evaluation Criteria, the Draft Guidelines only provide a list of the types of criteria that may be used in scoring responses to particular PSPs. (Draft Guidelines, pp. 8-9.) The list defers providing guidance until specific PSPs are formulated, leaving public agencies and other eligible entities unable to begin formulating project proposals because they cannot predict how they will be evaluated by technical reviewers until solicitations appear.

One of the California's top environmental priorities is achieving the coequal goal for restoring and preserving the Sacramento-San Joaquin Delta and Suisun Marsh. In the Delta Reform Act of 2009, the Legislature declared that "the Sacramento-San Joaquin Delta . . . is a critically important natural resource for California and the nation." (Water Code § 85002.) "Restoring] the Delta ecosystem, including its fisheries and wildlife, as the heart of a healthy estuary and wetland ecosystem" is one of the objectives inherent in the State's coequal goals. (Water Code § 85020(c).) In recognition of the link between declining populations of threatened and endangered fish that use the Delta and the reliability of water supplies for two thirds of the state's population and millions of acres of farmland, the California Water Action Plan includes Action 3—Achieve the coequal goals for the Delta—precisely because it is needed to "address the most pressing water issues that California faces . . ." (California Water Action Plan at pp. 4, 7-8.) To achieve that priority, Action 3 includes restoration of intertidal aquatic habitat in the Suisun Marsh and the western Delta/eastern Contra Costa County. (California Water Action Plan at pp. 7-8; see also *id.*, Action 4, at p. 12, which includes "ensur[ing] sustainable river and estuary habitat conditions for a healthy, functional Bay Delta ecosystem".)

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In light of the statutory goals for Prop. 1 funded projects, the Draft Guidelines should reflect the priority the Legislature assigned to projects that specifically advance the actions included in the California Water Action Plan, including enhancement of flows in the Delta watershed that advance the coequal goals of ecosystem restoration and water supply reliability. Thus, the Project Selection and Evaluation Criteria for the California Stream Flow Enhancement Program should be revised to award more scoring points for multi-benefit water supply, water quality and watershed protection projects that advance the objectives of the California Water Action Plan. Such a criterion would award more points to projects, such as enhancing stream flow in the Delta watershed that help recover populations of threatened and endangered native salmon and steelhead, thereby benefitting the environment and water supplies recognized as vital to the State's future and economy.

Furthermore, several of the Selection and Evaluation Criteria are prerequisites for eligibility, not factors to be weighted in scoring and ranking eligible projects. Specifically, the second and twelfth through sixteenth criteria are more appropriate as eligibility criteria.

The second criterion is "Clear demonstration of how the project will measurably enhance stream flows . . ." (Draft Guidelines at p. 9.) This is clearly a prerequisite for any funding, not an evaluation criterion to be weighed along with other factors in ranking eligible projects.

The twelfth criterion is "Co-benefits." As stated, Prop. 1 requires projects to provide multiple benefits to qualify for funding. Of course, the extent to which a project will provide multiple benefits is appropriate as a factor to be weighed in ranking eligible projects.

The thirteenth criterion is "Project match." Again, only projects that provide matching non-Prop. 1 funding are eligible. But the more matching funds are provided above the minimum required by law the better.

The fourteenth criterion is whether the project is based on the best available science. Prop. 1 requires, however, that project proponents make their water resource decisions taking into account the best available science. (Water Code § 79707(d).) A project that is inconsistent with the best available science is not likely to provide the multiple public benefits required by Prop. 1. Thus, the best available science requirement is a prerequisite rather than being part of the review criteria for ranking eligible projects.

The fifteenth criterion, monitoring, is appropriately made a requirement for any proposal in Section 3.2.5 (see comment 3, below), but it appears in Section 3.2.4 as if it is merely one factor to be weighed in ranking projects.

Last, the sixteenth criterion includes consistency with the California Water Action Plan. However, as stated above, such consistency is a fundamental objective and requirement for any Prop. 1 funding.

Thus, to that extent, the criterion should be revised to include consistency with other appropriate state and federal plans, including recovery plans for state or federally listed threatened or endangered species.

3. Section 3.2.5: Monitoring Requirements Should Be Refined to Ensure that Data Collected Is Easily Discoverable, Accessible and Usable.

Metropolitan has strongly supported, and has argued for, more transparency regarding data collected or used for Delta science. Too often, data sets are either inaccessible or are accessible only in limited formats. We commend the Board for including a requirement that each proposal "also include a description of how data will be collected, stored, and disseminated to participants, stakeholders, the public, and the State." (Draft Guidelines at p. 10.) We recommend that the Draft Guidelines also require that any data collected using Prop. 1 funds be easily discoverable, accessible and usable by other researchers.

Additionally, rather than inventing any new data systems, we suggest that existing state repositories be used. We suggest the Board take the further step of requiring that all data be shared and accessible within six months of its collection in the best manner that the California Natural Resources Agency determines, in working with other agencies including, where appropriate, the Delta Science Program.

4. Section 3.2.3: The Selection Panel Should Reflect Balanced and Constructive Representation.

The Selection Panel is charged with the responsibility of preparing a "preliminary ranking list of the proposals and make the initial funding recommendations." For projects in the Delta watershed, in particular, it is fundamentally important to include participants on the Selection Panel who can contribute to a productive review process by appropriately prioritizing the value and benefit of water quality and ecosystem restoration proposals. Representation from the water supply community, from agencies and organizations that have actively demonstrated a commitment to advancing the state's coequal goals (see Water Code §§ 85020, 85054) can directly bring value and assist in a comprehensive review process.

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5. Section 2.2: Consider adding to the list of eligible project types.

In the Delta and Suisun Marsh, projects that will recreate or reconnect tidal stream channels, restore natural hydrographs in these new channels, restore ecotones, and reconnect flood flows and storm water runoff with Delta waters will enhance stream flows while providing additional and more variable habitat for fish and wildlife. Thus, such projects should be added to the list of eligible project types because they provide multiple benefits through enhanced streamflow.

6. General Criteria for Stream Flow Enhancement Projects:

Metropolitan recommends that the following criteria be included in the Draft Guidelines for evaluating stream flow enhancement projects:

1. Priority should be given to projects that will help conserve (i.e., contribute to recovery of) species listed as fully protected, endangered, or threatened under state law, or threatened or endangered under the federal Endangered Species Act.
2. Priority should be given to enhancement projects that incorporate adaptive management.
3. History has demonstrated that changes in stream flows in the Delta can result in changes in water quality and water supply. A prerequisite for funding any stream flow enhancement project that may adversely affect water quality, including salinity, in the Delta or Suisun Marsh must quantify and publicly disclose such project-specific and cumulative impacts to the SWRCB, DFW, DWR, USFWS, and USBR using the best available modeling tools for the purpose. This should be required for any such project, even if it would otherwise qualify for an exemption or Negative Declaration under CEQA. Such monitoring and reporting is required to protect water supplies for surrounding Delta counties and for two thirds of California's population and millions of acres of farmland.
4. Higher ranking should be given to projects which are of a sufficient ecological scale or that will form part of or be integrated with other projects which can achieve cumulative benefits and contribute to natural functions and values that benefit multiple sensitive species.

Linda Sheehan -
Earth Law Center

ELC is writing to urge the WCB to add to its draft Guidelines language specifically calling for: (a) enhanced inter-agency collaboration and activity in order to maximize benefits overall, and to instream flows and fish in particular, and (b) greater accountability for ensuring that Proposition 1-funded projects result in healthier waterways and fish populations.

In light of Proposition 1's mandates for accountability and coordination, agencies should seek mutually beneficial partnerships that allow them to achieve the collaborative, leveraged, multibenefit results emphasized by the Governor and his administrative agency leadership. For example, the WCB should support establishment of an "integration panel" with other agencies, including DWR, the State Water Resources Control Board (SWRCB), CDFW, the State Coastal Conservancy (SCC) and the Ocean Protection Council (OPC) to coordinate funding decisions and facilitate joint investment in the most effective best multi-benefit projects

By coordinating closely with other agencies, the WCB would avoid duplicative study efforts and instead begin to effectively apply existing studies to prioritized efforts to immediately restore critical flow to the most dewatered rivers and streams.

Finally, the Natural Resources Agency must "verify that the guidelines are consistent with applicable statutes and for all the purposes enumerated in this division" - including the repeated emphasis on collaboratively leveraged funding toward multibenefit projects

To implement the collaboration decisively called for by Proposition 1 and the California Water Action Plan, we ask that the WCB affirmatively reach out to agencies with related Proposition 1 funding sources and activities to establish: (a) at a minimum, better coordinated efforts that avoid duplication, and (b) where appropriate, shared and/or jointly funded efforts (e.g. through joint proposal solicitations) that "produce the greatest public benefit" from Proposition 1's limited funds

The WCB also should consider an agreement with other agencies to ensure that each agency's project Selection Panels include representatives of other agencies, either in a voting or ex officio capacity. In addition, the WCB should work with other agencies to coordinate a unified approach for developing evaluation criteria and monitoring requirements for projects that have similar scopes and objectives, such as with respect to flow enhancement.

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More broadly, since the California Stream Flow Enhancement Program is a new program, the WCB should leverage the expertise of other agency staff in the refinement of guidelines, development of solicitations, proposal reviews and other areas. In particular, we recommend that the WCB engage staff from the CDFW and SWRCB with expertise in water rights, hydrologic assessment, aquatic biology, and water quality conditions that are influenced by stream flow. The WCB should also communicate with agencies in other states - including those in Oregon and Washington, which both have well-established instream flow programs - regarding their existing stream flow enhancement efforts, to understand the range of approaches as well as potential benefits and limitations.

