

<b>Log of Comments</b>						
<b>Lake County Watershed Conservation District Service Review: Internal Review Draft</b>						
<b>Comment #</b>	<b>Commenter/Agency</b>	<b>Date</b>	<b>Page Section</b>	<b>Comment</b>	<b>Response</b>	
<b>MSR COMMITTEE COMMENTS ON DOCUMENT</b>						
1	MSR Committee	2/19/2014	p. 2 - 2nd paragraph	Altered order of commissioners.	No change.	
2	MSR Committee	2/19/2014	p. 3 - 1st paragraph	"The District Board of Directors' has been added.	Added.	
3	MSR Committee	2/19/2014	p. 3 - 5th paragraph	Paragraph has been added.	Added.	
4	MSR Committee	2/19/2014	p. 3	The following paragraph has been deleted: "Thank you to the MSR Committee for your hours of effort and research, as well as extensive time spent at meetings and reviewing the draft report. The Committee consisted of the following individuals."	No change.	
5	MSR Committee	2/19/2014	p. 4 - 2.1 subtitle	Title has been changed to 'Lake County's <i>Regional Water Supply Services</i> '.	No change.	
6	MSR Committee	2/19/2014	p. 4	Recommend adding content on the Eel River, Upper Cache Creek, and Upper Putah Creek Watersheds, as well as Lake County's Local Water Services and Socio-Economic Setting	Added content on the watersheds.	
7	MSR Committee	2/19/2014	p. 6 - 1st paragraph	Paragraph has been deleted.	No change.	
8	MSR Committee	2/19/2014	p. 6 - 2nd & 3rd paragraphs	Paragraphs have been added.	Content added to the degree possible based on existing content outline.	
9	MSR Committee	2/19/2014	p. 6	The following paragraph has been deleted: "The boundaries of Lake County are a logical description of a region, as the County boundaries are essentially the watershed boundaries for the headwaters of the Eel River, Cache Creek and Putah Creek. Cache Creek water has been fully appropriated and Putah Creek water has been adjudicated, limiting options available for water supply development. Because a majority of surface water rights have been granted to out-of-County interests, local water use is primarily from groundwater basins that are fully contained within the County."	This describes the extent of water supply available within the County. No change made.	
10	MSR Committee	2/19/2014	p. 8 - 1st paragraph	'Shoreline impairments' has been inserted.	Added.	
11	MSR Committee	2/19/2014	p. 10 - 4th paragraph	'Clean Lakes Implementation Plan' has been highlighted.	No change.	
12	MSR Committee	2/19/2014	p. 11 - 5th paragraph	The Following sentences have been delete: 'developing and managing domestic water supplies and' and 'and storm'.	Added conserving.	
13	MSR Committee	2/19/2014	p. 12 - 1st paragraph	'Impose and collect fees' has been highlighted.	No change.	
14	MSR Committee	2/19/2014	p. 12	Paragraphs 6, 7 and 8 have been added.	The LAFCo approved bounds of the District do not exclude any areas within the County. The District's "service area" may differ from its bounds; however, that does not change the legal description of the agencies bounds. This section is correct as stated. No change. History of District's formation already discussed in previous section. No new content added.	
15	MSR Committee	2/19/2014	p. 13	All paragraphs have been added.	Content on codes added.	
16	MSR Committee	2/19/2014	p. 14	Paragraphs 1 and 2 have been delete.	Content added to governing body description. No deletions made.	
17	MSR Committee	2/19/2014	p. 14	Paragraphs 3 through 8 have been added.	Content on RMC added.	
19	MSR Committee	2/19/2014	p. 17 - 2nd paragraph	Bullet point ' Westside Integrated Regional Water Management Plan (2013)' has been added.	Added.	
<b>MSR COMMITTEE NUMBERED COMMENTS</b>						
20	MSR Committee	2/27/2014	p. 3 -1st paragraph	"Determinations" become "findings" but "findings" are not "proposals." They are "recommended" actions that would be "mandates" if they were legally binding.	All references have been changed to determinations for consistency.	
21	MSR Committee	2/27/2014	p. 3 - 4th paragraph	Please confirm if the District provided their determination to participate in the review in writing. If not, did the LAFCo EO provide a report to the Commission to that effect that is reflected in its minutes? Please confirm if applying to LAFCo doesn't not ensure certainty of exemption. There were several possibly conflicting government codes involved in the letter to Mr. De Leon and it appeared that the District was not exempt from those. In any case, please clarify if the Commission would have to make a decision itself.	\$56127 provides that an agency listed in Subsection (c) of 56036 may apply to LAFCo for a determination that is exempt from LAFCo control of protest proceedings. Such application must be made by resolution of the legislative body adopted prior to any application for a change of organization. \$56128 then sets forth the criteria for the Commission's making such determination. It says that the Commission shall find such an agency exempt unless it provides certain services. Those services include being a retail provider of water, wastewater treatment, solid waste, police or fire services, and highway maintenance or operation. Because the Lake County Watershed Protection District does not provide retail water to end users, nor any of the other services listed in \$56128, if an application were made by the District, the Commission would probably be required to find that the District is exempt from LAFCo and CKH protest procedures.	

