

CONTRACT FOR ADMINISTRATION OF PUBLIC ECOSYSTEM BENEFITS



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PRESENTATION CONTENTS

- Considerations for Contract for Administration of Public Benefits (CAPB) development
- Overview of Contract
- Ecosystem Benefits
- Reporting Requirements
- Adaptive Management
- Public Benefit Dispute Process

CONSIDERATIONS FOR CAPB DEVELOPMENT

- Consistency with WSIP Regulations and Prop 1
 - The project applicant has entered into a contract to ensure that the public contribution of funds pursuant to Chapter 8 of Proposition 1 achieves the public benefits identified for the project (Water Code § 79755)
- What leads to achievement of benefit?
- Need to plan for long term
- What is in the scope of the Project's control?
- What happens if we don't achieve the benefit?
- Consistent approach across all projects

OVERVIEW OF CONTRACT CONTENTS

Recitals

Section 1 Abbreviations and Definitions

Section 2 Roles and Responsibilities

Section 3 Term

Section 4 Public Ecosystem Benefits

Section 5 Public Benefit Dispute Process

Section 6 Dispute Resolution

Section 7 Specific Performance

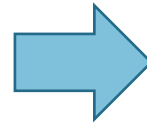
Section 8 General Terms and Conditions

Exhibit A Findings

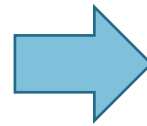
Exhibit B Adaptive Management Plan

PUBLIC ECOSYSTEM BENEFIT

Project
Implementation
Actions



Benefit
Implementation
Actions



Benefit
Environmental
Response

PROJECT IMPLEMENTATION ACTIONS

Annual average delivery of:

- Irrigation season: 32,500 AF
- Winter season: 8,750 AF

Deliveries subject to requirements in Wastewater Change Petition and hydrology (avoid flooding)

Differences from 2017 Application:

- Projected winter water delivery decreased from 17,000 AFY to 8,750 AFY
- Modeling for application assumed full delivery of 50,000 AF in Year 1. CAPB specifies 41,250 AFY by Year 5

SANDHILL CRANE

Benefit Objective: 3,500 acres of habitat for wintering Sandhill cranes to support 700 additional cranes

Key Implementation Actions:

- Delivery of 8,750 AFY for foraging or roosting habitat
- Land management agreements specify water management and agricultural practices to support habitat
- Land not currently managed for Sandhill crane

Differences from 2017 Application:

- Projected water delivery decreased from 17,000 AFY to 8,750 AFY
- 3,500 acres of habitat in Year 1 will now be achieved by Year 6

COSUMNES RIVER FLOW

Benefit Objective: Reduction in water losses from Cosumnes River and/or increase in water gains to support salmonids during migration period

Key Implementation Actions: in-lieu recharge of 41,250 AFY

Differences from 2017 Application:

- Volume of additional flow decreased from 15,500 AFY to 13,000 AFY
- Delay in achieving maximum volume from Year 1 to Year 16
- Additional days of flows during fall migration period greater than 20 cfs decreased from 13 to 11 days

PASSIVE WETLAND AND RIPARIAN HABITAT

Benefit Objective: Support 2,633 existing acres of wetland and riparian habitat by providing groundwater level improvements to 10 feet below ground surface or higher. Increase habitat functionality by 10 percent.

Key Implementation Actions: in-lieu recharge of 41,250 AFY

Differences from 2017 Application:

- Modeling indicates acres supported by groundwater level improvements starting Year 1 delayed to Year 15
- Decrease in habitat functionality – 1085 acres at 25% and 563 acres at 50% now at 10% (note: 303 acres increased functionality from 5% to 10%)

ACTIVE WETLAND HABITAT

Benefit Objective: 1,300 acres of wetland habitat will be actively managed to achieve a functionality improvement of 10% on currently managed lands and 50% on currently unmanaged lands

Key Implementation Actions:

- Land protection
- Direct application of water for habitat
- Native species plantings
- Invasive species management
- Browse control

Differences from 2017 Application: Delay in reaching full functionality from Year 10 to Year 15

ACTIVE RIPARIAN HABITAT

Benefit Objective: Create, restore, or enhance 500 acres of riparian habitat to achieve functionality of 70% or greater

Key Implementation Actions:

- Land protection
- Direct application of water for habitat
- Native species plantings
- Invasive species management
- Browse control

Differences from 2017 Application: Functionality target decreased from 90% to 70%

VERNAL POOL COMPLEX

Benefit Objective: Permanently protect and enhance 353 acres of vernal pool complex habitat, including 50 acres of wetted vernal pools

Key Implementation Actions:

- Land protection
- Water delivery
- Grazing management

Differences from 2017 Application: Acres decreased from 500 to 353

REPORTING REQUIREMENTS

Annual Summary Report

- Adaptive Management actions, challenges and successes, monitoring methods, data, etc.

