COASTAL CONSERVANCY

Staff Recommendation
November 10, 2011

Bay Area IRWMP Implementation Administration

Project No. 05-108-04
Project Manager: Matthew Gerhart

RECOMMENDED ACTION: Authorization to disburse up to $50,000 to Bay Area Clean Water Agencies, a joint powers authority, to administer grants that implement the Bay Area Integrated Regional Water Management Plan.

LOCATION: San Francisco Bay Watershed, including the nine counties of the San Francisco Bay Area (Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma) or portions thereof.

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

Exhibit 1: Project Location and Site Map

Exhibit 2: Project Letters

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160 – 31165 of the Public Resources Code:

"The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed fifty thousand dollars ($50,000) to Bay Area Clean Water Agencies (BACWA) to administer grants that implement the Bay Area Integrated Regional Water Management Plan. Prior to disbursement of any Conservancy funds, BACWA shall submit for review and approval of the Executive Officer of the Conservancy a detailed work program, timeline, and budget, and the names and qualifications of any intended contractors."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 4.5 of Division 21 of the Public Resources Code, regarding the resource and recreational goals of the San Francisco Bay Area."

PROJECT SUMMARY:

Staff recommends the Conservancy authorize a grant of up to $50,000 to Bay Area Clean Water Agencies (BACWA), a joint powers authority, to administer grants that implement the Bay Area Integrated Regional Water Management Plan (IRWMP).

The IRWMP is a comprehensive plan prepared through a coordinated effort of multiple agencies involved in managing the water and habitat resources of the Bay Area. It identifies the region's water resources management needs and objectives, and sets forth a strategy for meeting those needs and objectives. The IRWMP identifies a suite of water management projects, including wastewater recycling, water conservation, green infrastructure, wetlands enhancement, and watershed enhancement activities, to be carried out by local public agencies and nonprofit organizations.

Chapter 2 of the "Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006" (Proposition 84) authorizes the Department of Water Resources (DWR) to award grants for projects that assist local agencies with meeting the long term water needs of the state including the protection of water quality and the environment. Public Resources Code § 75026. Projects funded under Chapter 2 of Proposition 84 must be consistent with an adopted integrated regional water management plan. DWR has committed to grant approximately $30.1 million of Proposition 84 Chapter 2 funds for implementation of the IRWMP, and intends to grant the funds with the assistance of a third-party representing the region. Accordingly, BACWA has agreed to serve in an administrative capacity by accepting the $30.1 million as a grant and granting these funds to the various entities carrying out the projects identified in the IRWMP.

The administrative work BACWA will perform under this authorization includes communication of DWR's programmatic requirements to grant proponents, negotiation of grant terms and conditions, oversight of project workplans and budget revisions, development and roll-out of financial and project tracking systems, administration of project data, and facilitation of meetings, calls, and email communication necessary to administer the grant funds.

The Conservancy is likely to receive a $3.8 million portion of the $30.1 million DWR award to facilitate its Wetland Ecosystem Restoration Program (WERP), which is identified in the IRWMP. The WERP consists of three regionally-significant wetland restoration projects at Sears Point, Bair Island and South Bay Salt Pond A16/17. The Conservancy's proposed grant to BACWA reflects the Conservancy's proportional share of the administrative costs relative to the overall funds designated by DWR for implementation of the IRWMP. Other entities expecting to receive DWR grant funds are similarly covering their pro rata share of the costs to administer the grants. The proposed grant of $50,000 will also count toward the Conservancy's matching contribution, which DWR will require as a condition of obtaining a grant for the WERP.

BACWA is a local government agency created by a joint powers agreement in 1984. BACWA membership includes local clean water agencies that provide sanitary sewer services to the more than seven million people living in the nine county San Francisco Bay Area. BACWA was founded, and continues, to assist agencies in carrying out mutually beneficial projects, and to facilitate the development of scientific, economic and other information about the San Francisco Bay environment and the agencies that work to protect it and public health.