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22	MSR Committee	2/27/2014	p. 4 - 5th paragraph	Add footnote with the following link: <a href="http://www.sacriver.org/aboutwatershed/roadmap/watersheds/westside/cache-creek-watershed">http://www.sacriver.org/aboutwatershed/roadmap/watersheds/westside/cache-creek-watershed</a> www.westsideirwm.com	Recommended content not added. No change.	
23	MSR Committee	2/27/2014	p. 4- 7th paragraph	Add footnote with the following link: <a href="http://www.sacriver.org/aboutwatershed/roadmap/watersheds/westside/putah-creek-watershed">http://www.sacriver.org/aboutwatershed/roadmap/watersheds/westside/putah-creek-watershed</a>	Recommended content not added. No change.	
24	MSR Committee	2/27/2014	p. 4- 7th paragraph	Add footnote excerpted from later draft paragraph: "Cache Creek water has been fully appropriated and Putah Creek water has been adjudicated, limiting options available for water supply development." Insert "surface" before "water supply development." Note that "surface water supply development" is a limitation potentially affecting groundwater recharge and storm water pollution prevention.	Added "surface" to clarify.	
25	MSR Committee	2/27/2014	p. 5 - 7th paragraph	Add footnote with the following links: (a) Proposed sales tax ordinance ( <a href="http://www.co.lake.ca.us">www.co.lake.ca.us</a> , posted link on "front page"). (b) Sacramento River Basin Plan Amendment for control of nutrients in Clear Lake (Resolution No. 2006-0060, CVRWQCB).	Added footnote to proposed ordinance.	
26	MSR Committee	2/27/2014	p. 5 - 8th paragraph	Add footnote with the link to "Causes & Control of Algal Blooms in Clear Lake." (Not available on County DWR website.)	Added footnote.	
27	MSR Committee	2/27/2014	p. 7 - 4th paragraph	Add footnote with the link to "Westside Integrated Regional Water Management Plan" (2013) - <a href="http://www.westsideirwm.com">www.westsideirwm.com</a> . The Committee disputes the County's assumed "authority" for groundwater management based on the "Lake County Groundwater Management Plan" (2006?), and challenged the language in the WIRWMP [provide quote and citation - follow up]. Also, check the reference to the GWMP cited in first paragraph.	Clarified that the District conducts groundwater management. No determination made whether the District is the "authority" for groundwater in the County.	
28	MSR Committee	2/27/2014	p. 8 - 2nd paragraph	This is not the main problem in the Upper Cache Creek watershed.	Noted.	
29	MSR Committee	2/27/2014	p. 8 - 5th paragraph	The Lake County Municipal Code Chapter 29, Stormwater Management (based on Ordinance No. 2772, 5-16-2006) states in the "Definitions" (Article Section 29-3) that "The Director of Community Development or such other department head designated by the Board" is responsible for enforcement of this chapter. The "Stormwater Management Agreement" found on the Lake County Clean Water Program web page states that the Flood Control & Water Conservation District is the program coordinator or the implementation of the NPDES stormwater management permit. [ <a href="http://www.co.lake.ca.us/Government/Directory/Water_Resources/cwp/documents.htm">http://www.co.lake.ca.us/Government/Directory/Water_Resources/cwp/documents.htm</a> ] This matter needs to be addressed in the Findings section.	It is already stated here that the District manages NPDES compliance. No change.	
30	MSR Committee	2/27/2014	p. 9 - 1st paragraph	See the previously cited web page - note that there are three elected officials or their designated voting members, staff from each of the co-permittees, and the "Chair" of the Advisory Council who is also "appointed" by the Board of Supervisors. This confusion needs to be addressed.	Clarified.	
31	MSR Committee	2/27/2014	p. 9 - 1st paragraph	This statement is not accurate. Recommendations to the Board of Supervisors -- ought to be the board of directors of the WPD anyway -- and city councils.	Recommendations are made to the co-permittees which are the land use agencies in the County - comprised of the County (Board of Supervisors) and the two cities. No change.	
32	MSR Committee	2/27/2014	p. 9 - 4th paragraph	This statement is not accurate either. Betsy Cawn is the volunteer work group coordinator for the last 2 minimum control measures, appointed by the Advisory Council in October, 2011. (This does not have to be stated, but it substantiates Ms. Cawn's assertion.)	Caveated that this may not be carried out presently.	
