



November 5, 2008

Mr. Lester Snow, Director  
 Department of Water Resources  
 1416 9th Street, Room 1115-1  
 Sacramento, CA 95814

**Re: Department of Water Resources (DWR) Funding Preferences and Draft Guidelines for the Proposition 1E “Stormwater-Flood Management Program” and the Proposition 84 “Integrated Regional Water Management Program”**

Dear Director Snow:

The Storm Water Advisory Task Force<sup>1</sup> (Task Force) was formed by Assembly Bill (AB) 739 (Statutes 2007, Chapter 610, Laird) and provides advice to the State Water Resources Control Board on its Storm Water Management Program including, but not limited to, program priorities, funding criteria, project evaluation, and interagency coordination of State programs that address stormwater management. The Task Force is made up of public agency (including DWR), environmental, industry, and regulated community representatives with expertise in water quality and stormwater management. As per AB 739, the Task Force also advises the State Water Board on project selection and evaluation funding guidelines for the Proposition 84 Storm Water Grant Program.

The Task Force is writing to express our strong support for DWR’s inclusion of Low Impact Development as a Funding Preference and a Program Priority in the Draft Guidelines for the Proposition 1E “Stormwater-Flood Management Program,” and as a Funding Criterion and a Program Priority in the Draft Guidelines for the Proposition 84 “Integrated Regional Water Management (IRWM) Program.”

Stormwater management that considers climate change-induced alterations in hydrologic patterns will become even more essential in coming years to address flooding and water quality threats. Stormwater runoff from impervious surfaces (i.e., streets, parking lots, roofs, etc.) is one of the largest contributors to water quality impairment and localized flooding problems in California. The conventional approach to managing stormwater flows is to “collect and convey” stormwater runoff as quickly as possible to local waterways, which exacerbates these problems. Pollutants that spill, drip, settle or are deposited on impervious surfaces are collected, concentrated, and quickly transported in runoff to our local creeks and receiving water bodies. These impervious surfaces also dramatically increase peak runoff flows and runoff volumes causing, among other things, stream widening and erosion, increased down-stream flooding and flood peaks, and loss of wildlife habitat.

<sup>1</sup> [http://www.swrcb.ca.gov/water\\_issues/programs/grants\\_loans/prop84/prop84\\_taskforce.shtml](http://www.swrcb.ca.gov/water_issues/programs/grants_loans/prop84/prop84_taskforce.shtml). Representatives of the Ocean Protection Council, the California Coastal Commission, and U.C. Davis, public entities that actively promote LID, also sit on the Task Force.

Stormwater management professionals are now embracing a new stormwater management paradigm called Low Impact Development (LID). In contrast to the conventional “collect and convey” approach, LID uses site planning and drainage design strategies and techniques that infiltrate, filter, store, evaporate, and reuse stormwater runoff on-site as much as possible. LID strategies and techniques can also be applied on a watershed scale to substantially reduce pollutant discharges and flooding, and to maintain the ecological integrity of receiving waters.

LID involves preserving and/or designing natural hydrologic features into site plans of new and redevelopment projects with the intent of maintaining the site’s natural hydrology as much as possible. By minimizing the creation of impervious surfaces, promoting pervious pavement systems, and detaining, retaining, and reusing stormwater runoff as close to the source as possible, LID mitigates or reduces flood risk and erosion to creek beds and banks; increases groundwater recharge and reduces the need for imported water, augmenting water supplies; and reduces pollutant discharges. LID site planning and design strategies and techniques can also be incorporated into transportation projects (i.e., green street projects) reducing concentrations of metals and petroleum hydrocarbons associated with existing road and highway runoff, and mitigating the hydrological impacts from one of the largest single impervious surface features in an urban environment.

LID meets the goals of Proposition 84’s IRWM Grant Program, which is to advance water use efficiency, reduce the demand on stormwater systems, increase freshwater supply, improve water quality, and practice water stewardship by recharging groundwater and restoring aquatic ecosystems. In particular, LID meets the goal of Public Resources Code Section 75026(a) to make funding available for projects that are consistent with an adopted integrated regional water management plan, that provide multiple benefits, and that include one or more of the following project elements:

- (1) Water supply reliability, water conservation and water use efficiency.
- (2) Storm water capture, storage, clean-up, treatment, and management....
- (5) Groundwater recharge and management projects....
- (7) Water banking, exchange, reclamation and improvement of water quality.
- (8) Planning and implementation of multipurpose flood management programs.
- (9) Watershed protection and management....
- (11) Ecosystem and fisheries restoration and protection.

LID similarly meets the goals of Proposition 1E’s Stormwater-Flood Management Program,<sup>2</sup> including its preferential treatment to projects that reduce flood damages “provides multiple benefits, including, but not limited to, water quality improvements, ecosystem benefits, reduction of instream erosion and sedimentation, and groundwater recharge.” (Public Resources Code § 5096.827.2 [b][2])

Support has been growing for the use of LID to prevent stormwater pollution and flooding impacts. The California Ocean Protection Council (OPC) recently passed a resolution specifically finding that “LID is a practicable and superior approach” to stormwater management. The OPC resolved “to promote the policy that new developments and redevelopments should

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<sup>2</sup> See Public Resources Code Section 5096.827, making \$300 million available for stormwater flood management projects that, among other things, “[a]re designed to manage stormwater runoff to reduce flood damage and where feasible, provide other benefits, including groundwater recharge, water quality improvement, and ecosystem restoration.”

be designed consistent with LID principles,” and to “promote the retrofit of existing impervious areas throughout California with LID in all appropriate circumstances.”<sup>3</sup> The OPC, established by the California Ocean Protection Act in 2004, is assigned the responsibility to coordinate and improve the protection and management of California’s ocean and coastal resources.