The Guidelines touch on accountability, but need more clarity to achieve this goal. The WCB's draft Guidelines fortunately provide some language with regard to flow that provide enhanced accountability. We have incorporated additional, relevant language as line edits to the Guidelines for your consideration.

In particular, we recommend edits that call for clear prioritization of funding.

One initial area of prioritization should be the most urgent stream needs, such as completely or severely dewatered streams, as well as dewatered streams that provide critical habitat to threatened and endangered fish populations.

We also call for prioritization of funding that results in *permanent* increases in stream flow, and maintenance of those increases.

As described below, the WCB should work with the SWRCB and other agencies as needed to ensure that at least a meaningful percentage (if not all) of water conserved with Proposition 1 funds is dedicated back to instream flows, as is the case in states such as Oregon.

Accordingly, the Guidelines should include additional language to emphasize the significance of adequate flow, particularly in severely dewatered rivers and streams and in stream reaches that require additional flows to maintain threatened and endangered fish populations

We additionally recommend that the WCB examine prioritization of funding for land and conservation easement acquisitions that result in permanent instream flow dedications, particularly in flow-impaired watersheds where entire water rights can be permanently dedicated instream.

We recommend that the WCB collaborate with other state and federal agencies to require that water conserved with public funds be dedicated instream through enforceable, permanent, transactions. Other states have already started to implement similar programs.

For stream systems that require additional instream flow studies, we urge WCB collaboration with the CDFW, SWRCB and other agencies (as appropriate) to adopt an acceptable, readily implementable methodology to determine enforceable instream flows on a regional basis rapidly.

We appreciate the many beneficial requirements outlined in the WCB's proposed Project Selection and Evaluation Criteria. Application of these requirements, however, would be made clearer and more effective with additional detail on how each will be weighted against the others, and how proposals will otherwise be prioritized. We encourage the WCB to provide further detail regarding the basis on which proposals will be ranked.

The WCB further should give special priority to projects that would achieve either of the following: (1) significant, permanent benefits to streams that provide critical habitat for threatened or endangered fish species; and/or (2) permanent, needed stream flow enhancement to completely or severely dewatered streams. Note that for streams and rivers that have been completely or severely dewatered, the WCB should prioritize actual streamflow enhancement even if no instream studies have been completed.

Minona Heaviland - Sonoma Ecology Center		<ul style="list-style-type: none"> • Please state what the "priority stream systems" are in 1.4. If possible, we'd like to see the definition include streams that support salmonids that are also medium or high priority groundwater basins under the Sustainable Groundwater Act, and also include streams listed as "anchor watersheds" in the Bay Area Estuary Watersheds Evaluation. • In 3.2.3, please explain what "focus areas" means, in the bullet item "Distribution of funding within focus areas." Are these geographic locations, topics, species, or something else, and where are these focus areas described in detail? • Please state when the allowable period of match begins and ends. This is essential information for applicants because in many cases, availability of match determines whether it's worth submitting a proposal. We urge this period to begin on the submittal due date or earlier.
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- Please state when the reimbursable period begins (hopefully upon award, not upon final signatures). An early start date is especially helpful for smaller nonprofits and agencies who may have more difficulty paying for the substantial time required for contract development.
- Please include a sample contract and sample invoice that accurately reflect what successful applicants will need to comply with. These documents are essential information for proposal writers, because they often include requirements that affect the project budget.
- Please describe any minimum or maximum budget request.
- Please write your guidelines and solicitations in such a way that projects can involve true volunteers. That is, please protect these projects from having to pay prevailing wage to people who want to contribute free labor, services, or expertise.
- Please make electronic reimbursement your default method of paying invoices, as the federal government does. Speedy reimbursement is especially important to smaller organizations and municipalities.
- Please provide monetary compensation for late reimbursement to nonprofits and small businesses. Such compensation is already made available to municipalities and large businesses in state contracts and agreements.

Catherine Hickey -
Blue Point
Conservation
Science

Climate change impacts: We urge the inclusion of the additional purpose, "Implement watershed adaptation projects in order to reduce the impacts of climate change on California's communities and ecosystems." Consideration of, and addressing, future climate impacts is essential for long term project success. Thus, projects funded with bond funds should not only advance restoration today, but promote durability, adaptability, and resilience into the future.

Community engagement: Program Purposes currently include, "Using whenever practicable, ... the services of ... a certified community conservation corps." We would like to see this broadened to include the broader community through citizen science, engaging local schools and local RCDs in habitat restoration and enhancement, and including community members in stakeholder processes.

Innovative research, monitoring, and decision support tool development: Eligible project types should include innovative research projects as well as essential region-wide monitoring and development of decision support tools that are independent of specific on-the-ground investment projects. Such projects can greatly increase the value of the dollars being spent overall.

Nature-based solutions: We are pleased to see inclusion of nature-based solutions that provide additional climate benefits including improving forest health and restoring flood plains and meadows. These strategies should be retained.

Wetland habitats: We recommend that the WCB clarify and expand the use of "stream flows" to include off-channel environmental uses such as wetland habitat for birds and other wildlife.

Habitat and headwaters restoration: The draft WCB guidelines specify that the following projects may be eligible for funding: "Habitat restoration projects (e.g., weed eradication, wet meadow restoration, forest thinning, etc.) that reshape stream hydrograph." We commend WCB on supporting these types of projects and urge that this language remain yet being strengthened in the final guidelines. Specifically:

1. We recommend that the project type should be written to be broader and read, "...projects that restore hydrologic function" which includes reshaping stream hydrograph as well as the use of some of the water to re-water meadows, restore floodplain function, and benefit wildlife and grazing.
2. We urge WCB to retain the potential to fund headwaters restoration efforts, including meadow restoration and ecologically-based forest thinning, which have significant water flow benefits. Ecosystem protection is essential for, not at odds with, addressing the drought and long-term flow needs downstream.
3. In regards to forest thinning, we would like to see allowance for funding for the use of managed fire to achieve water gains through reduction in forest density. To realize long-term increases in water availability and reduction in the negative impacts of large severe fires we will need to use fire on a large scale.
4. Restoration that specifically addresses future environmental conditions predicted by climate change models (e.g., plant survival during extreme drought, secure fish refugia during extreme flood events) should be included explicitly.

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Temporary and dynamic habitat: WCB should consider supporting projects, supported by best available science, that provide temporary habitat for wildlife in locations and during timeframes when most needed. For this purpose, we suggest that the WCB consider funding short term strategies (e.g. water for birds, salmon via short-term modifications to water availability) that allow the flexibility to employ intermittent uses of water for different reasons, yet within a longer-term program designed to provide 20+ year benefits. By investing in a long-term, adaptively managed program, WCB could achieve its long-term conservation goals through a portfolio of projects which provision temporary habitat. Projects that provide for flexibility in water management and temporary habitat will be especially critical as climate change increases uncertainty in water availability.

Stream, spring, and well gauging: Currently an eligible project type is "Streamflow gauging." We would like to see spring and well gauging be included. Interpreting streamflow will depend in part on understanding what is being drawn out of the system - information that will provide a more complete picture. Additionally, well and spring gauges will help to adaptively manage streams.

Multiple benefits: We appreciate that multiple benefits is listed as the first item in section 1.4 (Program Purposes). We recommend that multiple benefits be included as a top project selection criterion as well. Included in this should be consideration of multi-species benefits. We encourage WCB to take into account and prioritize non- aquatic species, including migratory birds, in ranking criteria. As well, we urge you to prioritize projects that go beyond mitigation to improve and contribute to the recovery of special-status, at risk, endangered, or threatened species.

Climate change considerations and co-benefits: We are pleased to see climate change considerations and co-benefits included as criteria and encourage these be given high priority. More specifically, conservation projects that demonstrate resilience across multiple climate change scenarios should be prioritized. Efforts to reduce climate risk and protect our water supply, quality and infrastructure should also achieve other types of benefits such as air quality, jobs, wildlife habitat, recreation, food production, and carbon storage, and should be given highest priority. Prioritizing projects that produce multiple benefits and promote sustainable stewardship of California's resources will maximize returns on investments.

Contributing to existing plans or State obligations: We urge WCB to retain this criteria. Projects that contribute to existing plans or State obligations (e.g. San Joaquin River Restoration Program, Central Valley Project Improvement Act, Central Valley Joint Venture Implementation Plan) will help the State's funding leverage broader outcomes. Programs like these all need State investment to help leverage federal and private investments.

Wildlife-friendly agriculture: Projects that provide habitat for wildlife on agricultural lands, including range lands, often have wide, cross-sector support, as they provide multiple benefits to the landowner (pollination, water quality improvement, shade) while retaining agricultural operations.

Community engagement: Projects that engage local communities, in addition to locally community certified conservation corps, should be prioritized. This would include local schools, community groups, and RCDs.

Funding for monitoring: We commend WCB on including the criteria that projects have monitoring plans. The guidelines should indicate clearly that Program funds will help support implementation of monitoring plans as well as data management and dissemination.

Data sharing and accessibility: Projects with a monitoring and data management plan that include data accessibility (metadata and compatibility with other relevant datasets), and plans for data sharing and dissemination with resource managers and other researchers as appropriate should be prioritized. Preference should be given to projects that use online data management systems that facilitate data sharing and data compatibility.

