

FINAL

Bay Area IRWMP Coordinating Committee

Agreements and Action Items from July 27, 2009 Meeting

1. Roll Call—Appointed FA representatives present

| WS-WQ | WW-RW | FP-SW | Watershed | Other |
|-------------------------|--------------|-------------------------|--|-------------------------------|
| Molly Petrick, SFPUC | | Mark Boucher, CCCFCD | Harry Seraydarian, NBWA; Melanie Denninger, SCC; Dale Hopkins, RWQCB | Paul Helliker, Chair, MMWD |

Others present:

Mitch Avalon, CCCFCD
Chris Choo (MCFCWCD)
Thomasin Grim (MMWD)
Tracy Hemmeter (SCVWD)
Matt Krupp (City of San Jose)
Carol Mahoney (Zone 7 Water)
Carl Morrison (Morrison Assoc/SCWA, Z7, SCC)
Robyn Navarra (Zone 7 Water)
Elizabeth Patterson (Morrison Assoc)
Ann L. Riley (SF RWQCB)
Joanne Siew (RMC)
Renee Webber (SCWA/NBWRA)

2. Report from Project Screening Subcommittee (information, led by Tracy Hemmeter)

- Brian Campbell was unable to participate in this meeting and Tracy Hemmeter provided an overview update of the subcommittee's progress to date, and the Regional projects that are being considered by the subcommittee.

(1a) Landscape Irrigation Calculator

- No significant updates on this project since the last CC meeting.

(1b) Drought and Water Conservation Project

- Carol Mahoney reported that project proponents are currently looking at ways to better organize and potential alternatives for administering the project. She talked to various consultants that have dealt with grant applications and grant management, and disseminated some general ideas to the CC (refer to Attachment A).
- There would be a generic outreach component for this program, and the outreach would also be a mechanism for coordination among participating agencies.

(2) Regional Green Infrastructure Capacity Building Project

- No significant updates on this project since the last CC meeting.

(3) Disadvantaged Communities Watershed Program

- There are four projects within this program: (1) the Bay Area Watershed Network Technical Assistance, (2) Stream Channel Shapes and Floodplain Restoration Guidance, (3) Stream Restoration – Historical Ecology Restoration Objectives Data and (4) Community-based Stormwater Management Mapping and Project Alternatives Identification.
- Ann Riley noted that this project would complete the historical ecology information for the three watershed areas, but would not end up as a GIS database of historical ecology of the Bay Area.
- She noted that benefits of the project would be agglomerated across the three watersheds.
- Ann Riley will be updating the project match amounts (increase in local funding, decrease in need for DWR funds), and will provide the updated information to the project screening sub-committee.

(4) Interactive Flood and Waterways Infrastructure Analysis and Communication Tool

- Mitch Avalon provided a summary of the updated project (Attachment B), which involves producing web accessible GIS-based maps of existing and planned Bay Area flood protection infrastructure, flood-prone areas, and other water infrastructure overlaid with known riparian and wetland areas and disadvantaged community information. Sea-level rise data would also be incorporated into the maps.
- The CC questioned how this would fit within the efforts of FloodSAFE, part of the State's flood control plan. The FloodSAFE effort would include gathering data and mapping flood infrastructure throughout the State, but not to the same level of detail as this project. However, data and tools developed in this project can be provided to DWR for incorporation into their Statewide program. The State is currently starting up regional workshops to discuss developing regional flood plans for IRWMP areas.
- The CC noted that since the project has a DAC component, that it would be useful to identify the percentage of project funds that would go into DAC-specific components.
- The CC queried if there was integration between this project and other similar activities in the Bay Area, such as the South San Francisco Bay Shoreline Study, which also involves the evaluation of tidal flooding in the South Bay for salt ponds restoration).
- Would 'planning' projects like these qualify for the Planning grants? In the past, Planning grants were only allocated for IRWM Plan updates.
- It was noted that the State is allocating a significant amount of funding for flood projects – would be good to leverage on the availability of these funds.

3. Discuss prospective Lead Agency and management of grants (Discussion, led by CC).

- The San Francisco Estuary Partnership (SFEP) had volunteered as a potential lead proponent for the grant application (per Jennifer Krebs's indication at the previous CC meeting), however the SFEP would only want to deal with a maximum of several agencies (possibly one categorical lead for each of the programs listed above), and would need to further understand the legal implications before it agrees to take the lead.
- Another option would be to create a joint-powers agency (e.g. BACWA-SFEP).
- The CC discussed scenarios of what the grant management structure would look like and highlighted the following issues:
 - With all the integrated programs, would individual Memorandums of Understanding (MOUs) be required for each participating agency and the lead proponent? Would MOUs be needed between the lead proponent and each participating agency for invoicing purposes?