33	MSR Committee	2/27/2014	p. 10 - 4th paragraph	(a) Please clarify where the term "Clean Lakes Implementation Plan" came from and what actual document it refers to. (b) Please indicate where the recommendations have been incorporated into the area plans, and what has actually be implemented as a result.	<a href="http://www.water.ca.gov/floodmgmt/fpo/sgb/fpcp/prop13/proposals/4006_MiddleCreek/Clean_Lakes_Implementation_Plan.pdf">http://www.water.ca.gov/floodmgmt/fpo/sgb/fpcp/prop13/proposals/4006_MiddleCreek/Clean_Lakes_Implementation_Plan.pdf</a> No in scope of project. No change made.	
34	MSR Committee	2/27/2014	p. 11 - 1st paragraph	Please clarify who the 'District Staff' is.	District staff is described in more detail under management. No change made.	
35	MSR Committee	2/27/2014	p. 11 - 5th paragraph	Please note that Flood Control and Water Conservation District responsibilities do not include "development" and "management" of domestic water supplies. That is an added scope of work introduced in the Westside Integrated Regional Water Management Plan, the Ground Water Management Plan, and other planning documents produced by the Lake County Department of Water Resources. Please follow up (cite source definition -- see the next page of the draft, quoted Water Code language).	Development and management of domestic water supplies is a summary of powers as outlined in the District's Enabling Act, which states that the District is empowered to "develop waters within or without said district for domestic, irrigation, industrial, and recreational uses, and construct works therefor, including works for storage and delivery of water." California Water Code §62-5 Part 5. No change made.	
36	MSR Committee	2/27/2014	p. 12 - 1st paragraph	Please note that the terms "impose and collect fees" is a much narrower definition than is described in the legislation.	No change.	

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37	MSR Committee	2/27/2014	p. 14 - last paragraph	Please add the lack of public participation and disappearance of advisory inputs in Finding. Please add 'Balderdash' in footnote #13.	Added determination.
38	MSR Committee	2/27/2014	p. 15 - 3rd paragraph	Please indicate where this information from.	As reported by agency.
39	MSR Committee	2/27/2014	p. 16 - Management Section 3.4	Consider the following as Finding: Watershed Protection District would benefit from passage of a local enabling ordinance (and including updates of all other related ordinances as needed), as was implemented by the Ventura County Watershed Protection District (MSR Committee has copies of their ordinances if helpful).	Unable to make this determination at this time. No change made.
40	MSR Committee	2/27/2014	p. 16 - 2nd paragraph	Please note there is no "Deputy Director of Water Resources."	Clarified that position is vacant.
41	MSR Committee	2/27/2014	p. 16 - 2nd paragraph	Note the Director of the Department of Public Works is also the Director of the former Department of Water Resources and the manager of the Watershed Protection District (according to his original job description, circa 2010). The nomenclature is confusing. The former "Department of Public Works, Division of Water Resources" was separated officially in 2010 and named "Department of Water Resources" (rather than "Water Resources Department." After Scott was promoted to be Director of the Department of Public Works (1/4-time as Director of Department of Water Resources), the DWR was semi-officially dissolved and restored to its former reporting structure within DPW, but how this happened is not clear (have no documentation).	Clarified.
42	MSR Committee	2/27/2014	p. 16 - 2nd paragraph	This statement is not necessary. Note that tracking of funds in separate budget units does not prohibit administration of the individual budget units under a single management unit.	This statement is included for clarity that the funds would continue to be tracked separately even though the lakebed management functions will now be under the umbrella of the District. No change made.
43	MSR Committee	2/27/2014	p. 16 - 3rd paragraph	Please describe the organizational chart of the Department of Water Resources.	Added.
44	MSR Committee	2/27/2014	p. 16 - 3rd paragraph	Please note there is no "Deputy Director of Water Resources" (see previous nomenclature comments about "department"/"division" terminology). A "water resources engineer" is repeated twice, please confirm if there are there two or if there is a different title required in the second reference.	Clarified.
45	MSR Committee	2/27/2014	p. 16 - 3rd paragraph	"Sharing of resources" includes sharing of costs, which need to be identified in District budget units for which contractual agreements between the County of Lake and the District should be executed (annually).	Sharing of resources is identified to the extent necessary to make determinations. No additional content added.
46	MSR Committee	2/27/2014	p. 16 - 3rd paragraph	Consider lack of capacity for development of volunteer participation programs (and lack of support for CLAC) as Finding.	Determination added.
47	MSR Committee	2/27/2014	p. 16 - 5th paragraph	Should be pretty easy to determine program costs, in that case, for accountability.	Noted.
