

ACTION ITEM
**Approval for Executive Officer to Enter into a Contract
for Services to Assist the Council in Amending the Delta Plan**

Summary: The Delta Reform Act requires the Delta Stewardship Council to “review the Delta Plan once every five years” and states that the Council “may revise it as the council deems appropriate.” (Water Code section 85300(c)) The Delta Plan was originally adopted in 2013. The statutorily required five-year review will take place in 2018. In advance of its comprehensive five-year review, the Council is working to amend the Delta Plan on the following high-priority topics:

- Conveyance, Storage, and Operations (Water Code section 85303 and 85304)
- Ecosystem Restoration (Water Code section 85302)
- Delta Levees Investment Strategy (Water Code section 85306)

Staff has completed the process of soliciting proposals for consultants to assist in near-term Delta Plan amendments and recommends selection of the global engineering firm MWH as the technical lead to assist the Council with amending the Delta Plan.

Requested Action

Authorize the Executive Officer to execute a \$2.450 million contract with MWH to assist the Council in the development of multiple Delta Plan amendments.

Background

Over the past few months the Council has committed to several Delta Plan amendments on the following high-priority topics:

- Conveyance, Storage, and Operations (Water Code section 85303 and 85304)
- Ecosystem Restoration (Water Code section 85302)
- Delta Levees Investment Strategy (Water Code section 85306)

The need for other amendments may be identified over the next several years and/or during the five-year review required by Water Code section 85300(c).

Council staff will present recommended amendments to the Plan for discussion, input, and approval as they are developed, focusing on these previously identified high-priority areas. Staff is recommending contracting with MWH to provide technical assistance to the Council as it proceeds with its amendments.

Conveyance, Storage and Operations

In early 2015, the Administration announced a new preferred alternative to the Bay Delta Conservation Plan (BDCP). The new alternative would not complete the BDCP as a Habitat Conservation Plan (HCP)/Natural Community Conservation Plan (NCCP), but instead propose construction of water conveyance facilities through an initiative called California WaterFix. A parallel effort called California EcoRestore proposes to accelerate implementation of a suite of habitat restoration actions being planned in the Delta.

In light of these changes to the BDCP and its shift to a new approach to compliance with the federal and State Endangered Species Acts, the Council adopted guiding principles that provide direction to staff in the development of these Delta Plan amendments. Council staff has evaluated existing information in the Delta Plan related to water conveyance, storage, and the operation of both to consider whether and where Delta Plan amendments are needed.

Staff expects that revisions will be needed to the Delta Plan's narrative and graphics, its recommendations, its regulatory policies, and performance measures. Technical assistance will be needed to support these Plan revisions. The Council will also need to comply with the California Environmental Quality Act (CEQA) and APA rulemaking requirements associated with amending the Delta Plan.

Ecosystem Restoration

The Delta Plan's chapter on ecosystem restoration consists of narrative, several regulatory policies, and recommendations. As described above, the recent changes in the BDCP have resulted in a parallel effort called California EcoRestore which proposes to accelerate implementation of a suite of habitat restoration actions in the Delta. In light of this change and move from a comprehensive conservation strategy for the Delta, the Council will consider a Delta Plan update related to long-term ecosystem restoration beyond the proposed EcoRestore projects.

Such an update would need to be based on recently developed science and other information and planning conducted by a variety of other agencies and organizations. This update to the Delta Plan may also include integration of Delta counties' habitat restoration plans and State and federal species recovery and ecosystem restoration plans in order to provide a more comprehensive approach to ecosystem restoration in the Delta. As noted above, the Council will also need to consider CEQA and APA rulemaking requirements associated with this amendment. Likewise, technical assistance will also be needed to support these Plan revisions.

The Delta Levees Investment Strategy

The Council is now engaged in updating the Delta Plan's priorities for State investments in Delta levees through the Delta Levees Investment Strategy (DLIS) (see <http://deltacouncil.ca.gov/delta-levees-investment-strategy>). Efforts currently underway by

the Council include an analysis of the risk to State interests posed by the potential for flooding in the Delta and developing investment priorities based on that risk analysis. As part of this amendment, the Council will also comply with CEQA and update the Delta Plan's regulations for this subject matter. The Council currently has a contractor, Arcadis, which is assisting Council staff in the development of the amendment and its compliance with the CEQA requirements. As the amendment is considered, MWH will provide support for compliance with APA rulemaking requirements for this amendment.

Performance Measures

New Delta Plan policies and recommendations would require the development of new performance measures and MWH can assist the Council in this area.

Bidding Process

Council staff instituted a competitive bidding process consistent with applicable law and Council Procedures. Solicitation opened Jan. 26, 2016, with submittal packages due March 18. Following an evaluation and negotiation process, staff announced its recommendation April 26, to award the contract for this project to global engineering firm MWH based on its ranking in the Council's Request for Consultant Services process, the qualifications of its personnel, appropriate experience and expertise, and MWH's understanding of the Council's needs.

Prior relevant work by MWH includes studies of three of the five CALFED storage projects, and work for the San Joaquin River Restoration Program and the 2012 Central Valley Flood Protection Plan. Other key partners on MWH's project team include Environmental Science Associates, with skills in ecosystem restoration and CEQA; Propoint Technology, which assisted the Council with the delivery of the Delta Plan performance measures project and subsequent refining of the final performance measures; and, ARCADIS, the Council's DLIS consultant. Other partners include Ascent Environmental, The Catalyst group, ERA Economics, Kearns and West, and TCW Economics.

Information regarding the Council's bidding process for this contract can be found on the Council's web site: <http://deltacouncil.ca.gov/delta-plan-amendments-solicitation>.

Fiscal Information

Funding for this contract is included in the Council's FY 15-16 budget and pending FY16-17 budget. Council authorization is required because the total amount of the contract is \$2.450 million, which exceeds the Executive Officer's \$500,000 delegated authority. The full-term of the contract will be for three fiscal years and all work paid for under this contract will be related to the amendments of the Delta Plan. Staff anticipates the start date of this contract will be in early June 2016.

List of Attachments

No attachments.

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