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Jay Ziegler - TNC

1. Due to the intrinsic and inseparable relationship between groundwater and surface water supplies, the Conservancy believes that the Grant Program should be restricted to augmentation of stream flows in basins that sustain healthy ecosystem values. Generally, these are basins that are classified as “medium, low, or very low” priority basins under the California Statewide Groundwater Elevation Monitoring (CASGEM) classification system. However, these classifications - as opposed to “high priority” classification, which reflects a designation of a basin generally in an extreme overdraft condition - represent areas where ecosystem values are more intact. We offer this assessment on the basis that the hydrologic connection between groundwater and surface water flows must be in relatively good condition or in a position in which groundwater basins can be restored to a sustainable condition in order for streams to maintain perennial flows going forward. Based upon the Conservancy’s analysis of Central Valley groundwater conditions, it is readily apparent that the overwhelming scope of “high priority” basins identified in CASGEM are so severely out of balance relative to declining depth of particular aquifers, that any investment in flows in these systems is likely to be of little value to the goal of augmenting instream flow conditions. (Note: Please see attached maps of (1) density of perennial streams in the Central Valley and (2) CASGEM basin classifications that show areas that should be prioritized due to greater likelihood of successful implementation of supplemental flow programs.)
2. We recommend that the WCB ensure that the full project process is allowable (i.e. that the WCB use a programmatic approach) such as in other grant programs (i.e. 319h or other SWRCB Prop 50 and Prop 84 grants), whereby planning (i.e. instream flow studies), design (engineering and hydrologic or geologic surveys), CEQA/permitting, implementation and monitoring are all part of one proposal. Funding individual project types (rather than programs), as is done in the current Fisheries Restoration Grant Program (FRGP), often causes unnecessary delays in on-the-ground implementation.
3. Water Trust to fund water transactions. We suggest that WCB consider applying a percentage of Proposition 1 funds to the creation of a “water trust” that could be accessed by third parties to negotiate voluntary water leases, forbearance agreements, and water transfer agreements with willing sellers, for the purpose of dedicating the water for instream beneficial uses. One aspect of a trust is that it might create a mechanism that can increase the potential for the exchange of water rights from one watershed to another, allowing for the transfer of water rights in a manner that can maximize and protect the dedication of flows in one watershed where those flows (transferred from one rights holder to another) may be applied in a manner that provides the greatest environmental benefit.
4. We suggest that the WCB consider funding short term strategies (e.g. seasonal water for birds and salmon via short-term modifications to water availability) that allow the flexibility to employ intermittent uses of water for different reasons (sometimes for fish and wildlife, sometimes for agriculture, for instance) within a longer-term program designed to provide 20+ year benefits. By investing in a long-term, adaptively managed program, WCB could achieve its long-term conservation goals, while also meeting the requirements of general obligation bond funding, through a long-term program comprised of a portfolio of projects which provision temporary habitat. Such a program should recognize that a dedication of water for flows might be exercised, for example, in six of twenty years, but not every year over a twenty year term. Through this methodology, flow augmentations could be provided in those years when stream flows are otherwise most impacted (drought conditions) and most in need from an ecological perspective. In addition to providing the greatest ecological benefit, this methodology would also provide the most cost effective and practical approach in providing supplemental flows. This provision should include public reporting and monitoring of outcomes to better understand the effectiveness of this approach in providing for ecological flows.
5. The WCB prioritize projects that include increasing the infrastructure for evaluating streamflow conditions. Additional gages and long-term monitoring of flows should be encouraged whenever possible as a step to monitor the effectiveness of the flow augmentation program, and to better understand gaining and losing reaches of particular streams and rivers and evaluate the groundwater-surface water connection.
6. Through this funding initiative, the WCB should make it easier for water rights holders to change the timing of their water rights use (e.g. by avoiding direct diversion in summer months for salmon and other wildlife by using pond storage). We recommend that the WCB encourage opportunities to streamline implementation of projects by establishing expedited permitting and/or support and guidance on expedited changes in timing of diversions to benefit both landowners and enhanced flows for nature.

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7. We suggest that the WCB clarify that instream flows can include water for wetland habitat values as well as instream flows. This would provide support for projects that fund improved water availability and water management for wetland-dependent species such as migratory birds.

8. [We recommend that WCB coordinate its investments in flows projects with other Prop 1 programs \(particularly DFW, but also other programs such as the Sierra Nevada Conservancy's Watershed Improvement Grant\), and with other\[1\] WCB funding programs, to maximize the overall effectiveness of Prop 1 funding. We also recommend that WCB prioritize projects where WCB funds are core to leveraging additional project funds.](#)

9. We would like to emphasize the need to retain the potential to fund headwaters restoration efforts, including meadow restoration and ecologically-based forest thinning, which have significant water flow benefits (for examples, see a recent report by the Conservancy¹). Ecosystem protection is essential for, not at odds with, addressing the drought and long-term flow needs downstream. In addition, the California Water Action Plan references the potential water supply benefits from meadow and forest restoration (pp. 9-10).

10. We support the geographic flexibility that the guidelines afford applicants in developing different project types.

11. In areas where permanent protection of stream flows is not possible, WCB should permit funding for temporary water management strategies. These may include the development of alternative storage and other mechanisms to support "conjunctive use" water management strategies that reduce the exercise of existing water rights and substitute the availability of stored water or groundwater that would allow for the dedication of particular additional water available to augment instream flows or to provide for dedicated water supplies - which can be measured and monitored.

^J <http://www.nature.org/ourinitiatives/reaions/northamerica/unitedstates/california/forest-restoration-northern-sierras.pdf>

- **Conservation Corps:** The Conservancy is a strong supporter of the California

Conservation Corps and the local corps and has partnered with them on many projects in the past; however, the draft guidelines' emphasis on consulting with the state corps or a local corps may prove to be a barrier to completing a grant proposal given the uncertainty around this requirement. How will a potential grantee demonstrate that it has consulted with the conservation corps? And, who will assess the feasibility of using the conservation corps to implement a given project be determined? We recommend that the evaluation criteria award additional points for proposals that incorporate or utilize the conservation corps, but that working with the corps not be required for WCB-funded projects. In addition, we recommend that contact information for the California Conservation Corps and certified local conservation corps be listed in the appendices of the Program Guidelines.

- **Climate adaptation:** We urge the inclusion of the additional purpose: "Implement watershed adaptation projects in order to reduce the impacts of climate change on California's communities and ecosystems." (CWC 79732 (2)). Consideration of future climate impacts is essential for long term project success. Thus, projects funded with bond funds should not only advance restoration today, but promote durability, adaptability, and resilience into the future. Although code section CWC 79732 is listed, we urge subsection (2) is specifically delineated.

- **Agricultural Water Management Plans:** Many ecologically important streams in California are managed by smaller agricultural water suppliers. The requirement of an Agricultural Water Management Plan would be a major obstacle for a small agriculture water company or district because of the involved technical requirements and the substantial cost. As a result the Legislature chose not to apply such a requirement to smaller agencies in the Agricultural Water Management Planning Act. The California Water Code defines, in the sections specified in the draft guidelines text, an "agricultural water supplier" to be a supplier that provides water to 10,000 acres or more. As a result these smaller water suppliers are not subject by the Agricultural Water Management Planning Act related to the preparation of an Agricultural Water Management Plan.

- We trust that WCB intends to require compliance with the Water Code requirement

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for Agricultural Water Management Plans for larger suppliers as opposed to imposing an onerous new requirement for such a plan on smaller water suppliers. The wording of the draft guidelines can be interpreted as such but it also might be interpreted to add a new requirement for smaller suppliers. We request a clarification of this point within your final guidelines. Such a clarification will permit smaller agricultural water suppliers to compete for Proposition 1 funding and provide important ecosystem benefits.

- **Water transactions** (e.g., changes to a stream’s hydrograph through a lease, transfer, seasonal exchange): This section appears to indicate that forbearance of water rights are applicable for funding. It is not clear whether these can be strictly short-term in nature or if the WCB requires a long-term (e.g. 20 year) agreement. Please specify the length of time that will be required for landowner agreements. We suggest that short-term leases be considered to allow for maximum program flexibility, as an alternative to long-term landowner agreements. Again, the creation of a “Water Trust” may afford flexibility for WCB to work with multiple parties to transfer water rights from one water rights holder to another in a manner that allows for a transfer to be used in a manner that dedicates flows in streams and rivers that affords the greatest environmental benefit.
- **Climate adaptation:** We are pleased to see inclusion of nature-based solutions that provide additional climate benefits including improving forest health and restoring flood plains and meadows. These strategies should be retained in the final guidelines. Restoration and conservation of natural systems provide more resilient natural systems that also offer protection from climate impacts. Prioritizing these solutions can maximize the benefits of investments to reduce climate risks by providing a broad portfolio of benefits across multiple sectors.^[1] The use of nature-based approaches, combined with the preservation and restoration of natural systems and ecosystem processes, provide numerous benefits and support a system-wide, watershed approach^[2] that considers the interdependencies of natural systems.^[3]
- **Wetland habitats:** We recommend that the WCB clarify and expand the use of “stream flows” to include off-channel environmental uses such as wetland habitat for birds.
- **Habitat restoration:** The draft WCB guidelines specify that the following projects may be eligible for funding: “Habitat restoration projects (e.g., weed eradication, wet meadow restoration, forest thinning, etc.) that reshape stream hydrograph.” We commend WCB on supporting these types of projects, for the reasons detailed earlier in this letter, and would like to emphasize the importance of this language remaining (and potentially being strengthened) in the final guidelines.
- **Permanent protection:** We recommend that WCB include conservation easements and real estate acquisition as an eligible project type. Conservation easements are explicitly authorized under Proposition 1 [Water Code, Section 79707(j)] and are an important tool as part of a long-term strategy to ensure that the benefits of enhancement and restoration projects endure and provide long-term benefits at a landscape scale.
 - We appreciate that multiple benefits is listed as the first item in section 1.4 (Program Purposes). We recommend that multiple benefits be included as a top project selection criterion as well.
 - In order to help applicants develop a realistic project scope, we suggest that language be added that specifies: 1) when award announcements will be made, 2) when funding agreements will be in place, and 3) the timing for match or cost share eligibility.
 - We encourage WCB to indicate which criteria are *important*, beyond those that are *essential*, including, for example, multiple benefit projects, and those in which several smaller projects add up to something greater than the sum of its parts (cumulative benefits).
 - We are pleased to see climate change considerations and co-benefits are included as criteria and encourage these be given high priority. Efforts to reduce climate risk and protect our water supply, quality and infrastructure should also achieve other types of benefits such as air quality, jobs, wildlife habitat, recreation, food production, and carbon storage, and should be given highest priority. Prioritizing these projects that produce multiple benefits and promote sustainable stewardship of California’s resources will

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maximize returns on investments⁵ and, importantly, is a strategy supported by the Safeguarding California Plan.⁶

- The draft guidelines list a number of evaluation criteria, but don't break down how points will be awarded by category. Each category should be assigned a maximum number of points and certain categories should be weighted more heavily to advance key priorities. We recommend that the evaluation of proposals give greater weight to projects with climate change considerations and co-benefits.

