



**NOTICE AND AGENDA**  
Regular Meeting

Board of Directors  
Aquatic Science Center

To Be Held  
Friday, February 29, 2008  
10:30am-1pm

At the Offices of the San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, 14<sup>th</sup> Floor  
Oakland

- 1. Call to Order**
- 2. Public Comments**
- 3. Approval of Agenda**
- 4. Approval of November 2, 2007, Meeting Minutes (Attachment 4)**
- 5. Modification to Service Agreement between SFEI and Aquatic Science Center (Attachment 5)**
- 6. General Guidelines for Aquatic Science Center Project Selection (Attachment 6)**
- 7. Final Program Plan (Attachment 7)**
- 8. Discussion on Membership Expansion**
- 9. Current Monitoring Activities in Central Valley and Delta**  
Drs. Thomas Jabusch and Rainer Hoenicke will present an overview of projects in the Central Valley and how they fit in with existing and emerging coordinated regional monitoring programs
- 10. Tool Development in Support of Wetland and Stream Protection**  
Dr. Josh Collins will present a brief overview of collaborative tool development among the emerging coastal California Data Centers (SCCWRP, MLML, SFEI, HSU)

7770 Pardee Lane  
Second floor  
Oakland, CA 94621  
p: 510-746-7334  
f: 510-746-7300

Board Members

*CHAIR* Bruce Wolfe  
*VICE-CHAIR, SEC.* Dave Tucker  
*TREASURER* Michele Pla  
Darrin Polhemus  
Chuck Weir  
Alexis Strauss  
Pamela Creedon



### **11. Mercury Bioaccumulation - Data Integration and Assessment Efforts throughout the State**

Dr. Letitia Grenier will present a brief overview of various SFEI-led efforts to link impairment assessment and risk reduction and communication efforts associated with mercury exposure

### **12. Future Meeting Agenda Items**

Candidate Topics: Indicators and Performance Measures; Roadmap for Regional Data Centers.

Members of the Board may request matters to be placed on future agendas for informational purposes and/or action

### **11. Adjournment**

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## ATTACHMENT 4

**MINUTES OF THE AQUATIC SCIENCE CENTER BOARD OF DIRECTORS  
NOVEMBER 2, 2007  
FAIRFIELD-SUISUN SEWER DISTRICT CONFERENCE ROOM  
1010 Chadbourne Road  
Fairfield, CA 94534-9700  
9:30am**

### **BOARD MEMBERS PRESENT**

Pamela Creedon, Central Valley Regional Water Quality Control Board  
Michele Pla, Bay Area Clean Water Agencies  
Darrin Polhemus, State Water Resources Control Board  
Alexis Strauss, U.S. Environmental Protection Agency, Region 9  
Dave Tucker, Bay Area Clean Water Agencies  
Chuck Weir, Bay Area Clean Water Agencies  
Bruce Wolfe, San Francisco Bay Regional Water Quality Control Board

### **STAFF PRESENT**

Mike Connor, San Francisco Estuary Institute  
Rainer Hoenicke, San Francisco Estuary Institute

### **OTHERS PRESENT**

Dyan Whyte, San Francisco Bay Regional Water Quality Control Board  
Andrew Lloyd, Duane Morris, Legal Counsel

#### **1. Call to Order**

In the absence of a Board Chair, prior to approving the Bylaws and electing Officers, Dyan Whyte served as meeting convener and called the meeting to order at 9:35am.

#### **2. Public Comments**

No members of the public attended the meeting

#### **3. Brief review of Joint Powers Agreement between State Water Resources Control Board and Bay Area Clean Water Agencies**

Dyan Whyte provided a brief overview of the Joint Powers Agreement signed by the Water Board and Bay Area Clean Water Agencies.

#### **4. Adoption of draft Bylaws**

Both attorneys from the two signatory agencies have reviewed the draft bylaws and provided comments. Andrew Lloyd highlighted the modifications he had made to the draft document based on attorney feedback. Board Members posed a few questions to clarify sections in the bylaws, such as who sets the meeting agendas, and whether the duties of the Secretary and Vice Chair could be combined.

It was determined that the language in the draft bylaws provides sufficient guidance on these two items. The Board decided to add clarifying language to Article 7.2. *Directors and Alternates*, which now shall read: "Each Member shall appoint three of its members, employees, or other representatives as a Director and, for each directorship, shall

appoint up to two Alternate Directors, any or all of whom may be elected officials. If two Alternate Directors are appointed by any Member, the Alternate Directors shall be designated as a first and second alternate. *The designation of Directors and Alternate Directors shall be made in writing to the Executive Director.*

The first sentence of Article 18.1 *Maintenance of Aquatic Science Center Records* was modified to read: *"The Aquatic Science Center will keep at the Aquatic Science Center's principal office..."*

**Action:** Dave Tucker moved to adopt the bylaws as amended. Darrin Polhemus seconded the motion. The motion passed unanimously.