Though BACWA has not previously been the recipient of Conservancy funds, the Conservancy has worked with many BACWA member agencies on watershed, habitat enhancement and public access projects, and has awarded grants to three of its five Executive Board agencies (City and County of San Francisco Public Utilities Commission, City of San Jose, and the East Bay Municipal Water District).

Site Description: Project work will be administrative in nature, and occur at various offices throughout the nine-county San Francisco Bay Area. The DWR award administered by BACWA will fund a suite of IRWMP implementation projects throughout the nine-county San Francisco Bay Area. See Exhibit 1 for proposed IRWMP project locations. The Conservancy's WERP entails restoration of wetlands at Sears Point in San Pablo Bay and Bair Island and Pond A16/17 in South San Francisco Bay.

Project History: The Conservancy has been involved in IRWMP activities since enactment of the Integrated Regional Water Management Act of 2002 (SB 1672, Costa). The Conservancy authorized $300,000 in funding in September 2004 to prepare the Watershed/Habitat element of the IRWMP, and adopted the resulting plan in November 2006. Since then, the Conservancy's San Francisco Bay Area Conservancy Program has played a key leadership role in IRWMP efforts, serving as a lead for the Watersheds/Habitat "functional area" of the IRWMP Coordinating Committee. The Conservancy has provided technical services funding for IRWMP-related activities through a number of Executive Officer-delegated authorizations between 2005 and 2010, including environmental, engineering and planning services that have helped develop the program and amend the plan.

PROJECT FINANCING

Coastal Conservancy	$50,000
IRWMP Agencies*	350,000
Total Project Costs	$400,000

*IRWMP participating entities that expect to receive a portion of the $30.1 million DWR grant and thus are helping to fund the administrative work of the BACWA include: Solano County Water Agency, Central Contra Costa Sanitary District, Dublin San Ramon Services District, East Bay Municipal Utility District, Marin Municipal Water District, Novato Sanitary District, Las Gallinas Valley Sanitation District, Napa Sanitation District, Sonoma County Water Agency, San Francisco Public Utilities Commission, City of San Jose, and San Francisco Estuary Partnership.

The anticipated source of Conservancy funds for this grant is the fiscal year 2009/10 appropriation to the Conservancy from Proposition 84. These funds may be used for San Francisco Bay Area Conservancy Program projects that protect coastal waters and watersheds, including projects to prevent contamination and degradation of coastal waters and watersheds and projects to protect and restore the natural habitat values of coastal waters and lands. (Public Resources Code § 75060(c)). The proposed project will benefit watershed and water resources within the San Francisco Bay Area by facilitating funding of the wetland restoration projects of the WERP. Consistent with the purposes of Proposition 84, the proposed project will be undertaken pursuant to the San Francisco Bay Area Conservancy Program (Chapter 4.5 of

Division 21 of the Public Resources Code), as described below. Thus, the proposed project is appropriate for funding under Proposition 84.

Chapter 4.5 of Division 21 provides that the San Francisco Bay Area Conservancy Program give priority to projects with matching funds. (Pub. Res. Code §31163(c)). The agencies participating in the IRWMP program have raised significant matching funds to ensure that program administration can proceed smoothly and without delay.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project will be undertaken pursuant to Chapter 4.5 of the Conservancy's enabling legislation, Public Resources Code Sections 31160-31165, to address resource goals in the Bay Area.

Public Resources Code Section 31162 authorizes the Conservancy to undertake projects and award grants in the nine-county San Francisco Bay Area that meet specified goals. Under §31162(b), the Conservancy may act to protect, restore, and enhance natural habitats and connecting corridors, watersheds, scenic areas, and other open-space resources of regional significance. The proposed project would help achieve this objective by assisting in the administration of funding for the WERP, which involves protection, restoration, and enhancement of natural habitats and connecting corridors, watersheds, and open space.