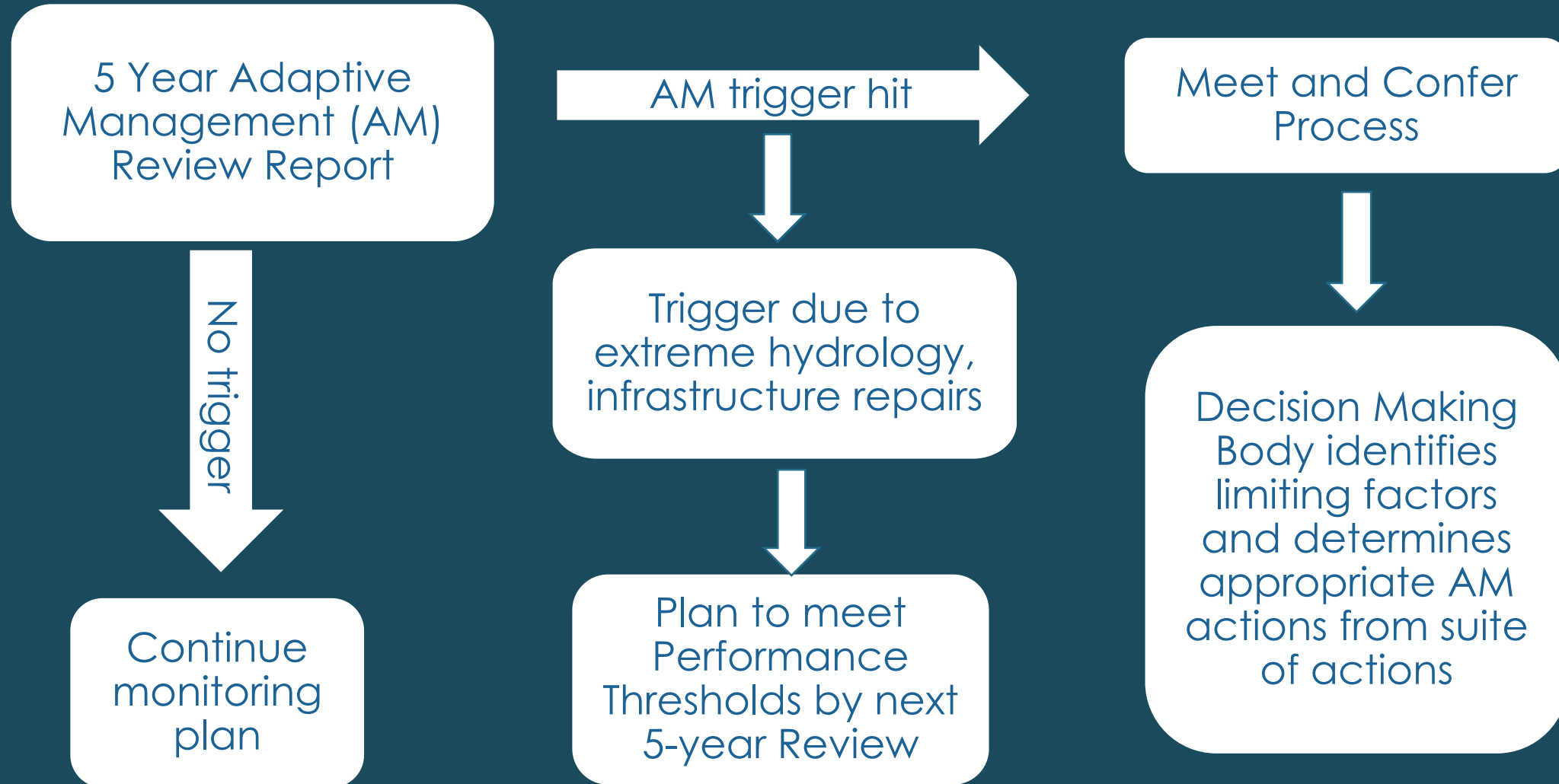
Adaptive Management Review Report

- Every five years, or annually if an adaptive management trigger occurs
- More detailed evaluation of actions and results
- Discussion of any adaptive management triggers that occurred and limiting factors that may have contributed