Appendix B - Useful Web Links: Climate Change Information

The following documents should be added to the list of climate change web links to provide additional climate change information:

- (Draft) Environmental Goals and Policy Report⁷
 - Adaptation Planning Guide⁸
 - Indicators of Climate Change in California⁹
- Priority Agenda - Enhancing the Climate Resilience of America's Natural Resources,

Sari Sommarstrom
- Scott River
Water Trust

1) We strongly encourage WCB to ensure sufficient flexibility in its criteria to allow funding for various types of water transactions.

There is certainly not a one-size-fits-all solution for California's instream flow needs. Not every water need is Bay-Delta centric nor are instream scales the same.

2) Forbearance agreements for short-term, partial season leases of water can be very cost-effective and provide significant instream benefit during critical habitat needs.

In our watershed, a forbearance agreement for a high priority water right as small as 0.2 cubic feet per second (cfs) for a period as short as 40-60 days in late summer-early fall can double the flow of a stream that supports excellent rearing habitat for coho salmon, a species listed here as threatened under both ESA and CESA. This volume of 16 to 24 acre-feet, at a cost of \$65 per acre-foot (our starting price in a Critically Dry Water Year), costs between \$1,040-\$1,560 for the critical period. If adjacent diversions are also leased, the price goes up \$5 more per acre-foot per diversion. The distance of benefit to the next downstream user must be at least 1,500 feet, by our rules, but is usually much greater. See the graph below for how many miles of valuable coho rearing habitat the Water Trust has helped, at the minimum, since our program began in 2007. We have developed a water market in our sub-basin that works with willing sellers and us as the willing buyer.

In wet years like 2011, we offer a lower price (\$50/ac-ft) when the demand is lower and the water supply is higher. When fall rains are delayed, we lease water after the irrigation season ends (Oct. 1) to assist with upstream spawning migration but we pay less for livestock water "replacement" value (\$25 /ac-ft). The total volume of water added each year, as shown below, is significant for the stream reaches needing help. However, these volumes will appear insignificant for the amounts that are discussed in much larger stream systems or for Bay-Delta water transfers. Please appreciate the relative scale of benefit in your criteria: small can be great.

3) Permanent or long-term water acquisitions and dedications may not be as cost-effective as forbearance agreements and may take too much time for short-term grant contracts.

The Scott River Water Trust has purposely not pursued permanent acquisition of water rights for many reasons. Some landowners and potential participants fear "another Owens Valley" where the water becomes disassociated with the land, weeds take over the fallowed fields, and the local economy suffers from less agricultural production. One water right here was purchased by CDFW around 2006, in lieu of paying for a long and expensive pipeline, for a very high price (>\$300,000). An instream transfer of 1.2 cfs under Water Code section 1707 for 5 water users on 3 ditches was also performed, but the complicated process with SWRCB took 5 years. If we'd leased this 1.2 cfs for 60 days each year, it would have cost \$9,360 per year (@ \$65/ac-ft). It would take more than 32 years to equal the minimum acquisition cost with annual leases. Is this a wise use of limited government funds? And in some normal to wet years the water isn't really needed.

4) Instream flow dedications via Water Code section 1707 are not appropriate for every instream project and should not be a requirement of grant funding.

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We have quite a bit of experience with the 1707 instream flow process in Scott Valley: 7 water rights on 3 streams now have SWRCB Orders. Most of these were tied to water conservation pipeline projects, where the saved water was dedicated instream through changes in purpose and place of use. Grant funds for the 1707 process ran out after the construction projects were completed and a lot of time was donated by the attorney and Siskiyou RCD staff to get the 1707s finally through the approval process. In a much simpler case where only the instream benefit was being added to a water right, the process took 2 years and cost \$30,000 before the grant was exhausted – and again much donated time by the Water Trust staff and attorney was needed. In recent years, the SWRCB's Division of Water Rights has made considerable progress in trying to speed up the 1707 process but there is still great uncertainty in the timeline – as well as the budget -- for any petition. We hope that SWRCB can supplement their staff for potential increased demand.

5) Streamflow gages and other measurement tools should be funded, with a priority for sustaining existing, strategically placed gages.

In 2013, the Scott River watershed of 800 square miles had the following operating stream gages: 1 by USGS, 5 by DWR, 10 by the Siskiyou RCD, and 1 by the City of Etna. By July 2015, the Scott River watershed will have the following operating gages: 1 by USGS. Funding has completely disappeared for all but the National Streamflow Information Program (why isn't there a California Streamflow Information Program that's consistently funded?). This loss of 16 active gages goes beyond the WCB grant program but strategically placed gages should be a high priority to help fill the huge void left by defunct state (including DWR) and federal funding sources. In the Scott River, the number of gages reflected the need to measure the natural, unimpaired inflow in the tributaries above the diversions as well as the impaired flows below. DWR's costs are high (@ \$20,000 per gage per year) while the RCD's costs are lower (@ \$5,000), but with different levels of service and quality (e.g., CDEC real-time and engineer oversight by DWR).

Beyond gages, the WCB grants should pay for the purchase of portable flow meters, pressure transducers, and data loggers. Since the DWR Watermaster here used the SonTek Flow Tracker Handheld-ADV, the Water Trust purchased one also – for a cost of \$8,500. But very worthwhile! Expenses should be paid for adequate training in the use of gages and equipment and data analysis.

6) Rename your program the “Streamflow Achievement Program”, similar to Washington State’s grant program. Talk to your counterparts in Oregon and Washington to learn from their decades of experience with instream grant programs.

Curtis Knight -
California Trout

CalTrout appreciates the broad range of Eligible Project Types described in the California Stream Flow Enhancement Grant Program draft guidelines and requests that the following specific activities be included in that scope:

Science: This grant opportunity should facilitate implementation of new and emerging science - called for in Prop 1 and the Safeguarding California Plan. In addition to work on the ground, CalTrout believes that WCB funds should invest in the science necessary to establish common and standardized procedures for identifying in-stream flow objectives applicable throughout California’s watersheds, including the development of:

- o Regional in-stream flow criteria
- o GIS-based flow models
- o Comparative water-use scenario models
- o Consumptive use analysis
- o Standardized site-specific flow study methodologies

Monitoring: We appreciate the allowance for long-term monitoring laid out in the guidelines and suggest the inclusion of: o Soil moisture monitoring o Compliance monitoring o Diversion monitoring o Species monitoring

Infrastructure: New infrastructure is necessary to create and measure water efficiencies and mitigate critical low flows by increasing real-time collaboration among water users, including the installation of: o Exchange and spring water pipes o Meters on all diversions

- o Real-time sensors when feasible to enhance cooperative actions and enforcement
- o Fish screens
- o Gauges

Law: This grant opportunity should facilitate legal consultation to address the

constraints of our inflexible water regulations and facilitate landowner engagement in ecological water management, including:

- o Analysis of the interaction of spring rights with riparian and appropriative rights
- o Reconfiguration of water rights to address disincentives to keeping water in stream
- o Development of water code frameworks for reasonable and prudent use based on local water-use analysis
- o Development of water right templates, variable forbearance and safe harbor agreements

- o Development of regulation and legislation that codify successful water management innovations
- o Streamlining of permitting processes

Commenter	Agency, RCD, or Other	Comment
		<p>Lastly, in structuring the budget, please allow for cost recovery of direct project expenses separately from overhead, in alignment with Federal OMB circular. CalTrout considers all aspects of direct operating costs as integral to effective project function and management. Accordingly, we request that the grant program provide for recovery of operating expenses as well as overhead so that we can comply with NICRA accounting without forfeiting the recovery of operating costs.</p>
Tom Hicks		<p>Recommendation: Today, each California state and federal agency has its own guidelines and regulatory authorities which, in the aggregate, are often inconsistent with other agencies and create avoidable layers of uncertainty for conservation-minded landowners. Together, these multiple guidelines becomes disincentives.</p> <p>The WCB should innovate by consolidating and elevating coordination among varied state and federal projects with common or interrelated resource goals, which include some aspect of voluntary water right transactions through the creation of an Interagency Working Group of state (and potentially federal partners). This Interagency Working Group could potentially partner with qualified water transaction entities with applicable water transaction and transfer expertise, and would necessarily build upon and learn from prior efforts such as the <i>SWRCB Water Transfer Workgroup</i>, which produced the 2002 "Water Transfer Issues in California" report, as well as the CALFED Environmental Water Account and other environmental water transactions.</p> <p>Agencies that could be included in projects that enhance stream flow include:</p> <ul style="list-style-type: none"> California Department of Fish and Wildlife (DFW) California State Water Resources Control Board (SWRCB) California Department of Water Resources (DWR) Regional Water Quality Control Boards (RWQCB) California Coastal Conservancy California Department of Conservation California Conservation Corps (CCC) California Department of Transportation (CALTRANS) California Department of Forestry and Fire Protection (CDF) United States Bureau of Reclamation (USBR) United States Fish and Wildlife Service (USFWS) National Marine Fisheries Service (NMFS) United States Environmental Protection Agency (EPA) United States Forest Service (USFS) United States Bureau of Land Management (BLM) AmeriCorps Natural Resources Conservation Service (NRCS) County Resource Conservation Districts (RCDs) Numerous local and county agencies <p>Synergies between existing interagency initiatives, guidelines, and grant programs such as DFW's <i>Fisheries Restoration Grant Program</i> and the California Department of Water Resources (DWR) and U.S. Bureau of Reclamation, Mid-Pacific Region "<i>DRAFT Technical Information for Preparing Water Transfer Proposals (Water Transfer White Paper): Information for Parties Preparing Proposals for Water Transfers Requiring Department of Water Resources or Bureau of Reclamation Approval (November 2014)</i>" should be pursued to help agencies break out of their respective "silos" and effectively cross-manage public trust resources across the multiple "white spots" in the jurisdictional map.</p> <p>Conservation transactions that qualify as WCB enhanced stream flow projects should be provided a safe harbor agreement or other enforceable assurances from future regulatory actions and protected to the full extent of the U.S. Constitution under the 5th Amendment and related "Takings" claims. To the extent that agencies such as DFW or SWRCB or DWR carry a combination of regulatory enforcement and voluntary transactional strategy authorities and a potential conflict of interest, a more clearly defined agency zone of discretion will help communicate effectively and incentivize conservation-minded landowners to do the right thing.</p>