Consistent with the goals specified in §31162(c), the assistance with these project would implement the policies and programs of the *San Francisco Bay Plan*, as described in the "Consistency with the San Francisco Bay Plan" section of this staff recommendation.

Finally, the project satisfies all of the criteria for determining project priority under §31163(c), as it: (1) is supported by adopted regional plans (*Bay Area Integrated Regional Water Management Plan*, *San Francisco Bay Plan*, *San Francisco Baylands Ecosystem Habitat Goals Report*, and the *Water Quality Control Plan* for the San Francisco Bay Basin); (2) is multi-jurisdictional (spanning nine counties) and serves a regional constituency; (3) can be implemented in a timely way, with the grantee prepared to begin work immediately; (4) provides opportunities for benefits that could be lost if the project is not quickly implemented (the WERP elements to be funded in connection with this project are time-sensitive); and (5) includes matching funds (described under Project Financing).

CONSISTENCY WITH CONSERVANCY'S 2007 STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 10 Objective C** of the Conservancy's 2007 Strategic Plan Strategic Plan, the proposed project would help the Conservancy restore or enhance wetland habitat throughout the nine county Bay Area counties, in particular by helping with the administration of grants of Proposition 84 funds for WERP projects.

Consistent with **Goal 10, Objective I**, the proposed project would assist in the planning of projects that protect, restore and enhance watershed functions and processes for the benefit of wildlife and water quality, through supporting the work of the IRWMP's Watershed Functional Area Group to obtain additional funds. Results from the planning, monitoring and reporting to be undertaken in both the WERP and other elements of the larger IRWMP grant will feed back into ongoing updates

of the IRWMP.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines, last updated on June 4, 2009, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The project has the support of the region's participating IRWMP partners, including watershed management, water quality, water supply, wastewater, stormwater and flood protection public agencies. See project letters in Exhibit 2.
4. **Location:** The project will assist with work proposed throughout the nine county San Francisco Bay Region (See Exhibit 1).
5. **Need:** Adequate funding would not be available to begin necessary and timely implementation of IRWMP projects without the Conservancy's participation.
6. **Greater-than-local interest:** The IRWMP facilitates coordination, collaboration and communication among various water resource related entities throughout the San Francisco Bay Area.
7. **Sea level rise vulnerability:** The project activities funded under this authorization are administrative in nature and will not be subject to or affected by future sea level rise. Sea level rise vulnerability for the projects that will be funded as a result of BACWA's activities will be addressed when the Conservancy authorizes disbursement of funds for those projects. In addition, the IRWMP is currently in the initial stages of being updated to address the vulnerabilities of the region's water resource infrastructure, and plan-recommended projects, to sea level rise.

Additional Criteria

8. **Urgency:** While DWR has agreed to grant Proposition 84 funds to implement the IRWMP, funding is not yet available due to administrative constraints. Without Conservancy funding for those necessary administrative activities, the receipt of the region's grant award could be jeopardized or significantly delayed.
9. **Resolution of more than one issue**: IRWMP projects are explicitly designed to achieve multi-objective outcomes across a variety of water resource issue areas including habitat quality, water quality, supply and reliability.
10. **Leverage**: See the "Project Financing" section above.

11. **Readiness**: The grantee is prepared to begin its work immediately upon receipt of project funding.
12. **Realization of prior Conservancy goals**: "See "Project History" above."
13. **Return to Conservancy**: See the "Project Financing" section above.
14. **Cooperation**: A wide array of San Francisco Bay Area water resource management agencies and non-profit partners are cooperating on the IRWMP Program.