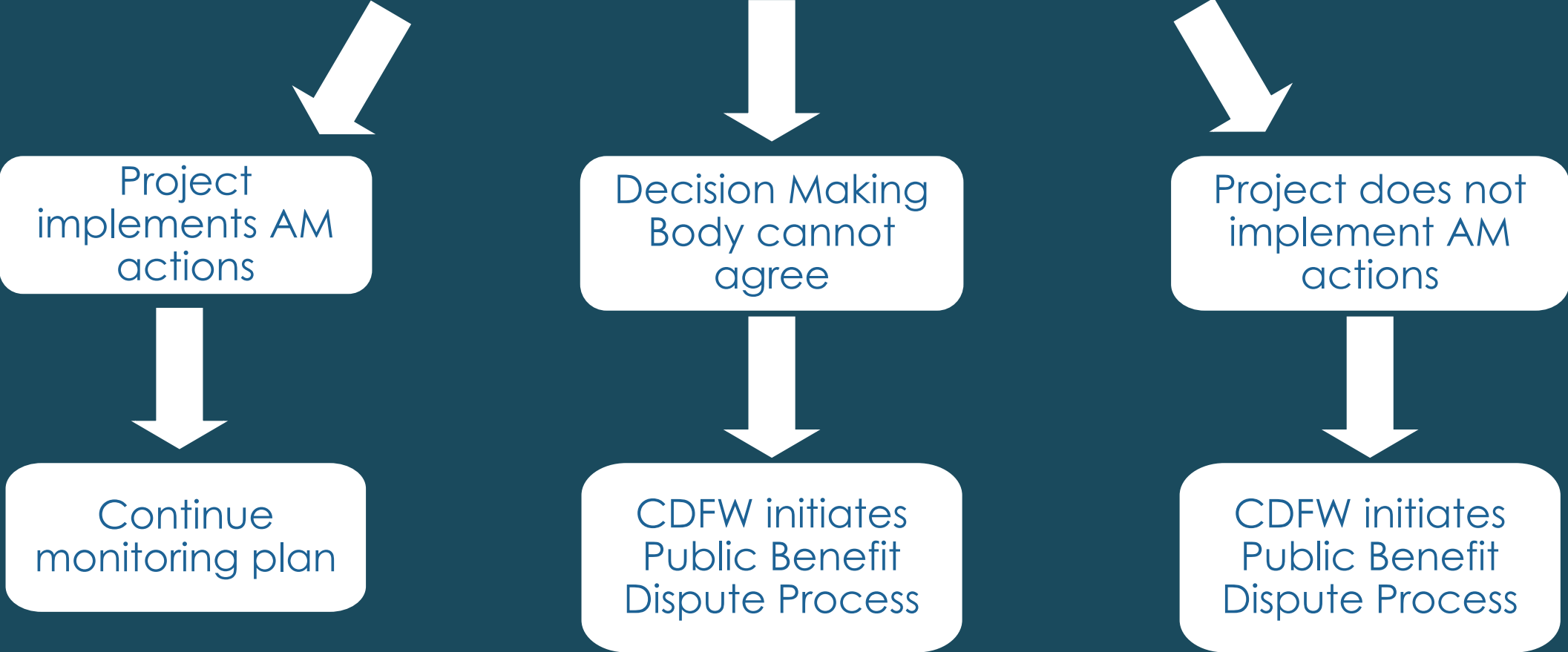
ADAPTIVE MANAGEMENT: METRICS, THRESHOLDS, AND TRIGGERS

	Performance Threshold	Implementation Milestone	Adaptive Management Trigger
Definition	The expected metric achieved by project compared to baseline	Interim Performance Threshold during project-ramp-up, if applicable	A value determined to be below the Implementation Milestone or Performance Threshold
Example: Volume of Water Delivered	Year 10: 5-yr annual average of 32,500 AFY April-Oct 8,750 AFY Nov-March	Year 3: 16,250 AFY April-Oct 4,375 AFY Nov-March	5-yr annual average below Performance Threshold