48	MSR Committee	2/27/2014	p. 17 - 3rd paragraph	Lack of clear financial reports occludes any reader's ability to understand what the District's resources, planning, performance, and capacity needs are.	Content already included in text. No change.
49	MSR Committee	2/27/2014	p. 17 - 3rd paragraph	If the information provided (already produced by the "department") to the Auditor-Controller for inclusion in the County's "Comprehensive Annual Financial Report" is reviewed separately, and a separate financial report is created from it, please indicate how much more costly it will be. How much is clarity and accountability worth?	It is recommended that the Board determine whether a separate audit is necessary. No change.
50	MSR Committee	2/27/2014	p. 17 - 4th paragraph	The Auditor-Controller's report of "1% Property Tax Revenues includes allocation of funds to "Flood General" (paid for by all property owners in flood zones -- including within the Cities of Clearlake and Lakeport). Legislative officials or their designated staff do not participate in distribution of these revenues for programs and projects benefiting incorporated area flood control and water conservation services. The following should be considered as a Finding: City officials and the WPD Board of Directors should be responsible for fair distribution of these revenues to include planning for compliance with NPDES permit and lakebed management authorities.	Outside of scope of this current review. To be considered for future review.
51	MSR Committee	2/27/2014	p. 18 - 5th paragraph	Please refer to the document Ms. Cawn produced for correction of the proposed tax ordinance approved by the BoS on January 28. Confusion of language contained in the proposed (and approved) ordinance reflects the confusion of the District management with Department of Water Resources "programs." [See email + PDFs sent to Anita Grant, et al, January 27, 2014.]	Proposed Measure L used as reference. No change made.
52	MSR Committee	2/27/2014	p. 21 - 2nd paragraph	Please provide a financial report that clearly shows District revenues, reserves, and expenditures.	Revenues and expenditures reported in the following table on page 22. Determinations include a recommendation for a clear summary of the District's funds in the budget and audit. No change made.
53	MSR Committee	2/27/2014	p. 22 - figure	Please include information from financial report in this table, as well.	Comment unclear as the table summarizes the District's revenues and expenditures as requested. No change made.
54	MSR Committee	2/27/2014	p. 23 - 4th paragraph	Provide clear explanations of each program and the ordinances, policies, plans, and permits driving each one. Rewrite this whole section (including tables on pages 24-25-26) based on available/unavailable content.	Services summarized to the extent possible within the scope of this project. A more detailed description could be considered in the next review. No change made.

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55	MSR Committee	2/27/2014	p. 27 - 1st paragraph	Section implies actual local collaboration occurs with the District, which is extremely limited. Add paragraph explaining prior obligations to implement existing policies and ordinances.	Relevance of implementing existing policies and ordinances with collaboration practices is unclear. No change made.	
56	MSR Committee	2/27/2014	p. 29 - Finding 1-3	See the descriptions of ordinances in previous additions. Clarify the "LCWPD plans and objectives" and the "land use planning policies and documents".	LCWPD plans are discussed in the Management section of this document. Land use planning policies and documents are discussed in the Growth section. No change made.	
57	MSR Committee	2/27/2014	p. 29 - Finding 1-4	Note that the District's operations are mandated by federal, state, and local regulatory instruments. Additional services defined by local "demand" are optional to meeting the requirements of the legal structures in place. This description implies that the District is operating on the basis of "popular" pressure, which it does appear to be doing, rather than prioritizing operations based on analysis of resources to meet regulatory requirements.	Clarified.	
58	MSR Committee	2/27/2014	p. 30 - Finding 3-1	"Limited financing for lakebed management services" is the consequence of District management neglect for developing authorized legal revenue sources and inadequate capacity for obtaining available state and federal funds to meet prioritized regulatory requirements. Lakebed management for private property owners' benefit is not a legitimate use of public funding; where the necessity for abating non-native weeds is deemed a requirement by local government, the compensation for delivery of services is provided by public funds that supplement insufficient fees from shoreline property owners and supporting businesses.	Due to the elimination of County general fund monies to supplement lakebed activities, as discussed in the Financing section, and the spending down of reserves in the Lakebed Management funds, it is apparent that an additional funding source is necessary.	
59	MSR Committee	2/27/2014	p. 30 - Finding 3-2	Please provide the documentation sources for these statements. "Based on the breadth and quality of services provided," is questionable in light of the District's minimal management of the NPDES storm water permit coordination, coordination of planned annual lakebed management processes that omit public notification or optional notification processes, almost zero "outreach and coordination with stakeholder groups," and a very bad "invasive mussel prevention" program implementation process.	Determinations are made by the author based on analysis of various indicators of service levels/adequacy, capacity etc. The chosen indicators are generally listed where appropriate. Recommended improvements to service are listed. No change.	