- Potential structure: Lead applicant -> categorical lead agencies for each Regional program/project (4) -> participating agencies.
 - Contracts would have to be created for entities that do not have a conforming Urban Water Management Plan (UWMP), and would be seeking reimbursement or rebates. Another alternative would be for eligible agencies (e.g. Zone 7) to act as an administrator for these entities.
 - What would be the administrative costs of getting all these agreements together, and which party would be responsible for putting up those funds? BACWA has indicated that they would not be fronting administrative costs.
 - There is a possibility that DWR will not reimburse administrative costs, and they would have to be borne by agencies. Apart from administrative costs, agencies might also have to front grant funds for projects with no clear repayment date from the State. This would have to be discussed by the project screening subcommittee.
 - Potential additional criteria for Regional projects to be considered by the project screening sub-committee: Projects need to be evaluated for whether they can move ahead without DWR grants.
 - A consulting firm could be hired as a grant coordinator or contract manager to facilitate between SFEP and each participating agency. Need to estimate how much time and effort it would take to manage these contracts, and how much agencies can spend for administrative costs vs how much DWR will reimburse.
 - Would DWR be open to having more than one lead applicant? May not want to complicate processes or introduce higher transaction costs given the State's current budget situation. Default preference would still be one lead applicant for the Bay Area.
 - The CC agreed that SFEP would make a good lead proponent to DWR given their experience in handling Federal grants from EPA.
- It would be beneficial for CC representatives to meet with SFEP to understand their grant management process. BACWA's experience could be shared as well. Set up a meeting among representatives from various agencies to discuss experience with grant management and administration (e.g. Prop 13 experience from MMWD, BACWA, and Zone 7; and regional outreach campaign from SFPUC).
 - The CC will need to communicate with DWR with regards to the proportion of funds that agencies/applicants need to front and the conditions of reimbursement especially when the project involves DAC organizations, which typically do not have enough funds to front the project.

Action Items:

- CC to set up meeting involving representatives from various agencies with experience in managing grants to discuss what they have done in terms of reporting to DWR, and how grants with multiple recipients have been administered. RMC is coordinating with Paul Helliker on this and will provide an update to the CC.
- Molly Petrick will contact Jennifer Krebs at SFEP to provide information on BACWA's grant administration process.
- Carl Morrison to check with DWR on the release of the draft and final PSP.

4. RMC Contract

- Melanie Denninger announced that the Coastal Conservancy's funds of \$20,000 in the four-party agreement has been frozen for the foreseeable future. Sonoma County's contribution of \$20,000 enabled for the Coastal Conservancy's portion to be

'substituted' in the four-party agreement, but the Coastal Conservancy is not authorized to spend their own portion. Total available project budget for RMC now stands at \$80,000.

- Melanie Denninger indicated that the Coastal Conservancy would like to pass on responsibility for administering a consultant contract to another agency and asked agency representatives in the CC to consider taking over the next contract. Paul Helliker and Mitch Avalon noted that this should be discussed at the BAWAC and BAFPAA meetings.
- RMC has sufficient funds to provide support for approximately six more CC/PnP/PSC meetings and will require additional funds for work beyond meeting support. Discussion revolved around uncertainty about schedule for grant rounds and tight budgets among CC agencies. Paul Helliker and Mitch Avalon will be discussing this at the BAWAC and BAFPAA meetings.

5. Announcements

- Tracy Hemmeter announced that Brian Mendenhall and his wife welcomed their twin babies!
- Mark Boucher announced that the Bay Area IRWMP website has been delivered to the new server.

The next CC meeting is tentatively scheduled for Monday, August 24, 2009, from 1:00 pm – 3:00 pm at the Elihu Harris State Building (to be held if DWR guidelines are available).

Attachments:

A: Draft Proposed Agreement Framework for the Drought Relief & Water Conservation Project

B: Interactive Flood and Waterways Infrastructure Analysis and Communication Tool

Region Acceptance Process Draft Recommendations Workshop

Department of Water Resources
Sept 8, Sacramento
Sept 9, Los Angeles
Sept 10, Fresno

Purpose

- To receive comments on the draft recommendations for the 2009 Region Acceptance Process (RAP).