CONSISTENCY WITH SAN FRANCISCO BAY PLAN:

The proposed project, implementation of the IRWMP and implementation of the WERP is consistent with the following water quality policies of the San Francisco Bay Plan of the Bay Conservation and Development Commission (BCDC):

1. Bay water pollution should be prevented to the greatest extent feasible. The Bay's tidal marshes, tidal flats, and water surface area and volume should be conserved and, whenever possible, restored and increased to protect and improve water quality. Fresh water inflow into the Bay should be maintained at a level adequate to protect Bay resources and beneficial uses.
2. Water quality in all parts of the Bay should be maintained at a level that will support and promote the beneficial uses of the Bay as identified in the San Francisco Bay Regional Water Quality Control Board's *Water Quality Control Plan, San Francisco Bay Basin* and should be protected from all harmful or potentially harmful pollutants. The policies, recommendations, decisions, advice and authority of the State Water Resources Control Board and the Regional Board, should be the basis for carrying out the Commission's water quality responsibilities.

San Francisco Bay Plan, Part III, Water Quality, Policies 1 & 2, 2008.

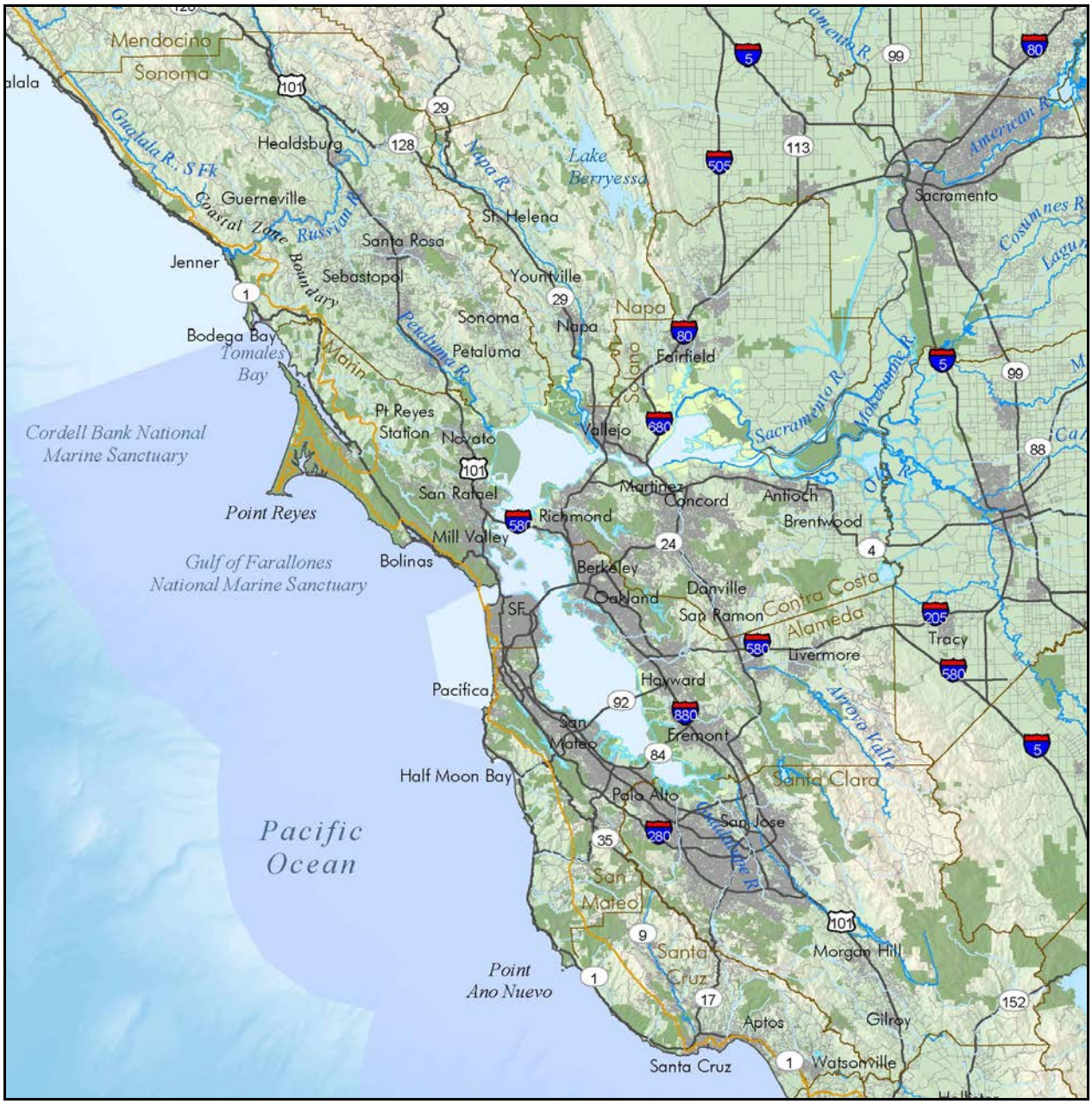
COMPLIANCE WITH CEQA:

