

COASTAL CONSERVANCY

Staff Recommendation
March 27, 2014

**ADOPTION OF UPDATED SAN FRANCISCO BAY AREA
INTEGRATED REGIONAL WATER MANAGEMENT PLAN**

File No. 05-108
Project Manager: Matthew Gerhart

RECOMMENDED ACTION: Adoption of Updated San Francisco 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).

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

- Exhibit 1: [Project Location](#)
 - Exhibit 2: [November 9, 2006 Staff Recommendation](#)
 - Exhibit 3: [November 10, 2011 Staff Recommendation](#)
 - Exhibit 4: Updated Bay Area IRWM Plan (No paper copy printed, but available via the Conservancy website and at www.bairwmp.org under the “2013 Final Plan” link)
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RESOLUTION AND FINDINGS:

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

- “1. The State Coastal Conservancy hereby adopts the updated *San Francisco Bay Area Integrated Regional Water Management Plan* (“IRWMP”, a copy of which is maintained at www.bairwmp.org under the “2013 Final Plan” link), a planning study based on data compilation that specifies water management and related goals and objectives for the San Francisco Bay Area and identifies priority projects which may be implemented with grant funding from the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Proposition 50) with continuing funding provided by the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coast Protection Bond Act of 2006 (Proposition 84). By adopting the updated IRWMP, the Conservancy acknowledges support

for the implementation and continued development of the IRWMP to meet the IRWMP goals and objectives. However, the Conservancy is not making any commitment to expend funds or to implement any project identified in the IRWMP, except to the extent that the Conservancy has previously authorized implementation of a specific project or projects. The Conservancy shall determine, in its sole discretion and through a project-specific authorization, whether the Conservancy will fund or implement any IRWMP-identified project in the future, based on assessment of the merits of the project, its consistency with Conservancy enabling legislation, environmental review as required by the California Environmental Quality Act, and any other factors the Conservancy deems relevant. Adoption of the IRWMP does not preclude the Conservancy from funding or engaging in any other planning activities for the San Francisco Bay Area, from undertaking projects not identified in the IRWMP, or from efforts to secure funding for Conservancy projects from any source.

2. The adoption by the Conservancy of the updated IRWMP by paragraph 1, above, is hereby deemed adoption of the updated IRWMP as it may subsequently be revised as a result of the DWR acceptance process, provided that the Executive Officer of the Conservancy determines in writing that the revisions do not materially or substantially alter the updated Plan and do not result in changes adverse to the Conservancy's interests. The Executive Officer will provide a copy of any such determination to the Conservancy."

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 adoption is consistent with Chapter 4.5 of Division 21 of the Public Resources Code (Sections 31160 *et seq.*), regarding the Conservancy's mandate to address the resource and recreational goals of the San Francisco Bay Area.
2. The proposed adoption is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy Board on November 10, 2011."

PROJECT SUMMARY:

The San Francisco Bay Area Integrated Regional Water Management Plan (IRWMP or the Plan, available for review at www.bairwmp.org) is a multi-stakeholder, nine-county effort to coordinate a strategic approach to regional water management. The Plan builds on water resources needs and planning strategies identified throughout the Bay Area, leveraging regional cooperation to more effectively address the needs identified. Adoption of the updated plan enables the Conservancy and other stakeholders in the Bay Area (Exhibit 1) to remain eligible for Proposition 84 project funding. The Integrated Regional Water Management (IRWM) Grant Program Guidelines (the "Guidelines") mandate that it be formally adopted, as evidenced by a resolution or other written documentation, by the governing bodies of the agencies and organizations that participated in the development of the Plan and have responsibility for implementation of the Plan. In addition, an existing grant of DWR Proposition 84 funds from the Bay Area Clean Water Agencies (BACWA) to the Conservancy (Exhibit C, "the Proposition 84 award"), mandates that certain updates to the plan necessary to bring it into compliance with

Proposition 84 requirements be formally adopted by May 11, 2014. Adoption signifies concurrence with the regional goals and objectives of the Plan.

