

**CONSIDERATION OF A RESOLUTION AUTHORIZING THE DIRECTOR, OR
DESIGNEE, TO SIGN AN INTERAGENCY AGREEMENT WITH THE DEPARTMENT
OF WATER RESOURCES TO OBTAIN FACILITATION AND MEDIATION
SERVICES FOR THE INTEGRATED KEY MILESTONES PROCESS**

Agenda Item: 10

Meeting Date: 8-14-03

Summary: This resolution would authorize the Director, or designee, to sign an interagency agreement with the Department of Water Resources to obtain facilitation and mediation services for the integrated key milestones process.

Recommended Action: Adopt Resolution 03-08-20.

Staff Recommendation: Staff recommends that the Authority adopt the attached resolution, which will enable it to obtain facilitation and mediation services for the Integrated Key Milestones Process.

Background

There are a number of proposed actions by Federal and State agencies, participating in the Bay-Delta Program, which are currently undergoing major environmental review. The agencies may have exclusive jurisdiction, or shared jurisdiction, for their own review process, but each has significant potential implications for the overall Program. Each of the processes has critical milestones, and these may have implications across processes. The inter-connected nature of the Program means that each of these processes has implications for one or more of the others. Agencies and stakeholders are meeting on a regular basis to discuss these activities. This agency/stakeholder collaboration has been termed the “Integrated Key Milestone Process.”

To ensure that the program proceeds in a balanced manner, there is a significant need for close coordination among Bay-Delta agencies having responsibility for these processes during the next 9-12 months. During this time it will be important to have accurate communication of information, timelines, and potential issues, as well as skills to collaboratively resolve differences.

Staff recommends that the Authority and the Department of Water Resources (DWR) provide this service through an existing DWR consultant, CDR Associates. The proposed interagency agreement would allow the Authority to transfer funds to DWR for the contract with CDR Associates. The arrangement would further the Authority’s mandate to ensure balanced implementation and interagency cooperation and help keep the overall Program on track.

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Fiscal Information

Funding Source: General Fund
Term of Contract: July 1, 2003 through June 30, 2004
Total Amount: \$150,500.00

List of Attachments

Proposed "Scope of Work".

Contact

Name: Rick Breitenbach

Phone: (916) 445-0144

CALIFORNIA BAY-DELTA AUTHORITY
RESOLUTION NO. 08-03-20

CONSIDERATION OF A RESOLUTION AUTHORIZING THE DIRECTOR, OR DESIGNEE, TO SIGN AN INTERAGENCY AGREEMENT WITH THE DEPARTMENT OF WATER RESOURCES TO OBTAIN FACILITATION AND MEDIATION SERVICES FOR THE INTEGRATED KEY MILESTONES PROCESS.

WHEREAS, there are a number of proposed actions by federal and state agencies participating in the Bay-Delta Program, which are currently undergoing environmental review; and

WHEREAS, each action has significant potential implications for the overall Program; and

WHEREAS, each of the processes has critical milestones, and these may have implications for one or more of the others; and

WHEREAS, there is a significant need for close coordination among Bay-Delta agencies having responsibility for these processes; and

WHEREAS, the Department of Water Resources has arranged for a consultant, CDR Associates, to help coordinate the critical milestones by providing facilitation and mediation services; and

WHEREAS, the California Bay-Delta Authority Act requires the Authority to coordinate and oversee the implementation of the Bay-Delta Program;

NOW, THEREFORE, BE IT RESOLVED the Authority authorizes the Director, or designee, to sign an interagency agreement with the Department of Water Resources to obtain facilitation and mediation services, as generally described in the attached proposed scope of work, for an amount not to exceed ~~\$150,000~~ *\$150,500.00*, subject to appropriation of adequate funds.

CERTIFICATION

The undersigned Assistant to the California Bay-Delta Authority does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Bay-Delta Authority held on August 14, 2003.

Dated:

Heidi Rooks
Assistant to the California Bay-Delta Authority

**Attachment 1
Facilitation, Mediation, and Related Decision
Making Support Services for Integrated Key Milestones Process
Proposed Scope of Work**

1. BACKGROUND

There are a number of proposed actions by Federal and State agencies currently undergoing environmental review. The agencies may have exclusive jurisdiction, or shared jurisdiction, for their own review process, but each has significant potential implications for the program. At this time the environmental review processes include: Long-term U.S. Bureau of Reclamation Contract renewals on the Sacramento River, Operations Criteria and Procedures (known as OCAP), South Delta Improvement Program (known as SDIP), Environmental Water Account, Water Quality Control Plan, Freeport Regional Water Project, DMC/CA Inter-tie. Each of the processes has critical milestones, and these may have implications across processes. Each proposed action requires consultation with the U.S. Fish and Wildlife Service and potentially a Biological Opinion by USFWS. The inter-connected nature of the Program means that each of these processes has implications for one or more of the others. And the need for USFWS review highlights the importance of coordination.

There will be a significant need for close coordination among the agencies with responsibility for these processes over the next 9-12 months. During this time it will be important to have accurate communication of information, timelines, and potential issues, as well as skills to collaboratively resolve differences. With this in mind, the California Department of Water Resources has contracted with J. Michael Harty, of CDR Associates (Contractor), to provide a range of support, including facilitation services, to the development of an Integrated Key Milestones package of agreements.

2. GENERAL STATEMENT OF WORK

The Contractor will carry out a range of tasks in support of the package, including:

- Working with the Authority, Bay-Delta agencies, and stakeholders to develop an overall process and approach for an Integrated Key Milestones Package. This will include preparing an initial concept for review, and working with the Authority and other decision makers to gather input and refine the proposal accordingly. It may also include suggesting modifications to the process based on future developments.
- Taking day-to-day responsibility for carrying out the approved process and approach for an Integrated Key Milestones Package
- Consulting regularly with the Authority and other decision makers about progress on the Package
- Providing a full range of facilitation services for meetings related to this project, including agenda development, meeting design, and preparation of meeting summaries, among other tasks

- Consulting with the Authority, Bay-Delta agencies, and stakeholders about potential issues, whether procedural or substantive, and proposing and carrying out steps to collaboratively resolve those issues, including organizing meetings to explore specific issues and options
- In the event of significant disagreement, providing mediation services to assist in resolution of those disagreements
- Preparing any reports requested by the Authority
- Maintaining a neutral position among the Authority, Bay-Delta agencies, and stakeholders to enhance open communication
- Ensuring that the collaborative principle of the Program is reflected in the approach to the Package

3. DELIVERABLES

The Contractor is responsible for the following specific deliverables, in addition to fulfilling the tasks described above:

- Draft process and approach for an Integrated Key Milestones Package
- Final process and approach for an Integrated Key Milestones Package
- Final report on Mid-Phase 1 Package (if requested)

4. TERM

12 months from the date of the contract

5. PAYMENT

The maximum amount payable under this agreement is ~~\$150,000~~ \$150,500.00.