The BACWA activities to be carried out under this authorization do not constitute a "project" within the meaning of the California Environmental Quality Act (CEQA). The CEQA Guidelines state that the definition of the term "project" does not include "[t]he creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment" or "[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment." California Code of Regulations title 14, § 15378(b)(4) & (5). The purpose of the proposed grant is to enable BACWA to administer the DWR grant funds that will ultimately facilitate implementation of the WERP and other projects identified in the IRWMP. However, DWR has not yet granted Proposition 84 funds to BACWA, and BACWA is not currently obligated to fund the WERP or any other project identified in the IRWMP. BACWA and the Conservancy must negotiate, and reach agreement on, grant terms before there will be any commitment by BACWA to specific

Conservancy projects. Similar negotiations must be undertaken with the other entities that will ultimately carry out IRWMP projects. In addition, the Conservancy will have to formally approve the disbursement of the DWR grant funds for specific projects that the Conservancy funds. Thus, for the WERP, the review of environmental effects of these specific projects will occur when the Conservancy authorizes its Executive Officer to award grants to the entities carrying out the projects. At that time, the Conservancy will have discretion to require mitigation measures or alternatives or to deny funding altogether. Thus, the BACWA's activities in connection with the IRWMP are purely administrative and will not result in any direct or indirect physical changes to the environment and therefore do not constitute a project requiring CEQA review.

