



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: June 2, 2020

Subject: County Adoption of the updated Bay Area and the East Contra Costa County Integrated Regional Water Management Plans, Countywide. Project #7505-6F-8239

RECOMMENDATION(S):

ADOPT the 2019 San Francisco Bay Area Integrated Regional Water Management Plan (BAIRWM Plan) dated October 28, 2019, and the 2019 East Contra Costa County Integrated Regional Water Management Plan dated March 2019 (ECCCIRWM Plan); AUTHORIZE the Public Works Director, or designee, to execute documents signifying the County's adoption and continued participation in the process of updating, modifying, and revising the BAIRWM Plan and ECCCIRWM Plan, as needed, Countywide.

FISCAL IMPACT:

Some County Public Works staff time will be required on an ongoing basis. The County will benefit from coordination of its projects with those of other water, wastewater, flood management, stormwater quality, and environmental organizations in the Bay Area. (100% FC District Funds)

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **06/02/2020** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: June 2, 2020

David Twa, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: Mark Boucher, (925)
313-2274

BACKGROUND:

Integrated Regional Water Management Planning — Water Bond History

In 2002, Senate Bill 1672 created the Integrated Regional Water Management (IRWM) Act to encourage local agencies to work cooperatively to manage local and imported water supplies to improve the quality, quantity, and reliability. Since it's passing, the following California propositions, which included bond funds specifically for IRWM planning and project implantation have been passed by California voters:

Proposition 50 (Prop 50) — November 2002, “The Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002,” \$500,000,000 — funded competitive grants for projects consistent with an adopted IRWM plan.

Proposition 84 (Prop 84) — November 2006, “Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act,” — \$100,000,000 — funded IRWM Planning and Implementation.

Proposition 1E (Prop 1E) — November 2006, “Disaster Preparedness and Flood Prevention Bond Act” — \$300,000,000 — funded IRWM Stormwater Flood Management.

Proposition 1 (Prop 1) — November 2014 — “Water Quality, Supply, and Infrastructure Improvement Act of 2014” — \$510,000,000 — this proposition funded three IRWM programs: Disadvantaged Community Involvement Grant Program, Planning Grant Program, and Implementation Grant Program.

The following is a history and background of the FC District's involvement in the IRWM:

Bay Area Integrated Regional Water Management Plan

County Public Works staff, acting on behalf of the FC District, participated early on in 2003 in the Association of Bay Area Governments (ABAG) ABAG-CALFED Water Management Subcommittee. In a subcommittee meeting, it was noted that the State was preparing to begin the grant program for Prop 50 water bond funds. In response to this, Bay Area water agencies began outreach in order to develop an IRWM plan that identifies, coordinates, and prioritizes projects within the Bay Area. Prop 50 required for a project to be funded that it had to be in an IRWM plan.

The IRWM planning outreach resulted in the several regional water resource organizations working together towards a plan. Those agencies without formal regional organizations began to collaborate in the Bay Area region like never before. Overall, four “functional areas” were identified. These four functional areas are listed below along with the organizations that coordinate their representation in the collaborative efforts related to the Bay Area IRWM planning process.

1. Water Supply and Water Quality Functional Area (FA): this FA is coordinated by the

existing Bay Area Water Management Agencies Coalition.

2. Wastewater and Recycled Water: this FA is coordinated by the existing Bay Area Clean Water Agencies.

3. Flood Protection and Stormwater Management: this FA is coordinated by the Bay Area Flood Protection Agencies Association (BAFPAA), which was formed in response to the need to coordinate in the IRWM planning process. BAFPAAs agencies later executed a Memorandum of Understanding (MOU) to enable the pooling of funds for mutually beneficial activities. The FC District is a founding member of BAFPAAs and still fully engaged in IRWM and other activities.

4. Watershed Management, Habitat Protection, and Restoration: this FA coordinated by the Bay Area Watershed Network, which is coordinated by the San Francisco Estuary Partnership and under the umbrella of ABAG.

A BAIRWM Plan Coordinating Committee (Coordinating Committee) was established and later defined formally in the first Bay Area IRWM Plan. The Coordinating Committee continues to meet or conference call on a monthly basis and is the forum in which the BAIRWM Plan consensus decisions are made. In this forum, and through subcommittees that work on specific issues and funding rounds, the plan was developed, projects have been vetted, grant applications prepared, and the plan updated.

A website at <http://bayairewmp.org/> is used to enhance awareness, openness, and communication of the actions and decisions that the Coordinating Committee was making for the region.

On November 13, 2006, the Board of Supervisors adopted the first BAIRWM Plan, dated November 6, 2006, and AUTHORIZED the Chief Engineer, or designee, to continue participating in the process of updating, modifying, and revising the IRWM plan and directing the Chief Engineer to participate in an effort with other Bay Area flood control agencies to form an association for coordinating input to the IRWM plan.

On April 19, 2010, County Public Works staff, acting on behalf of the FC District, requested authorization through the Transportation, Water, and Infrastructure Committee to increase its participation level in the Bay Area IRWM planning activities.

The BAIRWM Plan was updated in 2013 and the Board of Supervisors adopted the updated plan on April 22, 2014.

East Contra Costa County Integrated Water Management Plan

The ECCIRWM Group was convened under the structure of the East County Water Management Association (ECWMA), which had existing collaborative relationships related to water resources. ECWMA was formed under an MOU that provided organizational structure for IRWM planning and implementation. The ECWMA Board convened in response to the 2002 requirement for IRWM plans. ECWMA members worked together to produce a “functionally equivalent” IRWM plan that was accepted by

the State by combining several existing plans. These were done in a natural, collaborative process in their respective water resources area. The East Contra Costa County Habitat Conservation Plan was included in the ECCIRWMP.