Agenda

- Introductions
- Program Review & Update
- RAP Summary
- Public Comments

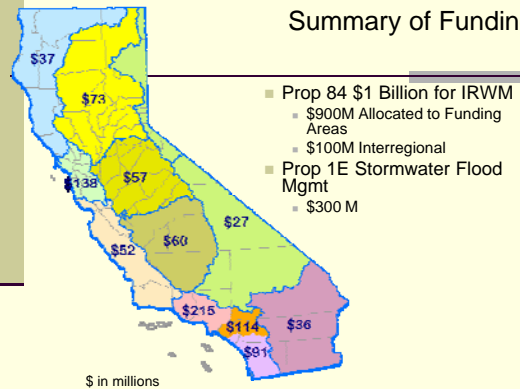
Sacramento Workshop

- Webcast
<http://www.calepa.ca.gov/broadcast/>
- Email questions or comments to:
DWR_IRWM@water.ca.gov

Program Review & Update

- Funding
- Standards & Guidelines
- Schedule

Summary of Funding



FY 08-09 Budget Appropriations

- Prop 84 IRWM Interregional Funds
 - \$13,484,000 – State's Colorado River QSA Obligations
 - \$8,000,000 – CALFED Science Grants

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SBxx1 Appropriations

- Funds availability
 - March 1, 2009 – June 30, 2010
- \$181,791,000 from Prop 84 IRWM
 - \$100,000,000 – Implementation
 - Regional Funds
 - 10% (\$10 M) for projects that address critical water supply or water quality needs for DACs
 - \$20 M for ag and urban water conservation projects needed to meet 20X2020 goal

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SBxx1 Appropriations

- Prop 84 IRWM cont.
 - \$39,000,000 – Planning
 - 10% (\$3.9M) to facilitate and support the participation of DACs in IRWM planning
 - \$30,000,000 – IRWM Planning Grants
 - \$15,000,000 from Regional Funds
 - \$15,000,000 from Interregional Funds
 - \$9,000,000 – Local Groundwater Assistance
 - \$4.3 M awarded already
 - \$4.7 M for next cycle

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SBxx1 Appropriations

- Prop 84 IRWM cont.
 - \$22,091,000 – Interregional Projects
 - \$10,000,000 – Interconnection of Delta Aqueducts
 - \$2,000,000 – Tulare County Integrated WQ/WWT Program Plan
 - \$10,091,000 – DWR Actions
 - \$20,700,000 – Program Delivery

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SBxx1 Appropriations

- \$150,000,000 from Prop 1E SWFM
 - \$100,000,000 – Seismic strengthening
 - Existing flood control facilities
 - \$20,000,000 – Combined sewer systems
 - \$20,000,000 – Urban Stream-SWFM
 - Watersheds that drain to San Francisco Bay
 - Includes Sacramento and San Joaquin Watersheds
 - Remainder of appropriation
 - \$5,500,000 – General SWFM projects
 - \$4,500,000 – Program Delivery

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FY 2009-2010 Budget (ABx4 1)

- Proposition 1E SWFM
 - \$5,000,000 – Pajaro River Flood Control Project

Future Appropriations

- Prop 84 IRWM
 - Regional Funds – \$708,500,000
 - Interregional Funds – \$23,925,000
 - Balance of Program Delivery & Bond Costs
- Prop 1E SWFM
 - Grant Program – \$124,000,000
 - Balance of Program Delivery & Bond Costs

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Standards and Guidelines

- Draft IRWM Standards nearing completion
- Proceeding with Preparation of:
 - Guidelines
 - PSP for SBxx1 Implementation funds
 - PSP for Planning grants

Schedule

- No authority to make new commitments
- Will not solicit grant applications until we can enter into new commitments
- May run SBxx1 Implementation and Planning grant solicitations simultaneously

Schedule

- Nov/Dec '09 – Release Draft
 - Guidelines
 - IRWM Plan Standards
 - SBxx1 Implementation and Planning PSPs
- Jan/Feb '10 – Public Comment Period (w/ workshops)
- Feb '10 – 2010 RAP Review
 - Address conditional approvals and new efforts
- Mar/Apr '10 – Final Documents
 - Guidelines, Standards, PSP, and RAP Decisions
- Apr '10 – Application Workshops¹⁾
- May/June '10 – Applications due¹⁾

1) Assumes bond restrictions lifted

RAP Summary

- Draft Recommendations

RAP Schedule

- Final Guidelines issued – March 11
- RAP Materials submitted – April 29
- RAP Interviews – May 26-July 9
- Draft Recommendations – September 1
- Workshops – September 8-10
- Comments Due – September 22
- Final Decision – mid-October

Issued Considered in Decision

- Appropriateness of region
 - Scope of issues, Degree of integration, etc.
- Status of Regional Planning efforts
 - Comprehensive Planning
 - Well established versus initial scoping
 - Diversity of Partners/Participants

