

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER RIGHTS
JANUARY 19, 2016**

ITEM 5

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND AND INCREASE AGREEMENT NO. 12-114-300 BETWEEN THE STATE WATER BOARD AND THE DELTA STEWARDSHIP COUNCIL RELATED TO PLANNING TO PROTECT PUBLIC TRUST RESOURCES IN THE BAY-DELTA AND ITS TRIBUTARIES

DISCUSSION

The State Water Board is in the process of developing and implementing amendments to the 2006 Bay-Delta Water Quality Control Plan (Bay-Delta Plan) and flow objectives for priority tributaries to the Delta to protect beneficial uses in the Bay-Delta watershed (collectively Bay-Delta planning and implementation efforts). Phase 1 of this work involves amending San Joaquin River flow and southern Delta water quality requirements included in the Bay-Delta Plan. Phase 2 involves other comprehensive changes to the Bay-Delta Plan to protect beneficial uses. Phase 3 involves water right proceedings and other actions to implement the Bay-Delta Plan as amended in Phases 1 and 2. Phase 4 involves developing and implementing flow objectives for priority Delta tributaries in coordination with the Bay-Delta Plan amendment process. The Governor's Fiscal Year 2015-16 budget includes additional personnel and contract resources of \$5 million a year to conduct the Bay-Delta Plan update process and implement actions necessary to protect Bay-Delta beneficial uses and the public trust.

The State Water Board is working directly with the Delta Stewardship Council's Delta Science Program (DSP) to obtain technical expertise, including recommendations, expert technical opinions, expert technical review, findings, and constructive feedback to inform the State Water Board's Bay-Delta work through Agreement No. 12-114-300. Under this contract, the DSP is assisting the State Water Board with a variety of tasks needed to complete the four phases described above. The DSP is also performing other professional services normally and logically associated with providing technical expertise, including but not limited to: (1) participation in meetings with State Water Board staff or members; (2) providing technical experts for workshops or panels established to inform the State Water Board and its stakeholders on topics related to the Bay-Delta; (3) assistance in organizing and facilitating consultations with technical experts to discuss technical information; and (4) assistance directly or indirectly in the preparation of technical documents that support the Bay-Delta efforts.

This resolution will provide authority to extend the agreement for five additional years and to amend the agreement to add up to \$1 million to the contract to complete needed Bay-Delta planning and implementation work.

POLICY ISSUE

Should the State Water Board authorize the Executive Director or designee to authorize funding of an additional \$1 million under Agreement No. 12-114-300 for environmental and other documentation to support Phases 1, 2, 3, and 4, and to extend the terms of the agreement to five years?

FISCAL IMPACT

This activity is budgeted within existing resources, and no additional fiscal demands will occur as a result of approving this item.

REGIONAL BOARD IMPACT

None

STAFF RECOMMENDATION

Staff recommends the State Water Board adopt the proposed Order.

<p>State Water Board action on this item will assist the Water Boards in reaching Goal 4 of the Strategic Plan Update: 2008-2012: Comprehensively address water quality, and describe the connections between water quality, water quantity, and climate change, throughout California's water planning processes.</p>
--

DRAFT

STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2016-

AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND AND INCREASE AGREEMENT NO. 12-114-300 BETWEEN THE STATE WATER BOARD AND THE DELTA STEWARDSHIP COUNCIL RELATED TO PLANNING TO PROTECT PUBLIC TRUST RESOURCES IN THE BAY-DELTA AND ITS TRIBUTARIES

WHEREAS:

1. On June 28, 2013, the Executive Director, under delegated authority, entered into Agreement No. 12-114-300 with the Delta Stewardship Council's Delta Science Program (DSP). Pursuant to the agreement, the DSP provides the State Water Resources Control Board (State Water Board) with technical assistance on a variety of tasks needed to develop and implement amendments to the 2006 Bay-Delta Water Quality Control Plan (Bay-Delta Plan) and flow objectives for priority tributaries to the Delta to protect beneficial uses in the Bay-Delta watershed (referred to collectively as Bay-Delta planning and implementation efforts).
2. The State Water Board is responsible for the regulation of activities and factors that may affect the quality of the waters of the state (Wat. Code, §§ 13000, 13001). Under this authority, the State Water Board is in the process of conducting Bay-Delta planning and implementation efforts. Phase 1 of this work involves updating San Joaquin River flow and southern Delta salinity objectives included in the Bay-Delta Plan. Phase 2 involves other comprehensive changes to the Bay-Delta Plan to protect beneficial uses. Phase 3 involves water right proceedings and other actions to implement the Bay-Delta Plan as amended in Phases 1 and 2. Phase 4 involves developing and implementing flow objectives for priority Delta tributaries in coordination with Phases 1 through 3.
3. To meet the requirements of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.), the Porter-Cologne Water Quality Control Act (Wat. Code, § 13000 et seq.), and other applicable requirements, the State Water Board will prepare environmental and other documentation to evaluate the effects of new or revised requirements that may be proposed during each phase of the Bay-Delta planning and implementation efforts.
4. The 2015-16 Budget Act provided the State Water Board with \$5 million in General Funds each year to complete the comprehensive update process of the Bay-Delta Plan.
5. Additional time (up to five years and three months, or until June 30, 2021) and additional funding of up to \$1,000,000 may be needed to accomplish additional tasks under the scope of the agreement. Authorizing the Executive Director to extend the contract's term and add additional funding will allow this agreement to continue to support the State Water Board's activities.

DRAFT

6. State Water Board [Resolution No. 2015-0022](#) delegated authority to the Executive Director, Chief Deputy Director, or the Deputy Director of the Division of Administrative Services to execute non-controversial contracts, interagency agreements and amendments involving no more than \$750,000 or three years in duration. Since the proposed amendment to State Water Board Agreement No. 12-114-300 involves more than the amounts and durations listed in Resolution 2015-2022, amending the agreement requires State Water Board authorization.

THEREFORE BE IT RESOLVED THAT:

The State Water Board authorizes the Executive Director or designee to execute an amendment to Agreement No. 12-114-300 with the Delta Stewardship Council's Delta Science Program that authorizes additional expenditures of up to \$1 million and extends the terms of the agreement by five years and three months (until June 30, 2021), and to perform all acts and to do all things necessary and convenient to implement such amendment, provided that the contract funds encumbered are expended in accordance with Government Code Section 16304.

CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on January 19, 2016.

Jeanine Townsend
Clerk to the Board