

Proposition 84: Clean Water, Parks and Coastal Protection Legislative and Policy WG Recommendation

Summary

The Legislative and Policy Working Group recommends that EJCW endorse Proposition 84. Overall, the Proposition includes specific funding mechanisms for disadvantaged communities including \$10 million for emergency safe drinking water projects, \$180 million for small systems with preferential funding to disadvantaged communities and \$60 million to address groundwater contamination including up to \$5 million for technical assistance. In addition, there are other areas of potential benefit including funds to the Department of Parks and Recreation for the acquisition of park land with preferential funding for “underserved communities” and a technical assistance program. Unlike previous bonds, this bond makes an effort to divide funds more equitably across the State.

Emergency Safe Drinking Water Projects - \$10 million

Summary from bill text:

Funds will be allocated to the Department of Health Services (DHS). Grants can not exceed \$250,000 per project.

“Eligible Projects include, but are not limited to, the following:

- Alternative water supplies including bottled water
- Improvements in existing water systems to prevent contamination or provide other sources of safe drinking water including replacement wells
- Connections to adjacent water systems
- Design, purchase, installation and initial operation costs for water treatment equipment and systems”

Analysis: This program reinstates an old DHS program to provide emergency assistance to water systems unable to provide potable water. The fund will provide relief to communities unable to drink or use their tap water. The program fills an unmet need for immediate assistance to sustain communities until they can gain access to longer term funding sources to develop and implement longer term solutions to their water needs. While this program does fill an existing gap, the project maximum of \$250,000 will be a limiting factor. It is not likely that a community could fund a replacement well for \$250,000. Hook-ups to other systems, depending on the actual distance and infrastructure needed may also be beyond the scope of these grants. However, \$250,000 is more than is currently available on an emergency basis. EJCW has been advocating for reinstatement of this program.

Small Community Drinking Water Systems Grants - \$180 million

Summary from bill text:

Funds will be allocated to DHS. Construction grants will be limited to \$5 million per project and no more than 25% dispersed prior to actual expenditures. Up to \$5 million may be expended for

technical assistance to eligible communities. Funds can be used for feasibility studies and to meet eligibility requirements for a construction grant.

- Priority will be given to projects that address chemical and nitrate contaminants, other health hazards and by whether the community is disadvantaged or severely disadvantaged.
- Communities with limited financial resources will be given special consideration.

Analysis: The funds will assist disadvantaged communities in meeting safe drinking water standards. These funds would provide small systems the ability to do feasibility studies and other activities to become eligible for construction grants without having to pass the cost on to their customers. The technical assistance element is also a benefit to EJ communities, although the actual usefulness will be determined by how the technical assistance program is implemented. Advocacy will be necessary to ensure that appropriate technical assistance will be available and that the pitfalls apparent in other grant programs are avoided.

Groundwater Pollution Prevention Fund - \$60 million

Summary from bill text:

Allocated to DHS for loans and grants to prevent or reduce contamination of groundwater that serves as a source of drinking water.

Analysis: Many EJ communities rely on groundwater as the primary source of drinking water. These funds would be available to any community with contaminated groundwater to fund clean-up or to prevent future contamination. This section includes a request for enabling legislation from the Legislature which will provide an opportunity to include language giving preferential funding to disadvantaged communities.

Integrated Water Management – \$1 billion

Summary of bill text:

The funds will be allocated to the Department of Water Resources (DWR). Projects must be consistent with an adopted integrated regional water management plan or its functional equivalent, must provide multiple benefits, and must include one of a number of project elements listed in the bill. Proposals that address critical water supply or water quality needs of disadvantaged communities within the region is one of six criteria to be given preference. The funds are divided into 12 hydrologic regions for disbursement.

Analysis: This is a big ticket item and given how disadvantaged communities have been treated in many of the ongoing Regional IRWMPs there may be limited utility for our EJ communities. In addition, some concern has been raised about the fact that DWR is given total oversight over the program in Prop 84. (Prop 50 IRWMP funds are divided equally between DWR and the State Water Resources Control Board.) To gain the most access for EJ communities to these funds ongoing efforts to do a better job of including EJ communities in the IRWMP process will need to continue. In addition, there is indication that future legislation is forthcoming on the IRWMP process. It may be possible to further determine fund oversight and allocation criteria through that legislation.

Flood Control - \$800 million

Summary of bill text:

All of the following funds are allocated to DWR for disbursement.