The Board decided to defer discussing a schedule and structure for future meetings later in the agenda and to switch agenda items 5 and 6.

## **5. Election of Officers**

Darrin Polhemus recommended that Chair and Vice-Chair be represented by the signatory agencies, and officers be elected for a two-year term. Agreement was reached to have one of the three Members from the State Water Resources Control Board serve as the first Chair, and a Member from the Bay Area Clean Water Agencies serve for the combined office of Vice-Chair and Secretary.

**Action:** Chuck Weir nominated Bruce Wolfe as Chair, Pamela Creedon seconded. Bruce Wolfe was elected unanimously as Board Chair. Dave Tucker was duly nominated by a member of the Board as Vice-Chair/Secretary and elected unanimously. Michele Pla was elected unanimously as Treasurer.

Election of the Executive Director was deferred until the Service Agreement between the Aquatic Science Center and the San Francisco Estuary Institute was approved.

## **6. Adoption of draft Service Agreement between San Francisco Estuary Institute and Aquatic Science Center**

The Board reviewed the Administrative Services Agreement and determined to make the following modifications:

- (a) The first sentence requires a reference to what is later called "the parties" to the agreement (Aquatic Science Center and San Francisco Estuary Institute). Add in parentheses (*the parties*) at the end of the first sentence.
- (b) Under Compensation and Reimbursement, the sentence shall read: SFEI shall bill Aquatic Science Center for reasonable overhead for administrative services based on an indirect cost rate equal to its most current negotiated federal rate.
- (c) Under Term and Termination, 4.2 shall read: *The Agreement shall terminate upon one year's written notice of either Party, or for such time as is necessary to dispose of all claims, and perform other functions necessary to conclude the obligations spelled out in this Agreement, whichever comes sooner.*
- (d) Under 5.3 *Notices*, "Notices under this Agreement shall be made in writing to..." insert Darrin Polhemus' name in the Attn: line for the State Water Resources Control Board.

**Action:** Bruce moved to approve the Administrative Service Agreement, Dave Tucker seconded the motion. The motion passed unanimously.

At this time, the Board took up election of the Executive Director for the Aquatic Science Center.

**Action:** Chuck Weir nominated Mike Connor, Dave Tucker seconded the motion, and it passed unanimously.

**7. Adoption of Program Plan for Aquatic Science Center**

The Board reviewed the draft Program Plan and requested that it not be restricted to Fiscal Year 2007/08 and that an eighth project category be added to reflect Delta Monitoring and Special Studies between \$50,000 and \$200,000. Language shall be added to the Plan that the Executive Director will report as part of a standing agenda item for future Board Meetings on signed contracts and the status of individual contracts, as applicable. The Program Plan also shall contain language concerning contract selection criteria. Mike Connor will incorporate these requests into the final Program Plan.

**Action:** Pamela Creedon moved to approve the Program Plan as amended, Chuck Weir seconded her motion, and the motion was unanimously approved.

**8. Resolution Authorizing the Executive Director to Negotiate and Execute all Grants or Contract Agreements Consistent with the Program Plan**

**Action:** Pamela Creedon moved to approve the Resolution, Dave Tucker seconded it, and it passed unanimously.

The Board set as its next meeting date February 29, 2007, at the San Francisco Bay Regional Water Board from 10:30am till 1pm. The Board preferred to use meetings as a forum to discuss topics of interest and structure them similarly to the SCCWRP Board Meetings. Quarterly meetings are planned for the near future. The Board set additional meeting dates for May 30<sup>th</sup> from 9:30 till noon in Fairfield and for August 29<sup>th</sup> at 10:30am till 1pm in Oakland (tentative).

The meeting was adjourned at 12:15pm.