Exhibit 3: November 10, 2011 Staff Recommendation

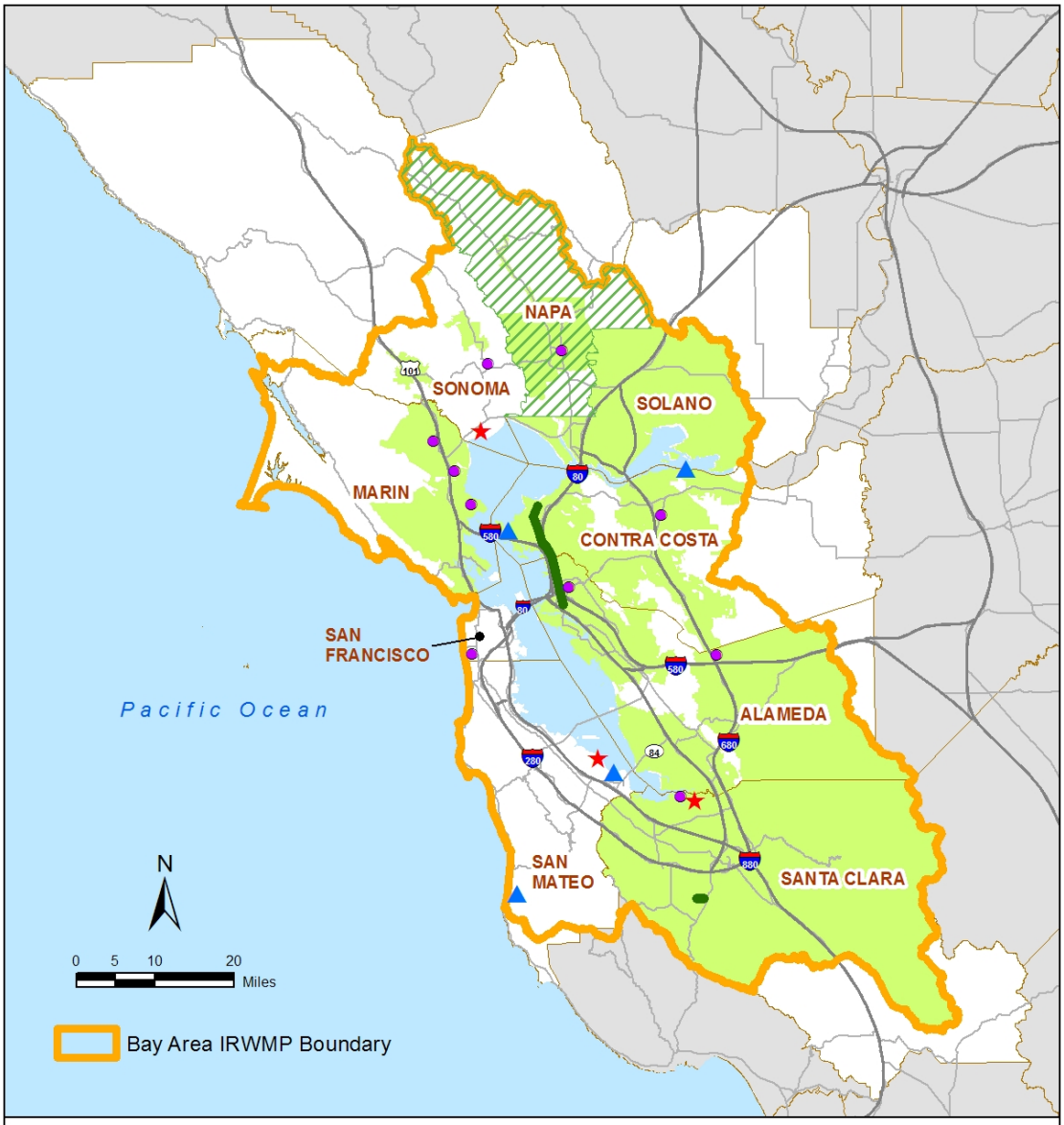
Exhibit 1: Project Location and Site Map



The project area includes the nine counties of the San Francisco Bay Area (Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma).

Exhibit 3: November 10, 2011 Staff Recommendation

Exhibit 1: Project Location and Site Map



Prop 84 Implementation Grant (Round 1) **San Francisco Bay Area Regional Priority Programs**

Program Name

- Regional Recycled Water Program
- Wetland Ecosystem Restoration Program
- DAC Watershed Project
- Regional Water Conservation Program
- Regional Green Infrastructure Capacity Building Program
- *Napa Valley Rainwater Harvesting*

San Francisco
Water Power Sewer
Operator of the Hetch Hetchy Regional Water System

1155 Market Street, 11th Floor
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TTY 415.554.3488

October 11, 2011

Mr. Douglas Bosco, Chairman
State Coastal Conservancy
1330 Broadway, 13th Floor
Oakland, CA 94612

Subject: Support for Coastal Conservancy Assistance for the Bay Area Clean Water Agencies to Administer Grants that Implement the Bay Area Integrated Regional Water Management Implementation Plan

Dear Mr. Bosco:

The San Francisco Public Utilities Commission supports the proposed action to approve State Coastal Conservancy (SCC) funding for the Bay Area Clean Water Agencies (BACWA) to help administer Proposition 84 Integrated Regional Water Management grant funding for 18 water resource management projects, including wetland restoration in the North Bay and South Bay, water conservation, water recycling, green infrastructure and watershed work. These grant funded projects may not be able to proceed without an upfront investment by the IRWM partnership to fund administration.