60	MSR Committee	2/27/2014	p. 30 - Finding 3-3	Note: the "LCWPD" is not a "well-managed agency." As a structured district with policies, procedures, contracts for services, financial reporting that is accountable for revenues, reserves, and expenses compared with program objectives and regulatory compliance measures, no "agency" exists. Functions performed by the Department of Public Works, Division of Water Resources, such as floodplain and stormwater management, lakebed management, and invasive species programs are funded in part by property tax ("1%") revenues paid by parcel owners in the Cities, for which no County flood control management services are provided. Spending of administrative funds that coordinate with the Cities on all related issues is invisible. Consider saying that the County staff and contracted services fulfilling the previous definition of the California Water Code Chapter 62 and State Lands Commission legislation of 1973 are performed adequately, given the lack of needed management resources. The Westside Integrated Regional Water Management Plan (2013), the cited documentation used by the LCWPD to substantiate its capacities are not adequate to support that claim. Clarify what the District's strategic plan is.	The author made these determinations based on the list of chosen indicators of "well managed" listed in the determination. Areas in need of improvement are also listed. Added that the District could improve upon assessing its success in meeting program objectives. Please note the District does not have a strategic plan, that is why it is recommended that the District develop one here.	
61	MSR Committee	2/27/2014	p. 30 - Finding 3-4	The physical area of the "Small Municipal Separate Storm Sewer System" operational area includes all drainage conveyances in a yet-to-be-defined boundary encompassing all flows entering the "receiving water body" (Clear Lake). This is a N.P.D.E.S. permit compliance issue; unknown status of negotiations with C.V.R.W.Q.C.B.	Noted.	
62	MSR Committee	2/27/2014	p. 30 - Section 4.4	Please indicate the basis of these findings. District does not have explanations of revenues, reserves, expenses, and project/program results to measure the "financial ability" and District does not have project/program goals and objectives to use for determining cost efficiencies.	Revenues and expenditures are reported in the financing section for each budget unit and summarized for the entire district. Typical of other MSRs, the agency is heavily relied upon to indicate whether financing is adequate or adequate to provide services in conjunction with author analysis.	
63	MSR Committee	2/27/2014	p. 30 - Finding 4-1	"Historical lakebed management service levels" do have a reliable, continuous revenue stream" from permits, leases, and fees (compliant with the State Lands Commission authorized remuneration scheme described in the 1973 legislation, Chapter 639 of the Statutes). Like several permit revenue generators for public service (cost of planning review of a major use permit is only about \$400, for example), the cost of service has not been codified to include annual increases to keep up with actual costs.	Due to the elimination of County general fund monies to supplement lakebed activities, as discussed in the Financing section, and the spending down of reserves in the Lakebed Management funds, it is apparent that an additional funding source is necessary. Clarified that this would be an additional funding source.	
64	MSR Committee	2/27/2014	p. 30 - Finding 4-3	The District should provide a separate annual audit for ease of everyone's understanding -- especially its board of directors.	Stated in Determination 4-5. No change.	

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65	MSR Committee	2/27/2014	p. 31 - Finding 4-4	Please note: if "administration" is a cost for District management, it should be included in the budget, audit, and annual report.	As stated in the text of the document, there is a concern that the District is double counting revenues and expenditures associated with administration. For clarity it is recommended that the District assess this practice to ensure it is accurately reporting its resources to the public. No change made.
66	MSR Committee	2/27/2014	p. 31 - Finding 4-5	See comments 45 and 46, above. The District is largely funded by public monies; transparency and accountability are paramount.	Noted.
67	MSR Committee	2/27/2014	p. 31 - Finding 5-1	Clarify how "benefit from efficiencies" were identified and analyzed.	As reported by agency.
68	MSR Committee	2/27/2014	p. 31 - Finding 5-2	The "Resource Management Committee" is an existing body formed by the Lake County Board of Supervisors; two County Supervisors are assigned to it in 2014. The District would benefit from its operations to provide "enhanced collaboration among stakeholder agencies" and incorporation of other organizations and citizen participation as in the originally formed body created by memoranda of understanding in 1990 and forward. The District does need to "coordinate" the RMC process, and use its participants for accomplishing the District's strategic plan, when it has one.	Noted.
69	MSR Committee	2/27/2014	p. 31 - Finding 5-2	Note that teleconferencing and webinar technology is abundant.	Noted.
70	MSR Committee	2/27/2014	p. 31 - Finding 6-1	The first sentence is correct; however, the governing body seats for District operations are held by the same elected officials who serve as the Board of Supervisors, who have been charged with the District's proper operation since its inception in January, 2005, and who have allowed the District to operate at inadequate levels of service and accountability since that time. The governing body of the District should include representatives of the agencies that fund it and that should be receiving proportional shares of its services (i.e., the Cities of Clearlake and Lakeport). A "clear list" of all services provided by the District must include more than just the name of a project/program/service. Identification of each is the purpose of a strategic plan and governance policy guideline. The District's website should be updated following structural organization of its functions, funding, accountability, and prioritized programs are defined. See previous comment. (Website for the Ventura County Watershed Protection District is an excellent model that could be easily copied for this purpose.) See comments about budget, audit, and annual report in items 45, 46, and 47, above.	Option for a different governing body discussed in Determination 6-3. No change. Clarified what a "clear list" would entail. Added content that should be included on the District's website.