The Conservancy has been involved in the development of the Watershed Management and Habitat Protection and Restoration (Watershed) and the Flood Protection and Stormwater Management (Flood/Stormwater) “functional area” components of the Bay Area IRWMP, in the integration of those components into the IRWMP, and in the overall development and subsequent management of the IRWMP since its inception. Since adoption of the original plan in 2006 (Exhibit 2), the Bay Area IRWMP has been carried out through implementation of priority projects identified in the Plan by various project proponents. Adoption of the Plan does not commit the Conservancy to carry out any specific project identified in the IRWMP, nor does it eliminate the usual discretion of the Conservancy to determine what project or projects to fund or whether or not to fund a particular project. However, adoption of the updated IRWMP would indicate the Conservancy’s continued concurrence with the IRWMP regional goals and objectives, as well as the additional requirements of Proposition 84.

IRWMPs are intended to provide a new model for water resources management in California. The purpose of the IRWM grant program, administered by the California Department of Water Resources (DWR), is to encourage integrated regional strategies for management of water resources and to provide funding, through competitive grants, for projects that utilize multiple strategies, resulting in multiple benefits. These benefits include improved water supply reliability, long-term attainment and maintenance of water quality standards, eliminated or reduced pollution in impaired water and sensitive habitat areas, planning and implementation of multipurpose flood control programs, and drinking water and water quality projects that serve disadvantaged communities.

The IRWMP has four major “functional area” components: 1) water supply/water quality; 2) wastewater/recycled water; 3) stormwater management/flood control; and 4) watershed management/habitat protection and restoration. It also has four geographical subregions, roughly encompassing the North Bay, San Francisco Peninsula, South Bay and East Bay areas. The group is managed by the IRWM Coordinating Committee (CC), composed of open membership but including eight voting members representing each of the IRWM functional areas, including the Conservancy.

The updated IRWMP builds on the original 2006 plan through a comprehensive review of the plan for consistency with updated DWR Guidelines published in 2012 that guide administration of Proposition 84 funds. This review and update included:

- Assessment of the regional water management group’s governance, data management, public involvement, and project selection mechanisms, among others;
- Updates related to DWR’s Regional Acceptance Process including the development of a subregional process for IRWM administration and outreach (described further below);
- Updates related to entities active in the IRWM group;
- Inclusion of revised and new IRWM projects;
- Development of new information regarding financing of IRWM projects;
- New analysis and recommendations regarding climate change; and
- Other factual updates bringing the plan forward to 2014.

The updated IRWMP includes 1) an assessment of regional water management needs; 2) identification of opportunities for regional coordination and collaboration among various entities that have not historically been partners; and 3) recommendations for priority multi-objective projects encompassing water supply reliability, water recycling, water conservation, water quality improvement, storm water capture and management, flood management, recreation and access, wetlands enhancement and creation, and environmental and habitat protection and improvement.

The update revises the regional goals previously adopted in 2006. These updated regional goals were developed to characterize the common water resources management interests of entities across functional areas and geographic boundaries, both internal and external to IRWMP development. The updated regional goals are:

- Promote environmental, economic and social sustainability
- Improve water supply reliability and quality
- Protect and improve watershed health and function and Bay water quality
- Improve regional flood management
- Create, protect, enhance, and maintain environmental resources and habitats

The updated objectives associated with the above goals are included in Chapter 3 of the Bay Area IRWMP (see Exhibit 4).

In addition to the Conservancy, the following Bay Area agencies and non-profits previously adopted the earlier version of the IRWMP and/or are expected to adopt the updated IRWMP:

- Alameda County Water District
- ABAG
- Bay Area Clean Water Agencies
- Bay Area Water Supply and Conservation Agency
- City and County of San Francisco
- City of Benicia
- City of Campbell
- City of Napa
- City of Oakland
- City of Palo Alto
- City of Petaluma
- City of Redwood City
- City of San Jose
- City of St. Helena
- Central Contra Costa Sanitary District
- Center for Ecosystem Management & Restoration
- Contra Costa County Flood Control and Water Conservation District
- Community for Green Foothills
- Contra Costa Water District
- County of Marin
- County of Napa
- County of San Mateo
- County of Sonoma
- Delta Diablo Sanitation District
- Dublin San Ramon Services District
- East Bay Municipal Utility District
- East Bay Regional Park District
- Las Gallinas Valley Sanitary District
- Marin Municipal Water District
- Marin Resource Conservation District
- Napa County Resource Conservation District
- Napa Sanitation District