The administration of this work will be complex and challenging to assure all the projects proceed adequately and provide the benefits to the State as proposed in January, 2011. The SCC funding, up to $50,000, will greatly aid our collective effort. All project proponents involved with the grant are cost sharing for administration, which includes accounting, reporting, invoicing, legal support, coordination and disbursing funds after grant checks are received from the State.

The SCC contribution is greatly appreciated and we look forward to working with you to successfully implement the Bay Area IRWMP. If you have any questions about this please call me at (415) 934-5736.

Sincerely,

Steven R. Ritchie
Assistant General Manager, Water

Edwin M. Lee
Mayor

Francesca Vietor
President

Anson Moran
Vice President

Ann Moller Caen
Commissioner

Art Torres
Commissioner

Vince Courtney
Commissioner

Ed Harrington
General Manager

EAST BAY
MUNICIPAL UTILITY DISTRICT

RICHARD G. SYKES
DIRECTOR OF WATER AND NATURAL RESOURCES
(510) 287-1629
rsykes@ebmud.com

October 17, 2011

Mr. Douglas Bosco, Chairman
State Coastal Conservancy
1330 Broadway, 13th Floor
Oakland, CA 94612

Dear Mr. Bosco:

Support Letter – Coastal Conservancy Assistance for the
Bay Area Clean Water Agencies to Administer Grants that Implement the
Bay Area Integrated Regional Water Management Implementation Plan (IRWMP)

The East Bay Municipal Utility District (EBMUD) supports the proposed action to approve State Coastal Conservancy (SCC) funding for BACWA to help administer Proposition 84 Integrated Regional Water Management grant funding for 18 water resource management projects, including wetland restoration in the North Bay and South Bay, water conservation, water recycling, green infrastructure and watershed work. These grant funded projects may not be able to proceed without an upfront investment by the IRWM partnership to fund administration.

The administration of this work will be complex and challenging to assure all the projects proceed adequately and provide the benefits to the State as proposed in January, 2011. The SCC funding, up to $50,000, will greatly aid our collective effort. All project proponents involved with the grant are cost sharing for administration, which includes accounting, reporting, invoicing, legal support, coordination and disbursing funds after grant checks are received from the State.

The SCC contribution is greatly appreciated and we look forward to working with you to successfully implement the Bay Area IRWMP. If you have any questions or concern about this please do not hesitate to call Brian Campbell at (510) 287-0680.

Sincerely,

Richard G. Sykes

375 ELEVENTH STREET . OAKLAND . CA 94607-4240 . FAX (510) 287-0541
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SONOMA COUNTY WATER AGENCY

FILE:CF/40-0-1 BAY AREA INTEGRATED REGIONAL WATER MANAGEMENT PLAN (IRWMP)

October 14, 2011

Mr. Douglas Bosco, Chairman
State Coastal Conservancy
1330 Broadway, 13th Floor
Oakland, CA 94612

Support Letter – Coastal Conservancy Assistance for the Bay Area Clean Water Agencies to Administer Grants that Implement the Bay Area Integrated Regional Water Management Implementation Plan (IRWMP)

Dear Mr. Bosco:

The Sonoma County Water Agency (Water Agency) supports the proposed action to approve State Coastal Conservancy (SCC) funding to help administer Proposition 84 Integrated Regional Water Management grant funding for 18 water resource management projects, including wetland restoration in the North Bay and South Bay, water conservation, water recycling, green infrastructure and watershed work. These grant funded projects may not be able to proceed without an upfront investment by the IRWM partnership to fund administration.

The administration of this work will be complex and challenging to assure all the projects proceed adequately and provide the benefits to the State as proposed in January, 2011. The SCC funding, up to $50,000, will greatly aid our collective effort. All project proponents involved with the grant are cost-sharing for administration, which includes accounting, reporting, invoicing, legal support, coordination and disbursing funds after grant checks are received from the State.