71	MSR Committee	2/27/2014	p. 31 - Finding 6-2	Further study of all of the elements of District management as cited above and exploration of the appropriate board of directors is strongly warranted. See the report from Napa LAFCo on the success of the multi-agency governance of the successful sales tax initiative that provided funding for the Napa River Restoration Project. All jurisdictions that participated were direct recipients of the benefit resulting from flood protection, improving real property values and property tax revenues as a consequence.	Similar to Determination 6-3. No change.
72	MSR Committee	2/27/2014	p. 33 - Section 5	Evaluation of actual District service capacities, defined areas of required services for state permit compliance, possible "growth" areas that are appropriate to include in the Sphere of Influence and analysis of unfunded costs to accomplish that desired growth must be included in the MSR so that the SOI can be congruent with its determinations.	Any issues not addressed in the MSR that are essential to updating the District's SOI will be addressed in the SOI Report.
73	MSR Committee	2/27/2014	p. 35 - section 6.2	References will need to be modified for the final draft; must be completed to include documents not available or referenced in the MSR text as supporting claims and determinations (where such claims and determinations are not supported by referenced documentation).	References will be finalized in final adopted report.
<b>MSR COMMITTEE META-COMMENTS</b>					
74	MSR Committee	2/27/2014		The MSR appears to describe a District that has no defined structure, but that has been operating for nine years on the basis of previous statutory code and local ordinances without establishing policies, organization, staffing requirements, budgets and annual audit reports, program effectiveness measurements, and responsibilities for legal compliance with new regulatory requirements for which the original enabling act was modified in 2004 (i.e., Chapter 62 of the California Water Code as amended by SB 1136).	Recommendations for improved services that relate to these concerns are made in determinations 3-2, 3-3, 3-4, 4-1, 4-3, 4-5, 5-2, 6-1, 6-2, and 6-3. No changes made.
75	MSR Committee	2/27/2014		Because of new requirements imposed in the state's water quality permitting process (under Water Quality Order 2013-0001-DWQ and others), the District must identify its resource allocations for compliance (annual budget).	Noted.

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76	MSR Committee	2/27/2014		<p>A significant compliance decision currently under consideration by the Central Valley Regional Water Quality Control Board is exactly what land area constitutes the regulated "Small Municipal Separate Storm Sewer System (MS4)" surrounding the designated "receiving water body" (Clear Lake) and exactly what type of monitoring will be required to demonstrate compliance with a companion regulation issued in 2006 by the CVRWQCB (Resolution No. 2006-0060) for control of nutrients in Clear Lake (TMDL).</p> <p>The established TMDL for control of nutrients as found by the CVRWQCB Resolution identifies the "Responsible Parties" whose portions of the prohibited "waste load allocations" comprise the greater bulk of the nutrient load that enters the receiving water body through the MS4. Neither the implementing agency (Lake County Watershed Protection District and the three "co-permittees" -- County of Lake, City of Clearlake, and City of Lakeport) nor the state regulatory agency (State Water Resources Control Board, Central Valley Regional Water Quality Control Board) have authority to enforce the requirements for nutrient load reduction in either federal lands or local "irrigated" agricultural lands. The federal land owners have different compliance requirements than the local "irrigated lands" agricultural land owners, but are collectively responsible for meeting the CVRWQCB allocation reduction requirements. The mapping of the effective implementation area for District services to meet water quality mandates is not settled between the state agencies and the co-permittees at this time. Relieving the Watershed Protection District and the co-permittees from responsibility for ensuring waste load reductions deriving from lands out of their control would clearly ascribe the District's scope of work and funding requirements.</p>	Status of this to be confirmed by District.