- North Bay Watershed Association
- North Bay Water Reuse Authority
- North Marin Water District
- Novato Sanitary District
- Point Reyes Bird Observatory, Inc.
- Roseview Heights Mutual Water Company
- San Francisco Estuary Institute
- San Francisco Public Utilities Commission
- San Mateo County Resource Conservation District
- Santa Clara Valley Water District
- Solano County Water Agency
- Sonoma Valley County Sanitation District
- Sonoma County Water Agency
- Southern Sonoma County Resource Conservation District
- Stopwaste.org
- The Watershed Project
- Urban Tilth
- Zone 7 Water Agency

The IRWMP contains well-reasoned, publicly supported recommendations for priority projects that, when implemented, will assist the region in meeting state and federal environmental laws and regional plans related to protection and restoration of habitat for special status and other species, and in improving water quality. The updated IRWMP will also improve regional competitiveness for State and federal grant funding, as representatives of state resource agencies and state legislators have suggested that state grants and other funding criteria will increasingly involve integrated regional water management planning.

IRWM's governing body (the CC, on which Conservancy staff sits as a voting member) reviewed the updated Plan and formally approved it on October 28, 2013. The CC is expected to formally adopt the current Plan on March 24, 2014. The Plan was sent to DWR for review under DWR's approved Plan Review Process and, in a draft review dated March 17, 2014, has been deemed consistent with the IRWM Planning Act and the related IRWM Plan Standards contained in the 2012 IRWM Grant Program Guidelines. This determination may become final only after a 30-day public review period.

DWR's final acceptance will therefore occur after the Conservancy's March board meeting and its acceptance may include some revisions to the IRWMP. It is not expected that these revisions will be major, significant or material changes to the Plan or adversely affect the issues in which the Conservancy is especially interested. In light of this and because the Plan needs to be adopted by the Conservancy (and other IRWMP project proponents) by May 11, 2014, well in advance of the next Conservancy board meeting, the proposed Conservancy board resolution acknowledges that the Plan may be revised and that the Conservancy's adoption of the Plan will still remain effective despite such changes, provided that the Executive Officer reviews and determines that the changes made to the Plan "do not materially or substantially alter the IRWMP and do not result in changes adverse to the Conservancy's interests". If this occurs, the Executive Officer will provide a copy of his written determination to the Conservancy board.

Project History:

Extensive legislation and grant programs have identified the need for, and required or encouraged, integrated regional water management planning. For example:

- The Integrated Regional Water Management Act of 2002 (SB 1672, Costa) was designed to facilitate the development of integrated regional water management plans, thereby maximizing the quality and quantity of water available to meet the state's water needs by providing a framework for local agencies to integrate programs and projects that protect and enhance regional water supplies.
- In November 2002, California voters passed Proposition 50, the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002. The IRWM grant program implements Chapter 8 of Proposition 50 (Integrated Regional Water Management projects), California Water Code Section 79560 *et seq.* The intent of Chapter 8 of the Proposition 50 is to provide funding for competitive grants for projects to protect communities from drought, protect and improve water quality, and improve local water security by reducing dependence on imported water. Proposition 50 provided \$380 million in funding for the IRWM program.
- The Watershed, Clean Beaches, and Water Quality Act (Division 20.4, section 30901 *et seq.* and Division 21, Chapter 5.5, section 31220 of the Public Resources Code) established the Integrated Watershed Management Program to coordinate and integrate statewide watershed, funding, projects, and programs.
- The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coast Protection Bond Act of 2006 (Public Resources Code §75001-75130) expanded funding capabilities of the IRWMP program and established new planning standards for the program. It provided \$1,000,000,000 in IRWM funding.
- California voters passed Proposition 1E, the Disaster Preparedness and Flood Prevention Bond Act of 2006, which provided \$300,000,000 (PRC §5096.800-5096.967) for IRWM Stormwater Flood Management.

In response to the State's emerging emphasis on integrated regional water management planning, Bay Area public agencies involved with water resource management agreed to develop an IRWMP for the Bay Area. Given the Conservancy's integral role in watershed management, habitat protection and restoration in the Bay Area, the Conservancy was requested to participate in development of the Bay Area IRWMP. On September 15, 2004, the State Water Resources Control Board authorized funding for development of the Bay Area Watershed component. Subsequently, through a competitive selection process, the Conservancy was selected by DWR for funding of \$451,230 for preparation of the Watershed and Flood/Stormwater components of the Bay Area IRWMP and for the integration of these components into the IRWMP.