Respectfully submitted

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Dave Tucker, Board Secretary

## ATTACHMENT 5

### Staff Summary

**To:** Board of Directors, Aquatic Science Center

**From:** Michael Connor, Executive Director, SFEI

**Subject:** Modification of Administrative Services Agreement Terms

**Date:** 29 February 2008

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#### **Recommendation**

Modify terms of Section 3, Compensation and Reimbursement, of the ADMINISTRATIVE SERVICES AGREEMENT between AQUATIC SCIENCE CENTER and SAN FRANCISCO ESTUARY INSTITUTE from

*“SFEI shall bill Aquatic Science Center for reasonable overhead for administrative services based on an indirect cost rate equal to its most currently negotiated federal rate”*  
to

*“SFEI shall bill Aquatic Science Center for reasonable overhead for administrative services based on its hourly multiplier negotiated with the California Water Board.”*

#### **Background**

At its first meeting the Board approved language to determine an appropriate fee structure for use by SFEI in conducting work for the Aquatic Science Center. In the absence of any existing relationship between SFEI and Water Board, it was determined that the federally-audited rate developed for SFEI was the most available, publicly-accepted guide. In the course of attempting to implement this rate, it was determined that the federal rate would be problematic for local Regional Boards to use because it includes indirect costs on the first \$25,000 of each sub-contract as a way of maintaining a lower indirect cost rate on labor. This provision would make it inconvenient to use a number of individual sub-contracts with scientific advisors and peer reviewers, often a need for Regional Board work.

In evaluating this issue, SFEI found that the existing contract agreements between the State Water Board and the Southern California Coastal Water Research Project (SCCWRP), the agency most similar to the Aquatic Science Center were structured in a way that included a simple multiplier of hourly rates to capture all costs—a method used by SFEI in the Regional Monitoring Program. Given the familiarity of this method by the State Water Board’s contracting staff and SFEI’s contracts staff, we recommend proceeding by using the SCCWRP methodology. At present, the SCCWRP hourly rate multiplier is 2.7, a value that would be consistent with SFEI’s preliminary financial outcomes in 2007.

## ATTACHEMENT 6

### Staff Summary

**To:** Board of Directors, Aquatic Science Center  
**From:** Michael Connor, Executive Director, SFEI  
**Subject:** Statement of Appropriate Aquatic Science Center Activities  
**Date:** 29 February 2008

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#### **Recommendation**

That the Board consider the following material as a preliminary statement of the kinds of activities undertaken by the Aquatic Science Center.

#### **Background**

To guide determination of the appropriate scope for activities conducted by the Aquatic Science Center, the Board asked staff to develop a statement defining the kind of work the Center would perform. This recommendation was based on the experience at the Southern California Coastal Water Research Project (SCCWRP), the organization most like the Center. SFEI staff considered the SCCWRP contract assessment criteria and have added a few others. Staff recommend against having strict contract acceptance criteria, but believe it would be beneficial for the Board and the Center's staff (SFEI) to identify the kinds of attributes we believed are desirable as general guidelines.

#### **Proposed Desirable Contract Attributes**

SFEI Staff found general agreement with the desirable attributes determined by SCCWRP as listed below:

- The project is consistent with, or supplemental to, activities that are already in the SFEI's Program plan.
- The project is of interest to SFEI scientists and likely to lead to publication.
- The project is of interest to multiple member agencies, including those from both regulated and regulator agencies. Interest increases when the project is likely to facilitate development of a scientific framework for management issues.

- The project leads to collaboration with technical leaders in the field and establishes scientific precedent.

In addition SFEI staff identified three other desirable attributes listed below:

- The project demonstrates scientific equipment, expertise or capacity currently lacking in the commercial or consulting sector.
- The project is designed to develop scientific tools for evaluating policy and program alternatives and make complex scientific information accessible and understandable to non-technical audiences.
- The project makes scientific understanding of the coastal and estuarine waters and their watersheds more widely available in publicly accessible media (e.g. beyond technical reports and publications).

### **Proposed Undesirable Attributes**

While these characteristics are desirable, it would also be useful to describe contract attributes that would be inconsistent with the Center's mission. SFEI staff were unable to agree fully with any of the SCCWRP criteria. The SCCWRP criteria for refusing projects were judged by staff to be generally good criteria to be applied as guidance, but in each case staff could develop specific examples where projects should not be excluded. These criteria are included below with comments:

- Projects that are site-specific and regulatory in nature: our focus is on developing the scientific foundation for regulation, not in conducting studies to support site-specific regulatory decisions. However, studies fostering the creation of a scientific foundation may be conducted at locations that tangentially affect local regulatory decisions. COMMENT - Most of the interests of the Regional Board or BACWA agencies are concerned with applied projects that relate to specific regulatory decisions. While SFEI staff are not trying to pre-empt the policy give-and-take between the Bay stakeholders, it is essential that our data be perceived as relevant.
- Projects that are advocacy-driven: SCCWRP's reputation as a neutral scientific organization is its most important asset, and the organization refuses projects leading to the perception of bias on behalf of any party. COMMENT – SFEI has conducted work funded by court settlements or interested parties that some opponents might consider to be "advocacy-driven." Staff do agree that SFEI's strength is measured by the quality of its science.
- Contracts requiring the client's approval for scientific approach to the studies or release of reports: SCCWRP always seeks to develop consensus about its scientific approach and report dissemination, but the organization's neutrality requires that SCCWRP, rather than the client, make the final determination regarding these issues. It is vital that potential clients are interested in engaging



the organization because they recognize and trust in SCCWRP's scientific expertise, integrity and independence in making these determinations.