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Funding

Comment: It is important to further clarify how California agencies who may have separate Water Bond or other public dollars can leverage each other's funding as potential match.

Ideally, \$200 million from the WCB across multiple project types can be leveraged with additional hundreds of millions, if not billions of dollars, for projects that achieve multiple beneficial uses.

Program Purposes

Comment: WCB funds will be invested in projects that leverage private, federal, or local funding. Water Bond dollars should be used to further leverage **federal tax deductions** or other **tax incentives or credits** to benefit working agricultural landscapes and potentially qualify for additional federal matching funds through **U.S. Departments of Interior or Agriculture**.

State, federal, and other sources of funding all have the effect of minimizing the risk of overpayment by WCB or any one particular entity and incrementally remove disincentives and barriers that aid qualified landowners to do the right thing.

Eligible Applicants

Comment The WCB should consider accrediting qualified 501(c)(3) non-profit organizations or others as "**qualified water transaction entities**" which have the expertise to undertake water right transactions and related monitoring.

Use of WCB money will no doubt receive intense scrutiny. Borrowing from federal tax standards, any transaction, including donations of the real property interest in a water right must be permanently dedicated to either a government unit or a publicly supported 501(c)(3) charitable organization or both.

The public agency or charitable organization qualified and authorized to hold the water right interest in a right transferred instream must have the commitment and resources to monitor and enforce the agreement's terms and restrictions. Even if the interest is donated for "free," the state agency or qualified organization acquires all the liabilities of instream flow stewardship in perpetuity, including a long-term relationship with the landowner. Qualifications subject to IRS review include: a resolution by public agency or Board of Directors accepting the qualified conservation contribution, an annual report indicating track record and organizational finances, Board biographies and expertise, policies in regard to easement acquisition and enforcement, as well as a back-up grantee as necessary. Transactions which include easements can only be transferred to other qualified organizations.

Starting with the Oregon Water Trust ("OWT") in 1993, a growing number of public interest, I.R.C. § 501(c)(3) non-profit organizations have been created to focus on the opportunities created by legal reforms which now recognize instream fish and wildlife uses of water as reasonable and beneficial. These organizations re-direct out-of-stream diversions back to instream flows. Generally, water trusts work to restore instream flows and water quality to support and enhance fish, wildlife and recreational resources. All or a portion of an water right is re-directed instream to maintain critical aquatic habitat and water temperature, especially during the late months of the summer irrigation season when it is not uncommon for fish migration, spawning, or rearing habitat to overheat due to low flows or to run completely dry.

Similar in concept to land trusts, the fundamental commonality of water trusts is the use of *voluntary, private agreements* with farmers, ranchers, irrigation districts, landowners, and others who hold water rights. Water trusts pay fair market-based financial compensation to willing water right holders in exchange for donated, leased, or purchased water rights, on a temporary or permanent basis, to increase instream flows. In some transactions, water trusts facilitate direct financial investment in physical and structural solutions to enhance agricultural water use efficiency on farms, ranches, or irrigation districts. Importantly, such water conservation efforts promote *continued* agricultural use of water rights alongside instream flow restoration.

Water trusts have emerged as specialized intermediaries conducting transactions, outreach and education between public agencies, land trusts, watershed groups, municipalities, tribal entities, other non-profit organizations, and the agricultural community. Water trusts address technical, economic, and other transactional issues locally and regionally, rather than centrally, and are strategically positioned to cultivate the essential ingredients of trust and relationship with water rights holders. Voluntary agreements greatly reduce or eliminate the need for adversarial, intrusive, and less flexible regulation or enforcement actions by public agencies while accomplishing the same flow objectives.

Commenter	Agency, RCD, or Other	Comment
		<p>Existing steelhead, salmon and trout habitat, such as riparian vegetation, cool water, and clean gravel pools, is identified through surveys conducted by state or tribal fisheries biologists and private groups. Minimum instream flow targets and other habitat improvements are developed and flow-limited stream segments are prioritized by highest concern, often on tributaries where small increments of flow can have the most ecologically significant benefits and most quantifiable impact for native fish populations. Additional physical and biological parameters are measured by: pool volume, increased habitat volume, fish cover, undercut banks, terrestrial vegetation, and woody debris. Potential flows are evaluated and timed for critical periods of the fishery life cycle, such as late summer tributary flows that maintain juvenile rearing habitat or fall mainstem flows to increase upstream migration access to vital spawning areas or spring downstream passage flows, especially for anadromous species en route to the ocean.</p> <p>Once critical aquatic habitat is identified, water trusts serve a lead role in bridging private rights and public interests in water. Multiple layers of information are processed to confirm the presence of targeted species, to ensure the availability and reliability of water rights, to gauge the interest of local partners, and to analyze and measure the costs and funding availability to maximize resources and impact. Project development and design involves the water rights holder (individual farmer, rancher or representative stakeholder from irrigation districts), technical consultants (engineers, hydrologists, biologists, attorneys), watershed councils, community groups, and public agencies among others.</p> <p>Typical transaction costs include due diligence of credible historical water use records of actual and perfected consumptive use of water to "prove up" the amount of the appropriated right. Actual ownership of a particular water right must be confirmed and may include review of deed records for water conveyed with land. Due diligence can extend to property inspection, review of historic aerial or other photos, interviews with the property owner to solicit affidavits of water use, crop records, pump records, seed receipts - any evidence that demonstrates beneficial use of water as claimed. Such review is essential to show "no injury" to other users in anticipation of more formal state review and to protect the instream transfer from potential future challenges.</p> <p>A potentially significant limiting factor in claiming a deduction for a water right donation is the cost of appraising the value of the deduction. Water trusts arrange for an independent appraisal of the water right, which can cost \$10,000-\$15,000, especially when there is little market information known about a particular area or the deal is of a large enough size to warrant its own appraisal. Other times, the amount of potential water does not merit a full appraisal for each transaction. In some instances, especially for smaller volumes of water, the cost of the appraisal may be a significant percentage of the overall transaction. In essence, the donor must pay to give away their water right asset.</p> <p>Ultimately, water trusts help shepherd the transfer application to change the point of diversion, place, and purpose of use to an instream beneficial use purpose through the necessary public notices, state agency review and approvals, and local recordation with the county assessor. It may cost as much as \$30,000 to add an instream beneficial use to a permitted or decreed right, enabling enforcement by a local water master.</p> <p>Water trusts work with their respective public and tribal partners to monitor each project. Preliminary baseline conditions are used to measure progress towards restoration targets and goals. Seasonal site visits and use of manual or installed discharge gauges comprehensively monitor all related flows in streams, rivers, canals, ponds, and reservoirs to ensure contracted water is accounted for instream. Water quality factors such as temperature, pH (acidity), ORP (oxidation reduction potential), SC (specific conductivity), DO (dissolved oxygen), and TDS (total dissolved solids) are monitored and recorded to assess the physical and biological benefits of increased flows. Biological minimum flows are determined to ensure adequate pool and riffle habitat, and to measure and index benthic macroinvertebrates (insects without backbones that are an indicator of stream health and a food source for fish). Fish-per-mile and general population estimates over time are generated by fish shocking and underwater-snorkeling for census measurement and species identification purposes.</p> <p>Monitoring and verifying the timing and volume of instream flows has ongoing costs, no matter how cost-effective. To comply with the I.R.C. such monitoring would need to substantiate non- diverted donated flows <i>in situ</i> beyond prior points of diversion as water molecules aggregate and mix with downstream waters. Instream flow accounting must be transparent and accurate to properly manage donated flows alongside existing rights between two points. In addition, donated rights would need to be monitored to quantify and measure the impact of conservation benefits attributable to the donated instream transfer.</p>

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Given the time and financial costs associated with each transaction, water trusts raise the necessary funds from varied state, federal, and private sources, to provide technical staff and cover hard costs to provide an important incentive for landowner participation.

Lastly, water trusts pursue enforcement actions as appropriate to ensure compliance with the terms of the conservation transaction agreement.

Comment: Use of State funds to facilitate voluntary transactions that have instream flow benefits BUT which do not subsidize private landowner **environmental mitigation measures** or **environmental compliance obligations** is fraught with implementation challenges.

There is simply not enough money to buy outright all the water rights that might be needed to resolve flow and other public trust issues at the scale required in the Delta.

At the same time, a leveraged and strategic use of state dollars can acquire, lease, or incentivize donations of the real property interest in appropriate/riparian/ groundwater water rights, especially in smaller, non-Delta tributaries and streams.