Floodplain mapping - \$30 million

Flood control - \$275 million

Delta Levees - \$275 million

Subventions - \$180 million

Flood corridors - \$40 million

Analysis: There are no elements of this Chapter designed specifically to meet the needs of EJ communities. Advocacy will be necessary to ensure that benefits are equitably disbursed and that none of the projects funded has a negative impact on adjacent EJ communities.

Statewide Water Planning and Design - \$65 million

Summary of bill text:

All of the following funds are allocated to DWR for the purposes of preparing planning and feasibility studies on the following issues:

- Evaluation of climate change impacts on flood and water systems
- Surface storage planning and feasibility (CALFED)
- Flood protection improvement
- Other studies related to integration of flood and water systems

Analysis: There are no elements of this chapter designed specifically to meet the needs of EJ communities. Advocacy will be necessary to ensure that any planning and feasibility documents include adequate assessment of the needs and concerns in EJ communities related to the areas of study.

Protection of Rivers, Lakes, and Streams - \$928 million

Summary of bill text:

A long list of water projects receive funding in this chapter of the bill. This section includes \$45 million to the Department of Fish and Game for Coastal Salmon and Steelhead restoration and \$90 million to the SWRCB for stormwater cleanup (TMDLs). Please see the attached bill language and/or summary of funding categories for the entire list of projects funded in this Chapter of the Initiative.

Analysis: There is potential that some of our Tribal members could benefit from the Coastal Salmon and Steelhead restoration funds. For instance, the Karuk are working with a collaborative group to remove four dams on the Klamath River which would help to restore the salmon run there. Dam removal and salmon restoration would also have the unintended consequence of restoring access to tribal lands.

In addition, the TMDL funds may be available to all of our members working on surface water clean-up. This section invites enabling legislation from the Legislature which provides an

opportunity to advocate for a set-aside for disadvantaged communities or at least for preferential funding for projects in disadvantaged communities.

Forest and Wildlife Conservation - \$450 million

Summary of bill text:

This chapter of the initiative, Chapter 6, provides funding for several restoration and conversation projects. Most notably for our constituents is the inclusion of conservation of water resources as a fundable activity and funding for projects that promote the recovery of threatened and endangered species.

Analysis: As in the previous chapter of the initiative any funds for restoration may be available to Tribes and other EJ communities living in and around forests which could, while providing for restoration, also have multiple benefits to those tribes and communities.

Beaches, Bays, and Coastal Protection - \$540 million

Summary of bill text:

Chapter 7 provides funding to protect beaches, bays, coastal water and watersheds. The Chapter includes funding to the State Board in the amount of \$90 million to fund matching grants from the Clean Beaches Program.

Analysis: The emphasis in this fund is to protect natural habitats and to provide for public access to coastal resources. There may be opportunities for our EJ community groups to access watershed protection funds, but there are no special criteria for EJ communities.

Parks and Nature Education Facilities - \$500 million

Summary of bill text:

This Chapter allocates the bulk of the funds, \$400,000 million, to the Department of Parks and Recreation for the purpose of "...development, acquisition, interpretation, restoration, and rehabilitation of the state park system..." The remaining \$100 million, also allocated to Department of Parks and Recreation, is for "grants to nature education and research facilities and equipment to non-profit organizations and public institutions."

Analysis: While this chapter indicates that institutions "... that serve diverse populations... and institutions that provide collections and programs related to the relationship of Native American cultures to the environment" the actual benefit to disadvantaged communities is likely to be minimal or non-existent.

Sustainable Communities and Climate Change Reduction - \$580 million

Summary of bill text:

Chapter 9 allocates \$400 million to the Department of Parks and Recreation to fund "competitive grants for local and regional parks." Preference will be given to the "acquisition and development of new parks and expansion of overused parks that provide park and recreational access to underserved communities." In addition, preference will be given to "creation of parks in neighborhoods where none currently exist." "Outreach and technical assistance shall be provided to underserved communities to encourage full participation in the program."

This chapter also allocates \$90 million to urban greening projects and \$90 million for planning grants and planning incentives “to encourage the development of regional and local land use plans that are designed to promote water conservation, reduce automobile use and fuel consumption, encourage greater infill and compact development, protect natural resources and agricultural lands, and revitalize urban community centers.”

Analysis: This chapter may provide useful benefits to EJ communities. The chapter includes funding for technical assistance and preference to “underserved communities.” Funds available through this chapter could help communities like North Richmond to develop areas like Breuner’s Marsh. If Proposition 84 passes advocacy will be necessary to ensure that the technical assistance program is truly useful to disadvantaged communities and that appropriate outreach is instituted to ensure that disadvantaged communities are aware of the opportunity.