COMMENT – This is a fuzzy line for much of our work. Many agencies have a specific approach they require.

- Contracts with restrictions on data release: As a public agency, all data collected must be publicly available at the conclusion of the study. COMMENT – While it is appropriate for SFEI to have a policy that we intend all of our data to be made available to the public. However, in some contracts, ownership of the work products may be retained by the agency that funded the work (e.g., EPA) --would we be barred from such projects?
- Projects that involve routine application of existing methods, rather than development of new methods and approaches: SCCWRP avoids commodity work that would be more appropriately performed by others. COMMENT - Most ongoing monitoring programs primarily involve the "routine application of existing methods." These projects are SFEI's basic focus, though we generally avoid "commodity work."

## ATTACHMENT 7

### Program Plan for the Aquatic Science Center

Approved on November 2, 2007

The Aquatic Science Center (Center) was established for the efficient delivery of scientific and information management support to public agencies and non-governmental organizations. The Center anticipates the following subject areas where contractual support or fiduciary services may be requested from a variety of state, federal, and local agencies:

- 1) **The San Francisco Estuary Regional Monitoring Program for Water Quality.** Several members would prefer to contribute to the program via a quasi-state agency more closely linked to the Water Board as their contribution fulfills Water Board NPDES and waste discharge requirements. \$200,000-800,000 per year.
- 2) **TMDL support including: impairment assessments, pollutant conceptual model development, implementation alternatives evaluations, and implementation effectiveness monitoring.** Depending on schedule, the JPA would provide an effective mechanism to conduct necessary technical studies and synthesis. \$100,000-500,000 per year.
- 3) **Collaboration with DFG to study pelagic organism decline in the Delta.** The JPA would allow for technical syntheses to occur in a timely fashion. \$50,000-200,000 every few years.
- 4) **Collaboration with DFG and USGS to refine to the Comprehensive Ecosystem Monitoring, Assessment, and Research Program.** Approximately \$50,000.
- 5) **Collaborative effort with EPA to develop and implement a coordinated watershed monitoring program in the San Joaquin River Basin.** Up to \$100,000
- 6) **Collaborative effort with State Water Board to provide technical support to Surface Water Ambient Monitoring Program.** \$100,000-250,000.
- 7) **Development of technical and scientific recommendations to the California Water Quality Monitoring Council.** \$50,000-200,000.
- 8) **Delta Monitoring and Special Studies.** \$50,000-\$200,000

The Executive Director is authorized to enter into contracts that are consistent with the program plan described above and in accordance with the following desirable attributes:

- The project is consistent with, or supplemental to, activities that are already in the SFEI Program Plan.

- The project is of interest to SFEI scientists and likely to lead to publication.
- The project is of interest to multiple member agencies, including those from both regulated and regulator agencies. Interest increases when the project is likely to facilitate development of a scientific framework for management issues.
- The project leads to collaboration with technical leaders in the field and establishes scientific precedent.
- The project demonstrates scientific equipment, expertise or capacity currently lacking in the commercial or consulting sector.
- The projects is designed to develop scientific tools for evaluating policy and program alternatives and make complex scientific information accessible and understandable to non-technical audiences.
- The project makes scientific understanding of the coastal and estuarine waters and their watersheds more widely available in publicly accessible media (e.g. beyond technical reports and publications).

Two weeks prior to entering into any contracts, the Executive Director will notify the Board of Directors in writing of the intent to enter into a contract on behalf of the Aquatic Science Center. If any Board member objects, a special session of the Board will be called for deliberation and approval of project. In addition, the Executive Director will seek advice from an ad-hoc advisory group comprised of the Board Chair and Vice Chair for any contract over \$50,000 with regard to calling a special session of the Board for deliberation and approval of significant project requests on a case-by-case basis. Each Board Meeting Agenda will contain a standing item for the Executive Director to report on signed contracts and a report on the status of individual contracts and grant agreements.