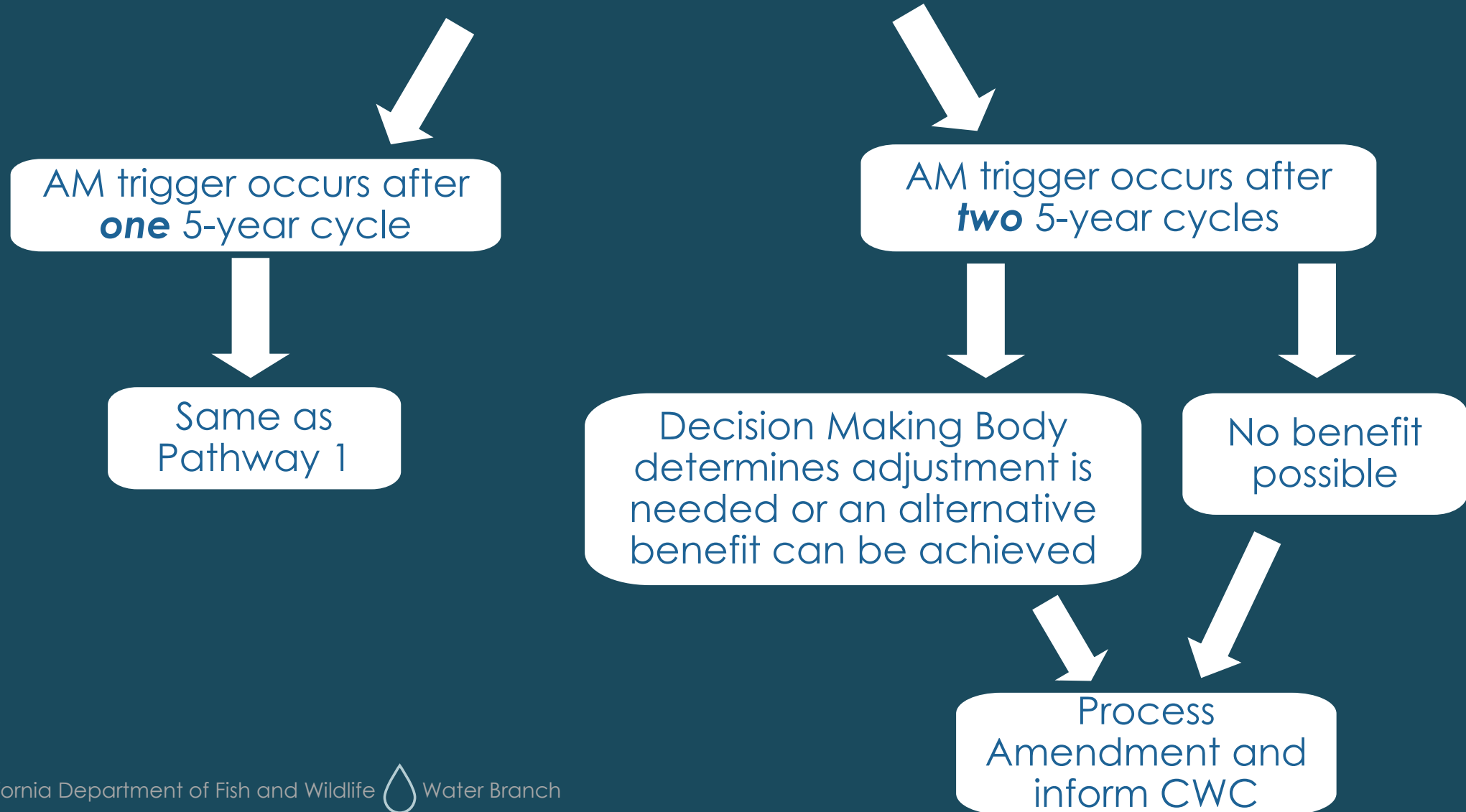
DECISION MAKING PROCESS



Pathway 1:
Project or Benefit Implementation Actions AM Trigger



Pathway 2:
Benefit Environmental Response AM Trigger



PUBLIC BENEFIT DISPUTE PROCESS

CDFW may only initiate the public benefit dispute process when:

- The Parties disagree on appropriate adaptive management actions and lack of action will result in an insufficient Public Ecosystem Benefit
- The Parties disagree on whether the Public Ecosystem Benefit should be adjusted
- The Parties disagree on whether the Public Ecosystem Benefit continues to be feasible
- The CDFW determines the Public Ecosystem Benefit is no longer occurring due to failure to conduct adaptive management actions

PUBLIC BENEFIT DISPUTE PROCESS

Goal: find a solution; may include amendment to contract or adaptive management plan

CDFW will provide written notice to Project:

1. State disputed issue
2. Document alternatives considered during Meet and Confer
3. State any partial resolution
4. Identify unresolved issues
5. Propose a solution

Project will respond to CDFW within 60 days

CONCLUSION OF DISPUTE PROCESS

1. Parties mutually agree on a solution
 - May require amendment to CAPB
2. Parties do not mutually agree on a solution
 - CDFW submits finding of insufficient public benefit to CWC
 - CDFW provides CWC explanation and recommendation for compliance
 - Project may also provide information to CWC

QUESTIONS?

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