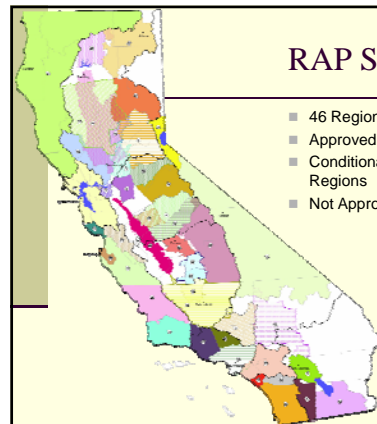
Issued Considered in Decision

- Regional Context
 - Adjacent efforts
 - Overlapping or competing planning efforts
- Future Regional Vision
- Adopted Plan – September 30, 2008

IRWM Region Statistics

- 82% Land included in a Region
 - Up from 54% in Prop 50
- 98% Population included in a Region
 - Up from 94% in Prop 50
- Largest Region – 12.5M Acres (19,500 Mi²)
- Smallest Region – 170,000 Acres (260 Mi²)
- Average – 2M Acres (3,000 Mi²)

RAP Summary



- 46 Regions submitted
- Approved – 34 Regions
- Conditional Approval – 11 Regions
- Not Approved – 1 Region

Public Comment

•Due September 22, 2009 by 5 p.m.

Comments Due September 22 by 5 p.m.

- Written comments
 - E-mailed in an MS Word editable format:
DWR_IRWM@water.ca.gov
 - Mail: PO Box 942836, Sacramento, CA 94236-0002
Attention: Ralph Svetich
 - Hand deliver: 901 P Street, Sacramento, CA 95814
Attention: Ralph Svetich

Joanne Siew

From: Jennifer Krebs [JKrebs@waterboards.ca.gov]
Sent: Monday, August 24, 2009 1:43 PM
To: Paul Helliker; Thomasin Grim; Joanne Siew
Subject: SFEP/ABAG ability to contract under IRWMP

Hi Joanne, Paul, & Thomasin,

The following letter is for the next cc meeting's discussion of grant administration. I don't think it needs to be mailed out prior to the agenda package...but I am circulating it now so I don't forget when next we meet.

Thanks,
Jennifer

Dear IRWMP CC,

At past PNP and Coordinating Committee Meetings, I have indicated that SFEP & ABAG are interested in acting as overall fiscal agent and/or grant manager for the next round of IRWMP funding. A number of questions have arisen that I wanted to try to answer in writing.

Before I turn to those questions, I should note that since DWR has not issued the PSP, and since it is unclear what the timing of such an issuance is, what the content will be, etc., this information is general. It seems premature for either SFEP/ABAG and/or the IRWMP CC to make a commitment to prospective project would be administered with so many unknowns.

1) How large and complicated projects has SFEP/ABAG managed?

In recent years, ABAG has managed contracts with the following state agencies: CalFed, the State Water Resources Board, Caltrans, Department of Water Resources, Resources Agency, Department of Boating and Waterways. The largest of these contracts was a \$25 million contract with CalFed.

One recent project, Estuary 2100, is a \$5 million project with USEPA & 15 project partners. A project funded in 2007, Taking Action for Clean Water (a \$2.8 million award from the State Board) has 12 project partners collaborating on 4 subprojects. With the state bond freeze, the project was put on hold. It is now being re-started with American Recover and Reinvestment Act (ARRA) funding. Under Taking Action, SFEP has contracted with 12 entities and is now recontracting with the same entities under different provisions (admittedly fun for none).

2) How much does SFEP/ABAG charge for grants management?

Until 2008, SFEP/ABAG routinely charged 10% of the project cost for contract and financial management. This amount was considered reasonable by the state and federal agencies with whom we partner. However, last year, EPA indicated that 5% for administrative management of large grants was the maximum acceptable. SFEP/ABAG also charges for project management based upon a project's scope/complexity, term of the project, reporting requirements, etc.

3) Is SFEP/ABAG willing to administer a contract as onerous as the previous IRWMP grant to the region?

SFEP's attorney, Ken Moy, reviewed the conditions from the past IRWMP grant to the region. The critical provisions are those that require the grantee to complete, operate and maintain a project regardless of cost or other considerations coupled with other provisions that require a grantee to return all funds with interest in the event of default. If one subrecipient backs out or doesn't perform, the entire award would need to be


returned. ABAG will attempt to modify those provisions so that a particular project's default will cause a default of the master grant and that only the defaulting project's funds would be returned (with interest). Lastly, before ABAG can sign a master grant contract with DWR, ABAG would want commitments from all subrecipients on the projects to be funded and agreement with the terms.


I hope I've captured all the questions to date.

Sincerely,
Jennifer

Jennifer Krebs

Principal Environmental Planner
San Francisco Estuary Partnership
1515 Clay Street, Suite 1400
Oakland, CA 94612

 510-622-2315

 510-622-2501

 jkrebs@waterboards.ca.gov