77	MSR Committee	2/27/2014		<p>A local enabling ordinance defining the Watershed Protection District policies, services, resources, management structure, and statutory regulations under its authority is needed. The existing ordinances (as Lake County Municipal Code Chapters) that require updating to provide consistency with a new District ordinance include but are not limited to:</p> <ul style="list-style-type: none"> <li>a. Chapter 25 - Floodplain Management</li> <li>b. Chapter 23 - Shoreline Protection</li> <li>c. Chapter 29 - Stormwater Management</li> <li>d. Chapter 15 - Recreation; Article IX - Water Vessel Inspection Program</li> <li>e. Chapter 28 - Groundwater</li> </ul> <p>In addition, parts of the Grading Ordinance and the Zoning Ordinance may need to reflect changes in Watershed Protection District ordinances.</p> <p>Review of all relevant ordinances relating to implementation of the NPDES storm water management permit is a requirement of the Water Quality Order 2013-0001-DWQ, currently in "year one" of its five-year regulatory cycle. Inasmuch as that task is a responsibility of the Watershed Protection District anyway, double duty would be achieved by the conduct of that updating review.</p>	Option for a new ordinance discussed in Determination 6-4.
78	MSR Committee	2/27/2014		<p>The District's responsibilities for flood control and water conservation, lakebed management, and oversight of groundwater supplies and surface water quality must be integrated into emergency response and natural hazard mitigation plans, just as all local plans (water districts, fire protection districts, municipalities, etc.) need to include elements addressing environmental hazards and response plans for maintenance of critical public health and safety services.</p>	Noted.
79	MSR Committee	2/27/2014		<p>Responsibilities for coordination of District programs are identified in at least one of the job descriptions provided by the Department of Water Resources (which is now the Department of Public Works, Division of Water Resources, as it was prior to 2010). The need for a separate "director" (as Deputy Director of the DPW/DWR cited in the draft) was identified in the 2013-2014 Annual Budget for the County of Lake, adopted in August 2013. No job description has been provided to enable recruiting for the position; the Human Resources Department has not identified a deadline for that task.</p>	As reported in the document, the Deputy Director position is presently vacant. No change made.
80	MSR Committee	2/27/2014		<p>When the complete set of information resources is available, the draft should be revised to reflect actual District capacities, needs, and recommendations to achieve the defined responsibilities with a set of "SMART" goals for getting there. Development of the District's "Strategic Plan" is essential to understanding its management objectives, available/needed resources, and prioritization of resource allocations.</p>	The MSR outlines areas in which the District is in need of improvement. It is the District's responsibility to implement these recommendations in the manner chosen by the agency.
<b>COUNTY COMMENTS</b>					
81	Lake County	4/9/2014	p. 4 - 1st paragraph	Population is 'approximately 64,000', not 58,000.	Corrected.
82	Lake County	4/9/2014	p. 4 - 1st paragraph	The following sentence has been deleted: 'Recent rapid growth, especially in the southern portion of the County, has been due to an influx of commuters, retirees, and second homes.'	Deleted.



**Log of Comments**

**Lake County Watershed Conservation District Service Review: Internal Review Draft**

Comment #	Commenter/Agency	Date	Page Section	Comment	Response
83	Lake County	4/9/2014	p. 4 - 2nd paragraph	Please consider writing more about water supply in this section.	This section is intended to give a very general idea of the sources of water in the County. No change made.
84	Lake County	4/9/2014	p. 4 - 7th paragraph	The following sentence was deleted: 'a widespread, noxious, and persistent algal bloom occurred during the summer of 2009' and replaced with 'aquatic weeds and algal blooms are still a common problem during the hottest period of the year'. This point needs to be clarified in this context.	Clarified.
85	Lake County	4/9/2014	p. 5 - 2nd paragraph	Corrected spelling of 'Callayomi'.	Corrected.
86	Lake County	4/9/2014	p. 8 - 2nd paragraph	Correction: Lake County's population has not slowed but 'has remained relatively steady over the past five years'.	Clarified.
87	Lake County	4/9/2014	p. 8 - 2nd paragraph	Correction: Clearlake's population has not declined between 2010 and 2013, but 'has remained flat in the last several years'	Population has declined slightly. No change made.
88	Lake County	4/9/2014	p. 8 - 2nd paragraph	Correction: the City of Lakeport is 'now the only jurisdiction with a decline in population to below 2000 levels	Clarified.
89	Lake County	4/9/2014	p. 8 - 2nd paragraph	Correction: 'Population growth throughout Lake County has slowed significantly, consistent with overall state and national trends' instead of 'most likely will not rebound until the housing market revives'	Added text.
90	Lake County	4/9/2014	p. 8 - 4th paragraph	The following sentence has been deleted: 'Findings from these plans were incorporated into the Lake County General Plan'	Deleted.
91	Lake County	4/9/2014	p. 9 - 4th paragraph	Please explain why the DWR cannot identify disadvantaged communities.	As mentioned in the text, the DWR data can identify larger disadvantaged communities, but not smaller communities that have 12 or more registered voters as defined for LAFCOs in Government Code Section 56046. No change.
92	Lake County	4/9/2014	p. 10 - 7th paragraph	The following sentence has been deleted: 'items are heard and considered by the Board of Supervisors, the Board adjourns and reconvenes as the Board of Directors of LCWPD.	Clarified.
