

July 15th Meeting

California Water Commission

Issue Working Session – Independent Peer Reviewers

Objective

Get tentative approval from Commission members to initiate the process of selecting independent peer reviewers.

Issue Summary

Proposition 1 dedicated \$2.7 billion for investments in water storage projects and designated the California Water Commission as the agency responsible for appropriately allocating these funds. Through the Water Storage Investment Program (WSIP), the Commission will fund the public benefits of these projects based on expected return for public investment. Section 79707(f) of the Water Code requires that project evaluation include review by professionals in the fields relevant to the proposed project and Section 79707(d) requires that the “best available science” inform funding decisions. As part of the project application review and evaluation process, a technical team comprised of Commission, Department of Water Resources (DWR), Department of Fish and Wildlife (DFW), and State Water Resources Control Board (State Water Board) staff, and consultants will conduct the review and evaluation of the applications. To ensure the review by the technical team is fair, objective, unbiased, and technically defensible, independent peer reviewers will be selected to provide an independent and impartial evaluation of the reviews and findings of the technical team and provide assurance of technical quality of the reviews.

Purpose of Independent Peer Review

The purpose of the independent peer review for the WSIP is to provide an objective, independent and external peer review of the evaluations and findings of the technical review team. Peer review provides the Commission with independent perspectives and judgment of experts with knowledge and practical experience in the subject areas being reviewed. Independent peer review will strengthen the quality of the review and provide credibility and transparency to the review of the technical team. Peer review utilizes the independence of the reviewers in order to obtain an impartial evaluation.

Process for Identification and Selection of Independent Peer Reviewers

The requirements for identifying and selecting the independent peer reviewers are described below:

- **Charter of Independent Peer Review Activities:** Having a clearly defined charter to guide the reviewer’s activities with specific review criteria along with instructions for conducting the reviews is paramount to a successful peer review. The WSIP team will develop a draft charter to define the charge and schedule of the peer review and provide the charter to the Commission for approval.

- **Required Areas of Expertise:** The areas of expertise of the peer reviewers will need to cover the four types of storage projects eligible for funding and the various benefit categories. The required areas of expertise will include, but not limited to, the following:
 - State Water Project and Central Valley Project operations
 - Surface water hydrology and reservoir operations
 - Groundwater hydrology and operations
 - Aquatic and terrestrial ecosystem
 - Economics
 - Water quality
 - Flood risk management and flood damage assessment
 - Engineering design and cost estimating
 - Project feasibility assessment
 - Environmental justice

- **Required Qualifications of Peer Reviewers:** The key to successful peer review is the selection of qualified reviewers. Required qualifications may include education, training, and practical experience in the required areas of expertise, and peer recognition in the profession.

- **Recruitment of Experts:** Experts may come from State and federal agencies, academic institutions, non-governmental organizations, and the private sector. Candidates must be highly qualified in terms of knowledge, training, and practical experience in the required areas of expertise. The selection of peer review members will be based on the totality of each candidate’s qualifications. It is recommended that the reviewers have more than one area of expertise to the extent possible so that the number of the reviewers remains manageable.

- **Conflict of Interest:** An important factor in maintaining the integrity of the peer review process is the independence of the reviewers. To ensure objectivity and impartiality of the reviews, the reviewers must be independent and free from conflicts of interest. Candidates must not have a stake or financial interests in the outcome of the reviews that could affect their objectivity. In an effort to make sure the peer review group is free from bias, WSIP staff will review potential appointments for conflicts of interest such as those proscribed under Government Code Section 1090. Candidates must comply with all applicable conflict of interest laws and will be asked to disclose any potential conflict of interest and be required to sign a certification that they are free from conflicts of interest before they are approved as peer reviewers.

- **Contract with Peer Reviewers:** After the peer reviewers are selected, they would enter into individual contracts with the Commission and serve as peer reviewers for the duration of the application review process for the WSIP.

Options for Identifying and Selecting Independent Peer Reviewers

Following are options for identifying and selecting the peer review candidates.

Option 1: (Staff Recommended)

The recruitment of the independent peer reviewers will be through a request for qualifications process. In this process, the WSIP staff would develop the request for qualifications package which includes the purpose and description of services, statement of qualification requirements, selection criteria and evaluation process, and schedule. The request for qualifications will be advertised through DWR's contract services office. Interested candidates would submit their statements of qualifications. The WSIP staff will review the statements of qualifications and select the top candidates in each area of expertise for interviews. The top ranked candidates from the interviews would be offered the position. In the event the top ranked candidates decline, the next top ranked candidate would be offered the position. Candidates who accept the offers would enter into contracts with the Commission.

Option 2:

The WSIP staff will develop the charter of the peer reviewers, required areas of expertise, qualifications, and criteria for selecting the peer reviewers. Staff will identify and compile a list of potential candidates who meet the criteria. There will likely be several candidates identified for each area of expertise, and some candidates will have more than one area of expertise. Once the list has been developed, staff would then contact the candidates to assess their level of interest. For those candidates that are interested, staff would request a statement of qualifications and resumes. Staff would review and evaluate the candidates' qualifications and rank the candidates in each area of expertise. The top ranked candidates in each area of expertise would be selected. In the event the top ranked candidates decline, the next top ranked candidate would be selected. Candidates who accept the offer would enter into individual contracts with the Commission. Variations of Option 2 would modify who develops the list of potential candidates:

- Commission members
- Stakeholder Advisory Committee (SAC) members
- WSIP agency team members (DWR, DFW, State Water Board, and Delta Stewardship Council staff)
- A compilation from staff, Commission members, SAC members, or agency team members