

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER RIGHTS
SEPTEMBER 19, 2023**

ITEM 2

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR, OR DESIGNEE, TO EXECUTE AND AMEND CONTRACTS RELATED TO THE CALIFORNIA WATER ACTION PLAN AND THE CALIFORNIA WATER RESILIENCE PORTFOLIO, UP TO BUDGETED AMOUNTS AND DURATIONS IN ACCORDANCE WITH STATE CONTRACTING LAWS, REGULATIONS, POLICIES, AND PROCEDURES.

DISCUSSION

The State Water Resources Control Board (State Water Board or Board) mission is to preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations. One of the ways the State Water Board is fulfilling its mission is through implementation of directives identified in the Governor Edmund G. Brown's 2014 California Water Action Plan (WAP) and the Governor Gavin Newsom's 2020 California Water Resilience Portfolio (WRP). Division of Water Rights (Division) staff are working under Action 4 of the WAP to "Protect and Restore Important Ecosystems" and to "Protect and Enhance Natural Systems" under Proposal 9 of the WRP that directs state agencies to "Help regions better protect fish and wildlife by quantifying the timing, quality, and volume of flows they need."

As part of its responsibilities under the WAP and WRP the State Water Board is developing and implementing actions to ensure the reasonable protection of beneficial uses in priority watersheds throughout California including Mark West Creek (tributary to Russian River), Scott and Shasta Rivers (tributaries to the Klamath River), South Fork Eel River, and Ventura River. The State Water Board receives an annual budget allocation for contracts to support this work that includes: data collection and data analysis; environmental analyses and documentation; economic analysis; hydrologic, water quality, and biological modeling; ecological, environmental, and water quality analyses; flow and water quality compliance methods; monitoring activities and adaptive management; and related activities. Additionally, in response to drought emergencies, the State Water Board has, and may again, receive budget allocation to support these types of work.

Time and funding limitations associated with the current delegation of contracting authority under State Water Board [Resolution No. 2015-0022](#) limit total contract amounts to \$750,000 and durations to three years, unless separate delegations are approved. While this authority is adequate for most State Water Board contracts, it does

not provide the flexibility needed for the Division to encumber allocated contract funds on required timelines and creates delays in the execution of the priority work that is directed in the WAP and WRP. Through this resolution, the Division is requesting authority to enter into and amend contracts up to budgeted amounts for contracting efforts related to the WAP and WRP-related efforts to protect, enhance, and restore natural systems and important ecosystems in priority watersheds. The contracting authority requested in this resolution would allow the Division to manage contracts more efficiently and effectively. Contracting budgets will remain consistent with annual budget allocations for these watersheds for a given fiscal year and any special allocations for this work (e.g., drought funds). The Division of Administrative Services will continue to ensure that the State Water Board conducts its contracting activities in compliance with state contracting laws, regulations, policies, and procedures.

A delegation of contracting authority specifically for priority watersheds associated with work under the WAP and WRP, which includes Klamath watershed emergency regulation-related work, up to budgeted amounts would provide the needed flexibility to address the dynamic nature of contracting needs in priority watersheds, including evolving needs associated with drought.

POLICY ISSUE

Should the State Water Board authorize the Executive Director, or designee, to execute and amend contracts related to WAP and WRP up to budgeted amounts and durations in accordance with state contracting laws, regulations, policies, and procedures?

FISCAL IMPACT

None.

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

The State Water Board should adopt the proposed resolution.