Following adoption of the completed IRWMP on November 9, 2006, Conservancy staff have remained an active participant in the IRWM group, sitting as a voting member of the IRWM's governing body, the Coordinating Committee (CC), and most recently, chairing the Project Screening Committee of the regional management group. 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. In November 2011, the Conservancy authorized \$50,000 for support of a Proposition 84 grant round, and subsequently was awarded \$3.795 million in DWR Proposition 84 funds via a regional grant award to BACWA (Exhibit 3).

The IRWM Plan update began in 2011 via a DWR grant award to the Marin Municipal Water District. The planning process spanned two years, involving extensive outreach through regional listservs, regular meetings of the CC, public meetings in all of the subregions, individual outreach to and surveys of participant agencies' needs, accomplishments and challenges in meeting the goals of the IRWMP, and specific outreach to disadvantaged communities (See Chapter 14 of the Plan, Exhibit 4).

The Plan update also involved an extensive solicitation for new and updated project ideas. 315 projects were received, evaluated, and ranked in a process mandated by the DWR guidelines. The resulting project list can be found in Chapter 6 of the Plan (Exhibit 4).

As stated above, the completed Plan was reviewed by the CC and formally approved on October 28, 2013. The Plan has subsequently been sent to DWR for review under DWR's approved Plan Review Process for an expected final acceptance in late March 2014.

PROJECT FINANCING:

Adoption of the IRWMP does not involve financing. It does, however, satisfy grant funding conditions of a \$3.795 million Proposition 84 grant awarded to the Conservancy in June 2012.

The Project Financing sections from the previous project Staff Recommendations in Exhibits 2 and 3 provide historical financing information.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The IRWMP (the project), including its development and proposed adoption, was 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 project achieves these objectives by identifying multi-objective, priority projects in need of funding, involving protection, restoration, and enhancement of natural habitats and connecting corridors, watersheds, and open space.

Consistent with the goals specified in §31162(c), development and adoption of the IRWMP and its watershed component, in particular, implements 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.

The project is also consistent with §§31163(a) and (b), that direct the Conservancy to participate in and support interagency actions and public/private partnerships in the San Francisco Bay Area for the purpose of implementing long-term resources and outdoor recreational goals.

Finally, the project satisfies all of the criteria for determining project priority under §31163(c), as follows: it (1) is supported by adopted regional plans (*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 (Plan adoption will allow projects to be eligible for funding within the next year); (4) provides opportunities for benefits that could be lost if the project is not quickly implemented (integrated, long-term planning is necessary to leverage funds and achieve watershed and habitat goals in a timely manner); (5) provides eligibility for acquiring matching funds for projects of regional significance.

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

Consistent with **Goal 10 Objective A** of the Conservancy's Strategic Plan, the Plan helps the Conservancy identify and prioritize resource and recreational goals, including projects that protect and restore natural habitats and other open-space lands of regional significance, for the San Francisco Bay Area Conservancy Program.

Consistent with **Goal 11, Objectives C and E**, the Plan protects and enhances natural habitats and connecting corridors, watershed, scenic areas and other open-space resources of regional importance in the Bay Area, in particular assisting with planning for enhancement of wetlands, uplands and subtidal habitat as well as enhancement of riparian and riverine habitat and other watershed functions.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The project is consistent with the Conservancy's Project Selection Criteria and Guidelines last updated on November 10, 2011, 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:** No funding is required for adoption of the Plan.
3. **Support of the public:** This project is supported by the collection of agencies representing the IRWM, including agencies and nonprofits that serve nearly the entire nine-county Bay Area.
4. **Location:** The Plan addresses the nine-county San Francisco Bay Area, all within the jurisdiction of the San Francisco Bay Area Conservancy Program.
5. **Need:** Grants awarded to eligible projects through the Proposition 84 IRWM grant program are required to be consistent with an updated IRWMP. Adoption of an updated Bay Area IRWMP will continue funding eligibility for water-related projects in the Bay Area to be implemented by the Conservancy or its partners.
6. **Greater-than-local interest:** The IRWMP will facilitate on-going coordination, collaboration and communication among various water resource related entities throughout the San Francisco Bay Area.