Investment in administrative infrastructure can provide transparency and accountability if designed as a **Stream Flow Enhancement Program**. Such a program could include a water transactions and instream transfer "registry" to ensure that landowners get credit for voluntary conservation as well as any **safe harbor agreement**-type assurances that spare them from being first in line for potential future state or federal enforcement actions which further curtail their water diversions in time of drought or otherwise. Data voluntarily provided cannot be used against landowners as the basis for regulatory enforcement and signed safe harbor protections must be enforceable against government regulators or are meaningless.

While State funds for voluntary transactions with instream flow benefits should not be used to subsidize or decrease the **mitigation obligations** of any party, in practice this line is not so clearly defined. On any given watershed, especially in a drought year, landowners are faced with a barrage of curtailment, water quality, endangered species, or other regulatory notices short of a "final agency action" or "final order" related to implementation of mitigation or regulatory enforcement obligations.

Notwithstanding public agency preliminary notices, discussions, and other consultation processes linked to regulatory authorities, the use of Bond money will drive resource protection solutions that potentially include **voluntary water transactions** with the same landowners. The exchange of Bond money should not be abandoned because there is a concurrent regulatory or other mitigation-type discussion at the same time. Voluntary solutions are not always crafted in the absence of regulatory pressures, nor should they be taken off the table as a viable *alternative* to a final agency enforcement action.

A more clearly articulated and coordinated public agency **zone of discretion** with flexibility and broader latitude for transactional strategies as an alternative short of a "final agency action" related to implementation of mitigation, or regulatory enforcement obligations will have the net result of more voluntary transactions as realistic and pragmatic solutions to the long-standing resource issue of achieving minimum instream flow targets.

Fundamentally, the taking of property without compensation runs afoul of the **Fifth Amendment** of the U.S. Constitution. Bond money will help address conservation or other burdens that individuals might otherwise be brought to carry on behalf of broader public interests such as the protection of threatened and/or endangered species such as salmon in an era of decreasing rainfall and snowpack. Voluntary transactions can be conducted through precise agreements with willing landowners and will avoid protracted **water-related conflicts** arising from Takings litigation related to regulatory enforcement.

Many **projects** in California are employing voluntary transaction practices to benefit instream conservation values by targeting the **time value of water**, e.g. non-diversion of water through split season lease in July-August-September.

The reality in many agricultural communities with the potential to reduce consumptive surface water use is that temporary forbearance agreements triggered by low flow conditions are more common than permanent dedication for instream environmental benefits. The full water right is not always necessary to achieve targeted conservation goals and objectives, nor is acquisition of the entire interest the most precise and targeted use of public funds.

Commenter	Agency, RCD, or Other	Comment
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More often, local **qualified water transaction entities** and landowners will first undertake split- season leases or enter other agreements for a term, in which the thesis "farms and fish can co-exist" is tested. It is only after this compensated non-diversion has been tested and shown to work without detriment to the water diverter that conversations ripen to a more permanent transaction. This transactional pattern has repeated itself in Oregon, Washington, Colorado, and Montana many times over. The WCB is encouraged to engage in active consultations with western regional experts and state administrators on how to implement a successful Program on the first launch.

What is missing in California is a program to unify these granular local projects at a broader programmatic scale of impact, effectiveness, and accountability. The State can **innovate** by consolidating and elevating coordination among varied state and federal projects which include some aspect of voluntary water right transactions through the **Stream Flow Enhancement Program**.

Project Evaluation Criteria

Comment: It is likely that a number of WCB grant applicants and project proponents will be able to translate some aspect of a conserved water project to reduce surface flow diversions.

The common question is how far will that benefit last?

Section 1707 and forbearance are two different tools that achieve instream benefits of differing duration and distance as well as cost and effort.

While a WCB grant applicant might have control over diversion or non-diversion, these landowners have no authority or jurisdiction or financial responsibility to monitor or quantify instream flow below their point of diversion.

Increasingly, a significant component of a voluntary transaction and instream transfer is a task for the project to engage in local outreach. With public support, WCB grant applicants will increasingly take the lead role and communicate with their neighbors in advance of any proposed Section 1707 or forbearance agreement to ensure the public interest outcome of enhanced stream flows is not thwarted by downstream diversions. This includes pre-consultations and other due diligence to further evaluate the regulatory considerations and legal context for the potential transfer of water right from consumptive to instream use, and the prospective evaluation of the potential for "injury" to third parties who might be affected by any proposed transfer.

To the extent that other users have legal entitlements to divert upstream or downstream, WCB applicants cannot enjoin their diversions, but with other watershed processes underway (Watershed Plans, groundwater management planning), WCB applicants will no doubt lead by stewardship example and potentially engage other local stakeholders through voluntary mechanisms to enhance stream flow and improve riparian habitat.

This could include partners, which are respected and positioned to serve as an independent, local third party to verify non-diversion of water rights. However, these partners will likely be reluctant to monitor any real-time flow gauges or other monitors related to downstream instream flow without long-term state funding. Generally, monitoring grants rarely exceed 2-3 years, which is a visible example of "disconnect" between state or federal resource protection mandates and funding appropriations necessary to monitor. Landowners and other third party partners are often reluctant to take responsibility for monitoring or enforcing any other potential third party diversions.

Comments: I believe WCB grant applications should be submitted quarterly instead of once a year.

Compliance with Laws

Comment: The WCB may be taking too stringent a position in expecting all environmental compliance and permitting to be in place before funding. If grant applications are considered sequential or linear in process alongside what might be called the concurrent realities of moving multiple aspects of a potential project forward, I believe the WCB will box itself in or potentially box itself out of projects with merit, but which are complex. The WCB needs to be realistic and pragmatic.

Commenter	Agency, RCD, or Other	Comment
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The WCB should clarify the level of permitting required for submittal.

Water Law

Comment: As a water attorney, I disclose my professional bias and the basis of all my opinions contained herein.

The emphasis on the SWRCB processes, timelines, and approvals, exposes the presumed bias the WCB and other agencies might have for transactions and Section 1707 dedications with permanent benefits. Forbearance agreements are attractive in large part because they can accomplish the conservation objective at less cost, with more certainty, and in less time. However, they are only for a term of years and not permanent.

By the time riparian rights or pre-1914 appropriative water rights with the seniority are involved, WCB funding should be made available so as to help incentivize landowners to do the right thing, e.g. due diligence grant.

Many smaller landowners with senior rights are land rich and cash poor. Even if aspects of their water rights are potentially out of compliance, the WCB will be short-sighted if it categorically rejects potential conservation transactions and instream transfers and similarly, it will be poorly served if it unwittingly takes information voluntarily disclosed, e.g. landowner out of compliance, and passes it along to any agency with regulatory authority.

III. Programmatic Comments

WCB projects will serve as a demonstration of sustainable grazing, agriculture, and preservation of conservation values for regional landowners. In addition, a portion of reduced consumptive use will protect and enhance instream flows during the summer low flow season, potentially reducing water temperatures and having other water quality benefits.

The potential of multiple individual voluntary transactions with incremental, yet positive contributions to instream flow, depends on such **landowner data** being extensive, accurate, and transparent. It would be both timely and valuable for the State to invest in new systems of gathering and publicizing real-time data about streamflows across a wide range of rivers, streams and tributaries. This could be done either/both through small, internet-linked instream flowmeters, which are increasingly affordable, and also through satellite imagery. These costs should not be borne by landowners.

We have all heard anecdotal stories of the last thing grandpa said to the family before dying: "Never sell the water rights." Not all will sell, but with WCB funding many more will consider selling if the price is right. An aggressive agency "offer" to take the water without compensation will trigger litigation and provide a longer-term resource protection and enhancement set back.

Water right transactions including acquisition and forbearance are already and increasingly occurring through projects on coastal streams, Klamath tributaries, Upper Sacramento River, and Sierra tributaries outside the Delta *despite* the paucity of pre-Bond state and federal funding. These transactions are at times coupled with Water Code Section 1707 petitions by **Qualified Water Transaction Entities** at the local level with state, federal, and private philanthropy dollars to protect and enhance stream flow.

At this time, it is very important for the WCB to provide more programmatic detail on how these grant guidelines will be integrated into a cohesive state strategy to enhance stream flow.

Michael Lynes -
Audubon California

In addition to those basic conservation principles, we encourage the Board to consider the following as part of project prioritization:

- *Multi-species benefits* - Given the program's focus on stream flow enhancements, it would be expected that the selected projects would benefit fish and other aquatic species. We encourage you to take into account and prioritize other, non-aquatic species in your ranking criteria. It would be helpful to define the wildlife types and guilds in Section 1.4: Program Purposes. We urge you to prioritize projects that go beyond mitigation to improve and contribute to the recovery of special-status, at risk, endangered, or threatened species. In particular, a suite of declining bird species and native fishes benefit from riparian plantings along waterways. Willow/cottonwood forests and seasonal wetlands in floodplains create nesting sites and migratory stopover places for neotropical migratory birds as well as nursery habitat for juvenile native fishes. Passive restoration, which often requires reduced inputs of time and materials (and therefore lower costs in the plant establishment stage) has proven to be very effective in establishing this type of high- value habitat.

