

Amendment to Receivable Agreement for Shore-based Treatment of Ballast Water Feasibility Study

Requested Action: Staff is requesting Council approval to amend an interagency agreement with the State Lands Commission to receive an additional \$108,520 to repay Council costs associated with an existing contract to study the feasibility of on-shore treatment systems to eliminate ballast water introductions of invasive species.

Recommendation

Approve an amendment to an existing interagency agreement with the State Lands Commission that funds a study of efforts to eliminate ballast water introductions of invasive species. This study, originally approved by the Council at its January 2014 meeting, is being undertaken on behalf of the State Lands Commission at their request. The additional funding that the State Lands Commission will provide to the Council under the amended amendment is needed due to significant time delays resulting from a bid protest, and to support additional independent review steps and public workshops to increase transparency, credibility, and stakeholder engagement.

Background

Non-native species are a major obstacle to successful restoration of the Delta ecosystem, because they affect the survival, health, and distribution of native Delta wildlife and plants. Once established, there is little chance of eradicating most non-native species. Therefore, the Delta Plan emphasizes preventing additional invasions by non-native species and calls for the ecosystem to be managed in ways that minimize the impacts of invasive species that have already become established.

The Delta Plan's policy ER P5 provides, in part: *The potential for new introductions of or improved habitat conditions for nonnative invasive species, striped bass, or bass must be fully considered and avoided or mitigated in a way that appropriately protects the ecosystem.*

One pathway for invasive species to enter the Delta is in ballast water – the water temporarily stored in ships to improve their stability and control their draft. Invertebrate organisms are common in ballast water. These organisms can enter the Delta ecosystem when ballast water is exchanged in ports as cargoes are offloaded or taken aboard. Better management of ballast water discharges is one way to avoid introducing new invasive species that may further degrade the Delta ecosystem.

The best way to manage ballast water to avoid new introductions of invasive species, however, is not clear. California law (Public Resources Code section 71205.3) requires the State Lands Commission (Commission) to implement performance standards for the discharge of ballast water into state waters. Vessels may comply with the performance

standards through retention of all ballast water on board the vessel, use of ballast water treatment technologies, or discharge of ballast water to a reception facility approved by the Commission. At this time on-board treatment systems have been unable to meet the stringent interim performance standards. Despite the fact that the discharge of ballast water to shore-based reception and treatment facilities is an approved method for vessels to comply with California's performance standards, there are currently no operational ballast water reception facilities in California.

The Commission asked the Delta Stewardship Council in 2013 to manage both the preparation and subsequent independent review of a feasibility study about the potential use of shore-based ballast water reception and treatment facilities in California to meet California's interim performance standards for the discharge of ballast water (see Title 2 California Code of Regulations Section 2293). The study will culminate in the production of a report detailing the potential of this method to meet the needs of regulated vessels to comply with California's interim performance standards.

Rationale for Amending the Agreement

After entering into an agreement to receive funds from the State Lands Commission to pay for the feasibility study, in August 2014, staff initiated the State contracting process (Request for Proposals) to select a contractor. However the contract could not be awarded immediately due to a bid protest which was subsequently determined to be without merit. Additional staff time to address the protest, resulting delays in executing the contract, and the complexity of the project increased the costs of the project to the Council. These include additional public workshops to engage stakeholders and provide additional transparency and credibility to the process. Staff asked the Commission to provide an additional \$108,520.00 to cover the Council's costs for this additional work. The Commission has accepted the request to amend the agreement and provide the additional funding. Agreement by the Council to accept these additional funds is the remaining step.

Fiscal Information

State Lands Commission is funding this study through a receivable contract with the Council.

Initial amount	\$500,000.00
Amendment	\$108,520.00

Amended total	\$608,520.00

Contact

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