93	Lake County	4/9/2014	p. 11 - 1st paragraph	The following sentence has been deleted: 'The Board had discretion to appoint between 7 and 23 members from nine local and state agencies and organizations to the committee. All Board appointments were for a two-year period. The committee was designed to meet monthly, alternating between Lakeport and Clearlake locations.	This section gives some background on the committee. No change made.
94	Lake County	4/9/2014	p. 12 - 1st paragraph	Please confirm if this is accurate: 'Until recently, the Water Resources Department managed district services and what is referred to as Lakebed Management as separate functions.'	Rephrased.
95	Lake County (Scott De Leon)	4/9/2014	p. 12 - 1st paragraph	Added 2nd paragraph on page 12. 'The District was administered as a part of the County...'	Incorporated.
96	Lake County	4/9/2014	p. 12 - 3rd paragraph	Note that the Deputy Resource Director position is vacant.	Clarified.
97	Lake County	4/9/2014	p. 12 - 3rd paragraph	Deleted 'water resources engineer'	Deleted.
98	Lake County	4/9/2014	p. 12 - 4th paragraph	Added the following sentence: ' Provides fiscal and auditing support'	Added text.
99	Lake County	4/9/2014	p. 13 - 3rd paragraph	Confirm if the statement 'Overall functions of the District are not regularly reviewed or evaluated on a regular basis by an outside agency' is true.	Clarified that the District does not regularly evaluate its own performance. While not required, it is a recommended practice of professionally staffed agencies. No change.
100	Lake County (Scott De Leon)	4/9/2014	p. 13 - 3rd paragraph	Please add 'the District also sends an Annual Financial Report to the State Lands Commission' right after the second sentence.	Added text.
101	Lake County (Scott De Leon)	4/9/2014	p. 13 - 3rd paragraph	Consider changing the language in the sentence regarding benchmarking. . County states that it's not statutorily required. They collaborate with other similar service providers through our participation with the County Engineers Association of California (CEAC) and our partnership with the Westside Group'	While not required, it is a recommended practice of professionally staffed agencies to conduct evaluations and remain informed of best management practices. No change.
102	Lake County	4/9/2014	p. 13 - 5th paragraph	The Lake County Redevelopment Agency' has been deleted.	Deleted.
103	Lake County (Scott De Leon)	4/9/2014	p. 14 - 1st paragraph	Department of Public Works has been replaced with Department of Water Resources.	Corrected.
104	Lake County	4/9/2014	p. 15 - 1st paragraph	Please confirm if the contributions from the County's general fund were not available for Fys 12-13 and 13-14.	Clarified.
105	Lake County (Scott De Leon)	4/9/2014	p. 15 - 1st paragraph	Consider revising the sentence: 'The District is searching for additional financing sources and as a result the Board of Supervisors has placed a ½ cent sales tax measure on the June 2014 ballot.' Remove reference to Mr. De Leon's email to Ms. Cawn on July 3, 2013.	Revised.

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106	Lake County	4/9/2014	p. 17 - 1st paragraph	The following part has been deleted: 'Because revenues reported into this fund are from other budget units, these funds may be more appropriately tracked as a transfer, as opposed to revenues. Because these charges for services are categorized as revenues and the related expenditures are further itemized within this budget unit, the funds are considered additional revenues and expenditures to the District when reporting totals. As an accounting mechanism, this strategy is a common practice. However, when reporting aggregates for the purposes of the audited financial statement and the State Controller's Office, it may be appropriate to exclude the revenues and expenditures attributed to this budget unit in order to clearly depict actual district resources for the public.'	The County has not provided evidence to the contrary and the "double counting" of revenues and expenditures as a result of the County's accounting practices continues to be a concern. No change made.
107	Lake County	4/9/2014	p. 24 - 4th paragraph	'At present' changed with 'Due to the current extreme drought conditions'.	Changed.
108	Lake County	4/9/2014	p. 25 - Finding 1-2	Note that 'Until the housing market revives' has been replaced with 'significantly for some time'. Also, the Department of Finance projects approximately one-percent annual growth through 2050 and not 47%.	Clarified.
109	Lake County	4/9/2014	p. 25 - Finding 2-1	Discrepancy between this finding and content of document	Add additional finding to clarify that "There may be additional smaller communities that meet LAFCOs definition of a disadvantaged unincorporated community, which were not identifiable with the Department of Water Resources' data."
110	Lake County	4/9/2014	p. 27 - Finding 4-4	Deleted.	No change.
111	Lake County	4/9/2014	p. 27 - Finding 4-5	Note that a separate audit will not really enhance transparency or accountability. County suggests a better summary of the Bus in the County budget.	Added text.