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- *Temporary and dynamic habitat* - Priority should be given to projects that provide temporary habitat for wildlife in locations and during timeframes when wildlife most need it. Recent studies have shown that the annual provision of habitat can cost less and respond in more flexible manner to species' needs than permanent acquisition and management of lands for wildlife.
- *Wildlife-friendly agriculture* - Audubon and our partners have participated in numerous riparian restoration projects on private farms along many of the state's waterways. Plantings under private management are thriving, in large part because of the availability of agricultural tailwater for restoration irrigation. This type of water reuse provides an excellent example of a project that maximizes decreasingly available irrigation water. These types of projects often have wide, cross-sector support, as they provide multiple benefits to the landowner (pollination, water quality improvement, shade) without negatively affecting agricultural operations.
- *Flexible water management* - Projects that provide for flexibility in water management will be critical as climate change increases uncertainty and extreme weather events such as drought.
- *Contributing to existing plans or State obligations* - While this is already a component of the review criteria, we would like to emphasize that investment in projects that contribute to existing plans or State obligations will help the State's funding leverage broader outcomes. Programs like the San Joaquin River Restoration Program, Salton Sea restoration and Central Valley Project Improvement Act all need State investment to help leverage federal investments and advance a broad suite of projects and outcomes. Additionally, prioritizing projects that fit within these programs or contribute to existing plans such as the San Francisco Bay and Central Valley Joint Venture Implementation Plans will ensure that projects are building to greater outcomes than any single project could do on its own.
- *Climate Change* - All proposed projects should be required to address climate change in project design. The State should know how their investment will persist in the face of climate change and how projects contribute to climate change mitigation and adaptation
- *Multi-benefit and Leveraged* - In order to ensure that projects go beyond the boundaries of their sites, we recommend prioritizing those projects that have the potential to be replicated widely.
- *Diversity of project size and scale* - Many agencies and nonprofit organizations engaged in habitat creation, restoration, and conservation work have projects that may appear to be relatively small in scale. In the aggregate, these projects provide significant environmental and community benefits. WCB's program should include a small grant program to fund smaller projects as well as larger ones.
- *Monitoring of restoration and adaptive management* - Restoration and conservation requires sound science and consistent monitoring. The program should have more rigorous expectations for monitoring and outcomes evaluation. We suggest a designated panel of experts for each project type to evaluate outcomes against objectives and provide lessons learned to the broader community to inform new rounds of granting. Funding should extend to scientific monitoring of projects and allow for adaptive management as new information becomes available to improve the likelihood of success.
- *Efficiency and equity in fund administration* - Audubon strongly encourages an integrated, efficient, and equitable funding approach. The grant review process should be efficient and not act as a barrier to application, especially for small nonprofits and agencies in underserved communities. Where possible, funding should be provided as needed, rather than on a calendar basis, to fund projects that are ready to proceed. Finally, Audubon recommends that the program include a "pre-application" process whereby applicants can submit concepts for an initial screening before undergoing the much more complicated and onerous process of completing a full application.
- *Include consideration of projects that benefit disadvantaged communities* - As part of the analysis of multiple benefits, projects that meet water-related needs for disadvantaged communities should receive priority consideration.
- *Support planning* - The program should include some support, especially for small nonprofit organizations and for disadvantaged communities, to help develop and plan projects and complete funding applications. Without support, many communities in the State will likely go underserved by this process and continue to miss opportunities to receive multiple benefit projects in their areas.

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Overall, we congratulate the Board on the inclusion of projects that contribute to the protection and enhancement of habitat for migratory birds and other wildlife. We especially applaud the focus on floodplain restoration, given its multiple benefits for flood abatement, ground water infiltration, improved water quality and passive restoration of riparian habitat. On that note, we would like to see more detail on how the various proposed criteria will be weighted as we feel that some criteria like multi-benefit projects or contributing to existing plans or obligations should be weighted higher.

We also appreciate the inclusion of the CCC as project implementers. We suggest that projects including implementation by Resource Conservation Districts (RCDs) and Audubon chapters also be given priority. We have worked successfully with half a dozen RCDs over the past 15 years, and our projects have benefited from RCD's understanding of the local political climate, their relationships with local landowners, and their technical expertise. What is more, they are often much more economical than private restoration firms, and thereby stretch limited state dollars. Over a dozen Audubon chapters from across the state have also worked with both Audubon California and RCDs. Like RCDs, many Audubon chapters have the capacity to carry out projects and can do so economically and with local support.

Tasha McKee -
Sanctuary Forest

We are concerned, however, that in order for the WCB prop 1 grant program to successfully achieve the goals, the following be considered:

Development of permit pathways for innovative restoration strategies need to be supported by the grant program. Specifically the application requirements and scoring process for all innovative projects needs to include development of the permit process and securing of permits as part of the project. If instead the grant requires permits prior to funding, then traditional approaches with established permit pathways will

outcompete innovative approaches. It is important to consider that innovative restoration strategies (restoration techniques that are not included in the CDFW manual) have been largely blocked due to institutional constraints and therefore there has not been an opportunity to develop permit pathways. The innovative storage and forbearance program permit pathway was developed through an efficient collaboration between Sanctuary Forest, CDFW and SWRCB. Similar collaborations are needed to develop permitting for most of the restoration strategies with the potential to improve streamflows.

Multi- year project timelines are also needed to support innovative strategies to restore groundwater hydrology, streamflow and juvenile salmonid habitat. For example a five year project timeline would support the following: year 1 completion of project planning, pre- project monitoring and permits with input from WCB; year 2 & 3 project implementation; year 4 & 5 post project monitoring, effectiveness evaluation, adaptive management and reporting.

Consideration and support for pre- project monitoring and planning also needs to be included in the grant program. Specifically cost share credits need to include costs incurred for project planning, site assessments, pre-project monitoring, etc. for at least two years prior to the award date. For streamflow improvement projects, effectiveness evaluations require two years of pre-project monitoring. For all projects, site specific planning along with research on best available science and climate change impacts takes considerable staff time as well as professional services. Acknowledgement of these costs as part of the applicants cost share will help to ensure adequate planning. It would also help level the playing field between project types and with regard to financial capacity of the applicants.

a) Apply best available science to inform decisions regarding water resources: We recommend that the Prop 1 grant program team is given the resources to study and disperse "the best available science" and collaborate with NOAA Fisheries Science Center and other fisheries and hydrology scientists as needed for a productive shared understanding. There is a large body of science that is very relevant to both habitat restoration and water scarcity solutions from other states and other countries that we hope will be considered.

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b) Employ new or innovative technology or practices...: We hope this statement is meant to include on-the-ground innovative restoration strategies needed to restore dry season streamflows and salmonid habitat. Specifically we ask that innovative strategies for restoration of entrenched streams include and are not limited to the options of log weirs (designed to mimic function of historic wood); beaver dams; and beaver dam analogues (designed to mimic beaver dam functions) as well as the pond and plug technique frequently used in meadow restoration. These different strategies are needed to address differences between streams as well as to perform cost-efficiency comparisons and evaluations. We also ask for inclusion of innovative strategies for upland groundwater and wetland projects including the johads (5,000 year tradition of rainwater harvesting with earthen dams in Rajasthan India) and permaculture approaches including the successful swale pond techniques of international consultant Sepp Holzer.

We support all of the project types included in the list of potentially eligible project types and request the following additions:

- Please add “Storage and Forbearance” wherein the landowner receives a storage system sufficient for their basic water needs during the dry season in exchange for forbearing from exercising their water right. This type of water transaction is very effective especially when combined with water conservation because it enables the landowner to stop diverting during the low flow season for the lifetime of the water system ~ 20 years and changes the culture of water use in the communities where the program is implemented. In this type of program, a monetary evaluation of the water secured for instream flows is not required – instead the water system itself consists of the compensation to the landowner. The tanks are considered equipment by the state and remain the property of the grantee for the term of the forbearance agreement. At the end of the forbearance agreement term (usually 15 years) the tanks are depreciated and become the property of the landowner who has successfully fulfilled the terms of the forbearance agreement. The permitting pathways for this type of program have been established along with legally enforceable forbearance agreement templates. Trout Unlimited, CDFW, and SWRCB have all collaborated with Sanctuary Forest to develop successful protocols for storage and forbearance that can be applied to institutions as well as individual landowners along with modifications to appropriative and/or riparian water rights. These protocols can be made available to support the WCB CA Stream Flow Enhancement Program.
- Please add “Restoration of entrenched streams.” This project type may already be included under “reconnecting flood flows with restored floodplains”. However, because it has the same level of importance for restoring streamflows as “wet meadow restoration” we request that it be specifically listed.
- Please add “Restoring wetlands and groundwater hydrology”. Again, this may be included in “habitat restoration projects”. However, because it is an essential strategy to restoring flows we request that it be specifically listed.
- Please add “Restoring groundwater infiltration and reducing runoff caused by roads.” We recommend that all road sediment projects include project components designed to decrease runoff and increase infiltration such as storm water retention ponds, dry wells, etc. The high density of roads in most parts of California is a large contributor to losses in groundwater storage. Therefore we request this addition.
- Please add “conservation easement projects needed to protect water supplies and high priority habitats”. To achieve streamflow and habitat goals, conservation easements are needed in priority habitats to prevent increased water diversion impacts and land use impacts on both the riparian and upslope parts of the property. Additionally conservation easements can be used to support restoration projects that increase wetlands and groundwater storage. The conservation easement ensures that the work can be implemented, monitored and maintained in perpetuity. Therefore we ask that language be added to allow for acquiring of conservation easements on properties located in key salmonid recovery habitat.
- In addition, please add “conservation easements for working agriculture landscapes and forestlands” needed to support sustainable practices and protect and enhance water resources. Without the support of conservation easement acquisitions much of our working lands are under threat of development and/or unsustainable practices. Our current economic systems do not support sustainable farming and forestry practices and the landowner is often forced to sell the property or employ practices that exploit the resources in order to make a living.

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- Additionally monitoring needs to be included as an eligible project type or funded as part of the implementation project proposed. The monitoring criteria discussed under 3.2.5 is very well thought out and important for ensuring effectiveness. However, it also needs to be funded to be successful. If applicants need to apply separately for effectiveness monitoring and implementation, problems arise if one or the other is not funded.