The OPC adopted the following language in their May 2008 LID resolution, which specifically encourages DWR to provide incentives for LID implementation in DWR’s IRWM and Stormwater-Flood Management funding programs:

*Section 1e: Department of Water Resources* – The Department of Water Resources (DWR) is encouraged to provide incentives for LID implementation and habitat protection goals in its integrated regional water management (IRWM) and stormwater flood management funding programs to encourage watershed resource protection. The OPC encourages DWR to adopt language to include the fostering of LID as a Program Priority in their draft IRWM guidelines.

We support the OPC’S LID resolution as it pertains to the role of DWR as described above. The future water quality improvement successes of IRWM projects funded by Proposition 84, and stormwater-flood management projects funded through Proposition 1E, depend on support for LID as a key stormwater management strategy. DWR is in a unique position to lead the state in this area by including LID as a Funding Preference and a Program Priority in the Draft Guidelines for Proposition 1E and Proposition 84 funding related to stormwater. We urge your support for these initiatives.

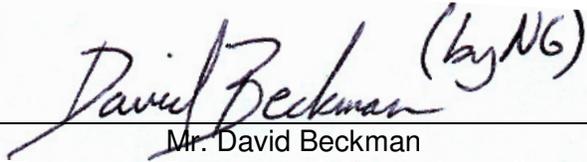
Thank you for DWR’s work on the Task Force and its leadership in fostering innovative and timely solutions to California’s stormwater management challenges.

Best regards,

Storm Water Advisory Task Force Members  
(Signatures on following page)

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<sup>3</sup> Resolution of the Ocean Protection Council Regarding Low Impact Development, May 15, 2008, as amended.



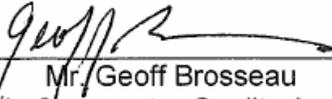
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Mr. David Beckman  
Natural Resources Defense Council



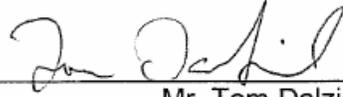
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Mr. Drew Bohan  
Ocean Protection Council



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Mr. Geoff Brosseau  
California Stormwater Quality Association



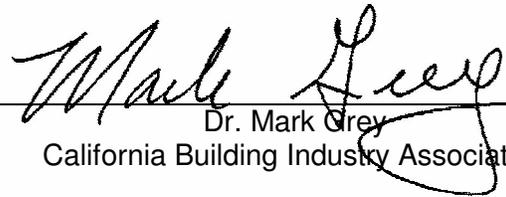
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Mr. Tom Dalziel  
Contra Costa Clean Water Program



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Dr. Mark Gold  
Heal the Bay



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Dr. Mark Grey  
California Building Industry Association



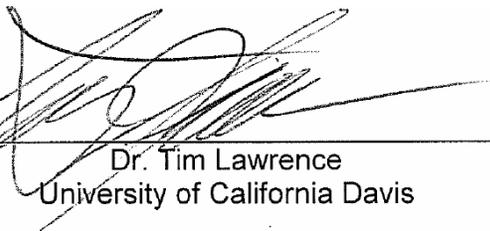
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Ms. Lillian Kawasaki  
Water Replenishment District of Southern California



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Ms. Mary Lee Knecht  
Sacramento River Watershed Program



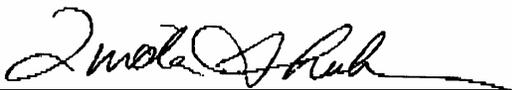
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Dr. Tim Lawrence  
University of California Davis



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Mr. Scott McGowen  
Caltrans



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Ms. Linda Sheehan  
California Coastkeeper Alliance



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Mr. Jon Van Rhyn  
County of San Diego



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Mr. Al Wanger  
California Coastal Commission

cc. Ms. Linda Adams, Secretary  
California Environmental Protection Agency  
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Ms. Tracie Billington  
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Mr. Drew Bohan, Executive Policy Officer  
Ocean Protection Council  
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Sacramento, CA 95814

Mr. John Chiang, State Controller  
California State Controller's Office  
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Mr. Mike Chrisman, Secretary  
California Resources Agency  
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Sacramento, CA 95814

Ms. Tam Doduc, Chair  
State Water Resources Control Board  
1001 I Street, 25<sup>th</sup> Floor  
Sacramento, CA 95814

Assembly Committee on Natural Resources  
Attention: Assemblymember Loni Hancock, Chair  
1020 N Street, Room 164  
Sacramento, CA 95814

Mr. John Laird, Assembly Member  
27<sup>th</sup> Assembly District  
701 Ocean Street  
Room 318-B  
Santa Cruz, CA 95060

Ms. Dorothy Rice, Executive Director  
State Water Resources Control Board  
1001 I Street, 25<sup>th</sup> Floor  
Sacramento, CA 95814

Senate Committee on Natural Resources and Water  
Attention: Senator Darrel Steinberg, Chair  
State Capitol, Room 4035  
Sacramento, CA 95814