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STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2023-

AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO ENTER INTO OR AMEND CONTRACTS USING DROUGHT AND CLEAR LAKE HITCH CONTRACT ALLOCATIONS

WHEREAS:

1. California has recently experienced a significant drought that included the driest three-month period on record (January-March 2022) and occurred on the heels of the record-setting drought of 2012-2016. While conditions have improved in many parts of the state, it will take communities across California many years to recover from the impacts of successive multi-year droughts. Continued action by the state is necessary to address impacts of the drought emergency and to plan for future droughts;
2. On April 21, 2021, Governor Gavin Newsom proclaimed a drought state of emergency for Mendocino and Sonoma counties. On May 10, 2021, the Governor expanded the emergency to 41 counties, including Lake County. On October 19, 2021, the Governor extended the emergency to all of California. On March 3, 2022, the Governor acknowledged continued drought conditions and called for increased conservation. On March 24, 2023, Governor Newsom issued [Executive Order N-5-23](#), which recognized that while conditions have improved in some parts of the state, other parts remain in drought, and continued State action is needed to address ongoing impacts of the drought emergency, including drought-related harm to the Clear Lake hitch. Executive Order N-5-23 directs the State Water Resources Control Board (State Water Board or Board) to evaluate minimum instream flows and other actions needed to protect the Clear Lake hitch, work on voluntary measures, and consider emergency regulations to establish minimum instream flows to mitigate the effects of drought;
3. The Clear Lake hitch (hitch) is a medium-sized fish found only in Clear Lake and its tributaries. The hitch is an important species in the Clear Lake watershed that holds cultural and ecological significance. The hitch population has been in decline for some time, but recent droughts have exacerbated the decline. In December 2022, a coalition of Native American Tribes requested the State Water Board help address the extinction risk faced by the hitch. Shortly thereafter, the Lake County Board of Supervisors asked the Board to increase activities to stop illegal water diversions affecting Clear Lake and its tributaries and consider regulations to assure the continued viability of the Clear Lake hitch and other aquatic species. In January 2023, the Board began collecting and evaluating existing data to identify how surface water

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diversions and groundwater extractions in the Clear Lake watershed are impacting creek flows. The Division's preliminary analysis indicates that groundwater pumping may be impacting creek flows, but additional monitoring, gaging, and data collection are needed to understand the magnitude and timing of potential impacts.

4. Back-to-back droughts have severely limited water supplies for communities across California and have resulted in water management related conflicts. These conflicts are increasing in frequency and complexity, and there is a need for collaborative approaches to prevent or reduce drought impacts. After the 2012-2016 drought, the State Water Board conducted the Water Rights Drought Effort Review, which compiled stakeholder comments on previous drought efforts and recommendations for future improvements. One of the most common recommendations was for the Board to proactively communicate and engage with interested parties and to support community based and collaborative efforts. The Board has found that third-party facilitation is critical for addressing those recommendations, navigating conflict, supporting equitable discussions, and fostering collaboration among diverse interested parties that may have divergent needs and perspectives.
5. The Governor's Budget proposal in January 2022 approved the Drought Resilience and Response Package Budget Change Proposal (BCP), which included investments to support directives in the Governor's drought proclamations and executive orders from April 2021 and beyond. The Division of Water Rights and Office of Public Participation are proposing to allocate \$3.2 million of the BCP funds for facilitation services to address drought and long-term water resilience. In 2023, the State Water Board received \$1 million to support data collection, monitoring, and modeling efforts in the Clear Lake watershed to address the Clear Lake hitch drought emergency;
6. To address the drought-related needs discussed above, the Division of Water Rights and Office of Public Participation identified a need for developing contracts for data collection, monitoring, and modeling services in the Clear Lake watershed and for third-party facilitation services in both the Clear Lake watershed and statewide. The facilitation services could be used for projects related to water rights and emergency regulations, the Sustainable Groundwater Management Act, the Safe and Affordable Funding for Equity and Resilience, and more.
7. Adoption of this Resolution would allow the Executive Director or designee to execute and amend a contract or multiple contracts for drought-related or Clear Lake hitch-related efforts for up to \$4.2 million and for terms of up to four years.

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8. The State Water Board's Division of Administrative Services will ensure that these contracting activities comply with State contracting laws, regulations, policies, and procedures.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Authorizes the Executive Director or designee to execute and amend one or more contracts up to a total sum of \$4.2 million and for terms of up to four years to support monitoring, gaging, and modeling efforts to address the Clear Lake hitch drought emergency and to support facilitation services to address current impacts of the drought emergency and future drought planning statewide.
2. This authorization shall remain in full force and effect until modified or revoked by the State Water Board.

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 December 5, 2023.

Courtney Tyler
Clerk to the Board