Konrad Fisher -
Klamath River

Help CDFW and SWRCB Quantify and Enforce Compliance Obligations

As you know, WCB Stream Flow Enhancement Funds must be used to provide fisheries and ecosystem benefits that are greater than required by existing compliance obligations. The California Department of Fish and Wildlife (CDFW) and the State Water Resources Control Board (SWRCB) have the legal authority and obligation to determine and enforce compliance obligations pursuant to DFG Code Section 5937, the Public Trust and Reasonable Use Doctrines, and state and federal Endangered Species Acts.

For many streams and rivers in California, compliance obligations have not been quantified or enforced. Therefore, WCB should stipulate that water dedicated for stream flow enhancement augment, rather than satisfy, all compliance obligations including obligations that have been quantified, those that have been quantified but not enforced, and those that may ultimately be quantified and enforced.

We urge the WCB to review recommendations #1 and #2 in the enclosed April 9, 2015 letter to CDFW. We further urge the WCB to confer with CDFW and SWRCB when evaluating all compliance obligations that may be associated with proposed projects.

Efforts to avoid funding compliance obligations should not delay or compromise the effective allocation of WCB stream flow enhancement funds.

Limit Spending to Enforceable, Cost-Effective Flow Restoration Projects

WCB should prioritize projects that produce actual measurable stream flow enhancement. WCB must require legally binding mechanisms that prevent off-stream use of water designated for instream use. To accomplish this, water that becomes available for instream use as a result of WCB funding must be legally dedicated instream via Water via CA Water Code Section 1707 and/or forbearance agreements that may include contracts and/or deed restrictions.

All projects designed to enhance stream flow should be accompanied by one or both of these legally binding mechanisms. This includes the acquisition of water or water rights, and all projects that otherwise provide additional water for instream use such as water conservation and efficiency, and changes to diversion location, timing, or method. In some cases, both 1707 water right changes and forbearance agreements will be needed to adequately protect instream flows.

When determining which legal mechanism(s) should be used to protect stream flow, WCB should consider the benefits and limitations of each in association with the proposed project. Forbearance agreements can impose more specific terms on a water right than a 1707 dedication. However, unlike 1707 dedications, forbearance agreements are not binding on water right holders who are not party to the agreement. Therefore, without a 1707 dedication, water intended for instream use can be diverted by junior water users or through new water right appropriations.

After 5 years of non-use, appropriative water rights are subject to forfeiture and potential diversion by junior users or new appropriators. Therefore, an appropriative water right may be lost due to non-use if encumbered by a forbearance agreement for more than 5 years without an accompanying 1707 water right change.

Unlike 1707 dedications, forbearance agreements can be used to restrict future use of unexercised riparian water rights.

For some transactions - such as very small environmental water dedications - completing a 1707 petition can be cost-prohibitive.

Finally, even permanent 1707 water right dedications can be reversed. Therefore, instream water rights resulting from a permanent 1707 dedication must either be held by a third party that will not use the water off-stream in the future, or the instream water right must be permanently retained for instream use with an appropriate forbearance agreement.

Prioritize Projects that Permanently Dedicate Water Instream

Temporary environmental water acquisitions, including long-term transactions, require ongoing expenditures, and will not address the fundamental problem of over-allocated water. In the past, temporary environmental water transactions have artificially increased the price of water, and made it more difficult to restore flows through regulatory actions that can be permanent and more cost-effective.

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We also recommend that the WCB prioritize funding of land and conservation easement acquisitions that result in permanent instream flow dedications. In many cases, the acquisition and resale of land may be the most cost-effective voluntary mechanism to acquire water for instream flows. If land is acquired with WCB funds and resold, funds from the resale of the land shall be returned to WCB, or used for additional land acquisitions designed to restore flows. We recommend that WCB prioritize land acquisitions in flow-impaired watersheds where entire water rights can be dedicated instream. WCB funds should not be used to acquire water rights, or land with water rights, that will be used for off-stream uses unless the water is specifically intended to restore watershed and/or aquatic species health in a manner that is directly complementary to the stream flow enhancement effort.

Do Not Fund Water Conservation Unless Conserved Water Benefits Ecosystems

Water conservation projects can harm fisheries and ecosystems when conserved water is consumed for off-stream uses. Unfortunately, most publicly funded water conservation projects to date have not resulted in enforceable environmental water dedications even when the stated purpose of the projects is to restore instream flows. Consequently, water previously conserved with public money is now being soaked up by junior water rights or illegal diversions. Over time, as the simplest water conservation projects are completed without dedicating conserved water instream, additional projects designed to conserve water to enhance stream flow become increasingly costly.

We recommend that WCB only fund water conservation when all conserved water is dedicated instream through enforceable, preferably permanent, transactions. While water users are not accustomed to having such strings attached to public water conservation funding, we believe that not attaching such strings violates the terms of Proposition 1, and is an injustice to taxpayers. Property owners and water districts will still benefit from taxpayer-funded water infrastructure improvements.

By requiring that water conserved with public funds be dedicated instream, WCB can generate significantly more environmental water dedications, and at a lower cost, than would otherwise be developed. More traditional methods of developing environmental water transactions - namely recruiting and negotiating with willing water right holders - are more time-consuming and costly.

Fund Only Instream Flow Studies that Directly Support Stream Flow Enhancement Projects

WCB funds should be used for instream flow studies only insofar as they are necessary to complete stream flow enhancement projects. In many cases, instream flow studies have already been completed, or are not necessary to determine whether a stream or river would benefit from additional flow. This is true for numerous streams and rivers that are being habitually and completely dewatered.

We caution WCB against allocating funds for additional instream flow studies that are not tied to any specific actions to restore flows. To date, many publicly funded instream flow studies have been completed, but the resulting recommendations have not been implemented. Instead of implementing the recommendations, state agencies have initiated new studies while rivers and streams remain dewatered.

We feel that CDFW funds should be used for more broad instream flow study objectives, while WCB funds should be reserved for studies that acquire the relevant information necessary to advance specific stream flow enhancement projects that would not otherwise be possible. Please see our attached April 9, 2015 recommendations to CDFW pertaining to instream flow studies.

Support Environmental Water Dedications by Land Trusts

WCB should fund education and technical assistance for land trusts to ensure that water rights associated with land and conservation easement acquisitions can be dedicated instream. While many land trusts do not intend to dedicate water instream, some land trusts are willing but lack the necessary capacity. This represents an unfortunate lost opportunity to enhance stream flows.

Avoid Groundwater Recharge That Harms River & Stream Ecosystems

The 2014 Sustainable Groundwater Management Act authorizes, but does not require, Local Groundwater Management Entities (LGME) to determine the quantity of water pumped from individual wells. Without data indicating who is using how much groundwater (as we have for post-1914 appropriative surface water diversions), it will be difficult, if not impossible for LGMEs to curb groundwater extraction as necessary to protect instream flows.

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Given the current state of groundwater management in California, the WCB should not support groundwater recharge with surface water where the applicable LGME lacks data necessary to quantify and balance groundwater extraction and recharge. Furthermore, the WCB should not support groundwater recharge with surface water where the surface water is needed for instream ecological needs including the scouring of river channels during flood flows. These recommendations are not intended to limit groundwater recharge with storm water or recycled water.

Fund Gauges On Dewatered Stream Reaches & To Verify Project Success

The WCB should support installation of stream flow gauges where they are needed to monitor the success of stream flow enhancement projects, and on reaches of rivers and streams that are regularly dewatered. To the extent possible, gauges should provide real-time, online stream flow data that is publicly accessible.

Restore Water To Completely Dewatered Rivers - Don't Wait For Studies

The WCB should prioritize actual stream flow enhancement on streams and rivers that have been completely dewatered to the detriment of endangered species. Studies are not needed to determine whether stream flow enhancement is needed on streams and rivers that are completely and habitually dewatered. Studies can be conducted for such streams, but should not be treated as a prerequisite to immediate action to restore flows.

Dirk Brazil - City of Davis

We recommend the following improvements to the guidelines:

- Provide the opportunity to submit concept proposals that are competitively scored. Grant applications are time-consuming and expensive for local agencies to develop, so it is important to ensure the concept is appropriate for the program before completing a full application. We recognize the guidelines are purposefully broad and the scope will narrow for the project solicitation process. The current guidelines could result in a wide variety of projects, however, that may or may not fit the state's priorities. We believe concept proposals will save the California Wildlife Conservation Board ("Board") time and money as well because the concept phase will result in a more competitive suite of final applications than would be possible otherwise.
- Provide the opportunity to submit planning grants. Although the City of Davis is fortunate to have some matching funding available from our Open Space Program, the City often requires planning grants for design, engineering, or other planning elements before it is possible to develop a full proposal. Providing the opportunity to submit planning grants will ensure that the local communities with fewer resources will still have the opportunity to apply for funding for projects of statewide importance.
- Clarify the evaluation process. Provide additional information regarding the criteria, including whether the criteria are equally weighted and whether a project will score zero if the criteria does not apply (e.g. advances scientific understanding). Some good projects may score low because criteria do not apply or because the weight is placed on a specific area (e.g. climate change) versus other criteria. Clarification of these questions will help applicants determine whether it is appropriate to apply and consequently save the Board time and resources related to reviewing long-shot applications.
- Connect grant program to state's drought response efforts. Given the Governor's recent Executive Order, the Stream Flow Enhancement Program guidelines should connect this grant program to the state's drought response efforts. The programs could, for example, provide guidance to local agencies regarding desired drought response project elements.
- Propose a strategy for leveraging grant funds. There are multiple Proposition 1 grant programs for which projects may be eligible. The City suggests that the Board allow applicants to submit the same proposal to multiple grant programs, as long as the applicant is transparent about the submittals. If more than one proposal is successful, the local agency can work with the state to determine the appropriate amount of funding from each program.