7. **Sea Level Rise Vulnerability:** The updated IRWMP includes specific information regarding key water-resource related vulnerabilities to sea level rise in the region, and recommendations for priorities in addressing sea level rise.

Additional Criteria

8. **Urgency:** The updated Bay Area IRWMP must be adopted by May 11, 2014 in order for the Conservancy and its partners to remain eligible for project implementation grant funding under the IRWMP grant program.
9. **Resolution of more than one issue:** The IRWMP identifies multi-objective projects for implementation (e.g., habitat restoration, water quality improvement, flood control, and enhanced recreational opportunities).
10. **Leverage:** Adoption of the IRWMP will make certain Conservancy projects eligible for IRWMP implementation funding, thereby leveraging the Conservancy's funding.
11. **Conflict resolution:** The IRWMP facilitates coordination, collaboration and communication among various water resource related entities throughout the San Francisco Bay Area, and thereby enhances resolution of water-related conflicts.
12. **Innovation:** The Bay Area IRWMP has proven to be a new paradigm for coordinating efforts to protect and enhance water resources and facilitate identification and implementation of critical multi-objective, multi-agency projects.
13. **Readiness:** The Bay Area IRWMP is completed and must be adopted by May 11, 2014.
14. **Cooperation:** The Conservancy and its partners have worked closely with various Bay Area entities (e.g., agencies, nongovernmental organizations) in developing the IRWMP.
15. **Vulnerability from climate change impacts other than sea level rise:** The IRWMP addresses numerous climate change challenges other than sea level rise, in particular including the impacts of changes in precipitation timing and amount on regional water supply quantity and reliability.
16. **Minimization of Greenhouse Gas Emissions:** The IRWMP prioritizes investments that not only adapt to climate change but result in reductions in regional greenhouse gas emissions.

CONSISTENCY WITH SAN FRANCISCO BAY PLAN:

The project is consistent with the following policies of BCDC's San Francisco Bay Plan:

Part III

Fish, Other Aquatic Organisms and Wildlife

1. To assure the benefits of fish, other aquatic organisms and wildlife for future generations, to the greatest extent feasible, the Bay's tidal marshes, tidal flats, and subtidal habitat should be conserved, restored and increased.
2. Specific habitats that are needed to conserve, increase or prevent the extinction of any native species, species threatened or endangered, species that the California Department

of Fish and Game has determined are candidates for listing as endangered or threatened under the California Endangered Species Act, or any species that provides substantial public benefits, should be protected, whether in the Bay or behind dikes.

Water Quality

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.

Part IV

Climate Change

5. Wherever feasible and appropriate, effective, innovative sea level rise adaptation approaches should be encouraged.

COMPLIANCE WITH CEQA:

The IRWMP is a planning activity that identifies possible future actions that have not been approved, adopted, or funded. Therefore, this project is categorically exempt from California Environmental Quality Act (CEQA) review under 14 California Code of Regulations Section 15262. Similarly, the project is statutorily exempt from CEQA review under Section 15306, which exempts basic data collection, research, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

Adoption of the IRWMP indicates concurrence with the IRWMP regional goals and objectives. This adoption is not a direct commitment of resources, but rather an agreement with regional priorities. In addition, as made clear by the proposed resolution, the Conservancy is not legally bound by adoption of the Plan to undertake any aspect of the Plan or to take any other action, nor is it limited in any way in connection with any other Conservancy activities within the San Francisco Bay Area (or elsewhere) by reason of adoption. As such, programmatic environmental analysis under CEQA is not triggered.

Implementation of each proposed project included in the Plan will be the responsibility of the project proponent and any applicable project partners. There is no joint commitment or responsibility by the IRWMP participants to implement any or all of the projects. Furthermore, the project proponents and applicable project partners have discretionary authority over project design and implementation, and may elect not to implement a project based on changing regional conditions and needs. If implementing a project, project proponents bear sole responsibility for ensuring CEQA requirements for the project are met.

Upon Conservancy approval of the proposed project, staff will file a Notice of Exemption.