Before the IRWM planning effort, the Contra Costa Water Agency (CCWA) was a member of ECWMA. An amendment changed the membership from the CCWA to the County and added the East Contra Costa County Habitat Conservancy to the agreement. The FC District became recognized as a participant in the IRWM planning effort under the County's membership due to the fact that the FC District is managed by the Contra Costa County Public Works Department.

On April 11, 2005, County Public Works staff, acting on behalf of the FC District, requested Board of Supervisors approval to participate in the ECCCIRWM planning effort to participate in the cost for professional services to prepare the Prop 50 grant application. This was the first of several requests for authorization to be involved in the ECCCIRWM planning effort.

On April 19, 2010, County Public Works staff, acting on behalf of the FC District, requested authorization through the Transportation, Water, and Infrastructure Committee to increase its participation level in the Bay Area IRWM planning activities.

The ECCCIRWM Plan was updated in 2013 and the Board of Supervisors adopted the updated plan on April 22, 2014.

Current Actions

The State continues to make funding available, most recently through Proposition 1 implementation funding, for projects that are included in an adopted IRWM plan.

The Department of Water Resources (DWR) adopted the 2016 IRWM Guidelines, and requires IRWM Planning Regions to update their IRWM Plans to be consistent with the 2016 IRWM Plan Standards. The State has adjusted the focus of the IRWM grant programs rounds to ensure outreach and funding is provided to disadvantaged communities. The BAIRWM Plan ECCCIRWM Groups have worked to update their Plan to conform to the 2016 IRWM Plan Standards. The update required clarifications on regional water quality conditions, climate change, sea level rise impacts, adaptation and mitigation measures, resource management strategies, plan performance monitoring, and other planning strategies.

To be eligible to receive funds allocated for Round 1 of Proposition 1 Implementation funding, agencies involved in the IRWM Plans must adopt the plans. Once all necessary agencies in each Planning Region have adopted the IRWM Plans and the IRWM Plans are approved by the State, the IRWM Regions will have access to Proposition 1 funding.

A draft of the 2019 BAIRWM Plan Update was circulated to the Coordinating Committee's broad e-mail distribution list in advance of the September 23, 2019,

Coordinating Committee meeting. The Plan update was finalized and unanimously approved at the October 28, 2019, Coordinating Committee meeting. On April 14, 2020, DWR made the final determination that the Plan is consistent with the 2016 IRWM Guidelines. The full BAIRWM Plan (including the 2019 Plan Update) can be found at <http://bayareairwmp.org/>. The plan along with the appendix are provided as attachments.

A draft of the 2019 ECCCIRWM Plan Update was posted on DWR's website for a 30-day public review period and on July 10, 2019, announced at the ECCCIRM Group regular meeting that DWR accepted the plan as final. On June 14, 2020, DWR made the final determination that the ECCCIRWM Plan is consistent with the 2016 IRWM Guidelines. The full ECCCIRWM Plan (including the 2019 Plan Update) can be found via <https://www.eccc-irwm.org/documents>. The 2019 East Contra Costa County Integrated Regional Water Management Plan is provided as attachments.

County Public Works staff, acting on behalf of the FC District, are also taking the 2019 Plans to the Board of Supervisors for Contra Costa County for formal adoption. This will ensure that any County projects will also be eligible for funds through Prop 1. This would include green infrastructure projects that may be eligible for Prop 1 funding.

Commitment and California Environmental Quality Act

The Guidelines and the procedures developed by the DWR and the State Water Resources Control Board mandate that the IRWM plans be formally adopted, as evidenced by a resolution or other written documentation. The adoption must be done by the governing bodies of the agencies and organizations that participated in the development of the IRWM plans and have responsibility for its implementation. Therefore, the Board of Supervisors must approve the IRWM plan in order for the County's projects in the IRWM plans to be eligible for grant funding.

The IRWM plans are nonbinding documents. Adoption of the IRWM plans does not entail a direct commitment of resources. Implementation of each project identified in the IRWM plans will be the responsibility of the project proponent and any applicable project partners. There is no joint commitment or responsibility by the IRWM plan participants or adopting agencies to implement any or all of the projects. Furthermore, the project proponents and applicable project partners have discretionary authority over project design and implementation and may elect not to implement a project based on changing regional conditions or needs. Upon implementing a project, project proponents will be responsible for ensuring that all regulatory requirements for the project are met.

The IRWM plans consist of planning studies and basic proposed project information collection that will not result in the disturbance of any environmental resource. Therefore, the IRWM plans are statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines §15262. As such, programmatic environmental analysis under CEQA is not required. Each project ultimately implemented, as a result of this plan, will require independent CEQA analysis.

Referral History

The adoption of the previous versions of the BAIRWM Plan and ECCCIRWM Plan were presented to the Transportation, Water and Infrastructure Committee on April 3, 2014, for referral to the Board of Supervisors for approval of the adoption of the IRWM plans.

CONSEQUENCE OF NEGATIVE ACTION:

If the Board of Supervisors does not adopt the IRWM plans, projects that the County proposes for funding through IRWM grant programs will be ineligible for funding through various State water bond grant programs.

ATTACHMENTS

IRWM Plan 2020

2019 BA IRWM Plan Update Final PDF

2019 BA IRWM Plan Appendices