The SCC contribution is greatly appreciated and we look forward to working with you to successfully implement the Bay Area IRWMP. If you have any questions or concern about this please do not hesitate to call me at (707) 547-1900.

Sincerely,

Grant Davis
General Manager

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MARIN MUNICIPAL WATER DISTRICT

220 Nellen Avenue Corte Madera CA 94925-1169
www.marinwater.org

October 17, 2011

Mr. Douglas Bosco, Chairman
State Coastal Conservancy
1330 Broadway, 13th Floor
Oakland, CA 94612

Re: Support Letter – Coastal Conservancy Assistance for the Bay Area Clean Water Agencies to Administer Grants that Implement the San Francisco Bay Area Integrated Regional Water Management Plan (IRWMP)

Dear Mr. Bosco:

As Chair of the San Francisco Bay Area IRWMP Coordinating Committee and General Manager of Marin Municipal Water District (MMWD), I am writing to express our support for the proposed action to approve State Coastal Conservancy (SCC) funding for Bay Area Clean Water Agencies (BACWA) to help administer Proposition 84 Integrated Regional Water Management grant funding for 18 water resource management projects, including wetland restoration in the North Bay and South Bay, water conservation, water recycling, green infrastructure and watershed work. These grant funded projects may not be able to proceed without an upfront investment by the IRWM partnership to fund administration.

The administration of this work will be complex and challenging to assure that all the projects are managed well, so that they will provide the benefits to the State as proposed in January, 2011. The SCC funding, up to $50,000, will greatly aid our collective effort. All project proponents involved with the grant are sharing costs for administration, which includes accounting, reporting, invoicing, legal support, coordination and disbursing funds after grant checks are received from the State.

The SCC contribution is greatly appreciated and we look forward to working with you to successfully implement the Bay Area IRWMP. If you have any questions or concern about this please do not hesitate to call me at (415) 945-1460.

Sincerely,

Paul Helliker

Paul Helliker
General Manager
Chair, San Francisco Bay Area IRWMP Coordinating Committee

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SOUTH BAY WATER RECYCLING

October 20, 2011

Mr. Douglas Bosco, Chairman
State Coastal Conservancy
1330 Broadway, 13th Floor
Oakland, CA 94612

Participating Agencies
City of San Jose
City of Santa Clara
City of Milpitas
West Valley Sanitation District
Burbank Sanitary District
Cupertino Sanitary District
County Sanitation District No. 2-3
San Jose Water Company
Great Oaks Water Company
Santa Clara Valley Water District
United States Bureau of Reclamation

Dear Mr. Bosco:

SUBJECT: State Coastal Conservancy support for the Bay Area Clean Water Agencies (BACWA) administration and implementation of the Bay Area Integrated Regional Water Management Implementation Plan (IRWMP)

South Bay Water Recycling, a member of BACWA, supports the proposed action to approve State Coastal Conservancy funding to help administer the Proposition 84 Integrated Regional Water Management grant funding for 18 water resource management projects in our region, including water recycling, wetland restoration, green infrastructure, water conservation and watershed protection work. With IRWMP projects funded by the State Proposition 84 grant and supported by the SCC, we help bring the State of California closer to sustainable water supplies for our region.

The administration of the work under this grant will be challenging for the many agencies participating and support by the SCC will help assure that all projects meet individual and collective goals with sufficient administration. All project participants involved with the Proposition 84 grant are sharing the collective cost of administration, which includes tasks such as accounting, performance reporting, invoicing, legal support, coordination and the disbursement of funds after grant funds are received by the California Department of Water Resources.

The SCC proportional contribution to the grant administration is greatly appreciated by all members of BACWA, including South Bay Water Recycling, and we look forward to working with you on the implementation of the Bay Area Integrated Regional Water Management Implementation Plan (IRWMP).

If you have any questions regarding this subject, please do not hesitate to contact me at (408) 363-4714.

Best Regards,

Eric S. Hansen, P.E.
Capital Program Manager
South Bay Water Recycling

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