



## **ACTION ITEM**

Consideration and Possible Approval of a new Federal Agreement with the U.S. Bureau of Reclamation

### Summary

The Council will consider approving Resolution 2024-07 authorizing a receivable agreement with U.S. Bureau of Reclamation for an amount not to exceed \$2,260,000 that will be used for independent scientific review panel contracts and Council staff time, from October 1, 2024 to September 30, 2029.

### Requested Action

Council staff recommends that the Council approve Resolution 2024-07 (Attachment 1), authorizing a new receivable agreement with the U.S. Bureau of Reclamation (Reclamation), for an amount not to exceed \$2,260,000 with a term date from October 1, 2024, to September 30, 2029.

This agreement would reimburse the Council for independent scientific review panel contracts and Council staff time to facilitate independent science and engineering review services that support Reclamation and its partners' need to evaluate the science underlying actions taken to supply water and protect Endangered Species Act (ESA) listed species in the Sacramento-San Joaquin Delta, San Francisco Bay, and upstream tributaries.

The Executive Officer has delegated authority up to \$750,000 to enter into contract/agreements on the Council's behalf. Because this agreement exceeds that amount, Council approval is required for the proposed agreement.

### Purpose of new agreement

This new agreement for independent scientific peer review services would allow the Delta Science Program to continue to facilitate reviews of the science underlying various water supply management actions that aim to improve environmental

conditions for ESA listed species impacted by the operation of the Central Valley Project (CVP) and State Water Project (SWP). These reviews support the co-equal goals of ecosystem restoration and reliable water supply and benefit the public by ensuring that these activities are based on the best possible scientific and engineering understanding. Under the new agreement, the Delta Science Program may facilitate up to eight peer reviews over a range of topics critical to Delta science and decision-making, including salmonid juvenile production estimates and critical reservoir operations. The agreement includes reimbursement for council staff time supporting the National Academy of Sciences review of the long-term operations of the CVP and the SWP. For the first time, the agreement includes support for Delta Science Program and Reclamation staff to develop peer review communication products, such as an easily understandable set of key takeaways.

## Background

Pursuant to the ESA, the National Marine Fisheries Service (NMFS) and the U.S. Fish & Wildlife Service (USFWS) each issued biological opinions in 2009 and 2008, respectively, to enable the Long-Term Operations of the CVP and SWP. Since the 2008/2009 biological opinions and their associated Record of Decisions have been in effect, the Council has entered into a continuous series of cooperative agreements with Reclamation for reviews of the science and engineering issues underlying the operation of the CVP and SWP. Based on the latest science, Delta Science Program independent scientific peer review, updated operational plans, and changing environmental conditions, Reclamation reinitiated consultation in 2016, 2019, and most recently in 2021.

In pursuit of its mission to provide the best possible unbiased scientific information to inform water and environmental decision making in the Delta (Water Code section 85280(b)(4)), the Council's Delta Science Program has facilitated 34 independent scientific review and advice panels since 2010. Under current and past agreements with Reclamation, the Delta Science Program facilitated multiple reviews, including the recently completed Fish and Aquatic Effects Analysis Review and Water Temperature Modeling Platform Peer Review. Prior to those, the Delta Science Program facilitated multiple reviews on the Long-Term Operation of the CVP and SWP, which informed the U.S. Bureau of Reclamation, NMFS, U.S. Fish and

Wildlife Service, and the Department of Water Resources about the efficacy of prior year's implementation of the Reasonable and Prudent Alternative Actions and informed potential changes.

## Fiscal Information

Costs to be reimbursed by Reclamation are not to exceed \$2,260,000, with approximately \$1,950,000 for subject matter expert contracts and \$250,000 for Council staff time.

## List of Attachments

*Attachment 1: Resolution 2024-07*

## Contact

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