



ACTION ITEM

Approval of an Interagency Agreement with the State Water Resources Control Board

Summary: Council staff recommend that the Council approve a new Interagency Agreement with the State Water Resources Control Board (Water Board) in the amount of \$500,000, with an end date of March 31, 2023. This agreement would allow the Council to provide the Water Board with independent scientific peer review, advice, and workshops that inform urgent and vital Bay-Delta planning efforts.

REQUESTED ACTION

Council staff recommend that the Council approve a new Interagency Agreement with the Water Board in the amount of \$500,000, through March 31, 2023. This agreement will allow the Council to provide the Water Board with independent scientific peer reviews, advisory panels, and workshops to support the Water Board as it updates and implements the Water Quality Control Plan for the San Francisco Bay/Sacramento–San Joaquin Delta Estuary¹.

The Executive Officer has delegated authority up to \$500,000 to enter into contract agreements on the Council's behalf. Because this interagency agreement is equal to that amount, it requires Council authorization.

BACKGROUND

Delta Plan policy ER P1 states that any revised flow objectives for the Delta outlined in the Water Board's Bay-Delta Plan shall be used to determine consistency with the Delta Plan. The Bay-Delta Plan is the primary document for managing flow and water quality in the Delta to balance the protection of all beneficial uses. Setting new flow requirements and implementing those requirements through an adaptive management approach will help meet the Delta Plan's objectives and the coequal goals. The Water Board is urgently working to address the decline of native aquatic species and the ecosystems upon which they depend on.

¹https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/biological_goals/draft_biological_goals.pdf

The Bay-Delta Plan is being updated through two separate processes:

1. On December 12, 2018, through Water Board Resolution No. 2018-0059, the Water Board adopted the Bay-Delta Plan amendments and Final Substitute Environmental Document establishing the Lower San Joaquin River flow objectives and revised southern Delta salinity objectives. On February 25, 2019, the Office of Administrative Law approved the Bay-Delta Plan amendments, which are now in effect.
2. The Water Board is also considering Bay-Delta Plan amendments focused on the Sacramento River and its tributaries, Delta eastside tributaries (including the Calaveras, Cosumnes, and Mokelumne rivers), Delta outflows, and interior Delta flows.

Pursuant to its mission to provide the best possible unbiased scientific information to inform water and environmental decision-making in the Delta, the Council's Delta Science Program has worked with the Water Board since 2012 to provide independent scientific review, advisory, and workshop services. These services are carried out following the guidelines in Appendices H, I, and J of the 2019 Delta Science Plan². The Science Program's work with the Water Board is essential to promoting independent scientific peer review—a core aspect of the Delta Science Program mission, as stipulated by the Delta Reform Act.

If approved, this agreement would continue the Delta Science Program's history of providing independent scientific review and workshops to support and advance contentious and important topics related to the Bay-Delta Plan update. Two specific examples of science support to be provided under this agreement include scientific peer review and advice for improving the Net Delta Outflow Index and the methods to estimate watershed demand in locations with sparsely available data. How to accurately account for Delta outflow and water demand is critically important as the Delta is expected to experience low flow conditions more frequently because of climate change. While simple in concept, measurement of Net Delta Outflow and water demand are complex and difficult to quantify.

HISTORY AND PREVIOUS WORK

In 2012 the Delta Science Program organized workshops to synthesize the latest knowledge on ecosystem changes in the Low Salinity Zone, Bay-Delta fishery resources, and analytical tools for evaluating the water supply, hydrodynamics, and

² <https://deltacouncil.ca.gov/pdf/2019-delta-science-plan.pdf>

hydropower effects of the Bay-Delta Plan. Many topics were identified as critical for the Bay-Delta Plan update and in need of independent scientific review and advisory services: fish predation, Delta outflows and interior Delta flows (and related stressors), and the effects of nutrient enrichment in the Bay-Delta. Since 2013, the Delta Science Program has provided reviews, workshops, and advisory services to inform the Water Board's Bay-Delta work. The services completed under the previous reimbursable agreement with the Water Board are summarized below.

Advisory and Document Review Services

In 2019, the Bay-Delta Plan Biological Goals Scientific Advisory Panel, organized and facilitated by the Delta Science Program, issued their final report with recommendations. This report directly informed the draft "Biological Goals for the Lower San Joaquin River,"³ and will also inform Sacramento River and Delta-wide biological goals.

The Delta Science Program has recently provided expertise to advise the Water Board on methods to estimate watershed demand. This work is ongoing and would be completed under the proposed new agreement. In 2016, the Delta Science Program organized a document review for the Department of Water Resources report, "On Estimating Net Delta Outflow (NDO): Approaches to Estimating NDO in the Sacramento-San Joaquin Delta."

Meeting, Workshop, and Panel Review Services

The Delta Science Program held five workshops and two panel reviews on behalf of the Water Board between 2013-2016. Workshop topics ranged from fish predation on Central Valley salmonids, Delta Outflow estimation, interior Delta flows and related stressors, nutrients, and temperature model training. In 2016 the Delta Science Program held an independent scientific review panel to suggest improvements for the Sacramento Water Allocation Model, which simulates the complex Delta water system and enables policy-makers to weigh difficult trade-offs between water users and ecosystems. Another scientific review panel in 2014 recommended methods to develop flow criteria for priority Bay-Delta tributaries. The Delta Science Program uses established processes that are recognized for being objective, rigorous, and transparent. These valuable services ensure the

³https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/biological_goals/draft_biological_goals.pdf

quality, integrity, and transparency of science used in the decision-making and management of the Bay-Delta.

FISCAL INFORMATION

Costs to be reimbursed by the State Water Board are summarized below.

Budget Category	Meeting, Workshop, Panel Review, Advisory, and Document Review Services
Council Staff	\$28,999.61
Indirect Costs	\$6,464.01
Operating Expenses	\$960.00
Subcontracts	\$463,576.38
Total	\$500,000.00

LIST OF ATTACHMENTS

No attachments.

CONTACT

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