



Meeting: **Reservoir Committee & Authority Board
Agenda Item 1.4**

July 19, 2024

Subject: **National Marine Fisheries Service Reimbursable (NMFS) Agreement
Update**

Requested Action:

Reservoir Committee and Authority Board concur with minor adjustments to previously approved agreement with the National Marine Fisheries Service to reimburse dedicated staff support to prepare and implement Biological Opinion permitting. These adjustments include extending the end date one year to September 30, 2029, and a minor increase to the total cost reimbursement amount from \$1,388,277 to \$1,389,783.

Detailed Description/Background:

May 19, 2023, the Reservoir Committee and Authority Board provided approval authorizing the Executive Director to enter into an agreement with the NMFS to provide reimbursement for dedicated staff support to prepare and implement Biological Opinion permitting for a total of up to \$1,388,277 through September 30, 2028, with a not-to-exceed of \$65,400 for fiscal year 2023. The intent was to have the agreement executed in late 2023.

The availability of NMFS staff to negotiate the agreement's terms and conditions has delayed its execution. A draft agreement is close to being finalized with the NMFS local office. The draft agreement will then be required to be processed through three federal government agencies prior to execution. NMFS believes the agreement will be executed in October 2024.

This delay has impacted the period of performance by revising the schedule to October 2024 through September 30, 2029, extending the end date by a year. The delay also has a minor impact to the total reimbursement amount from \$1,388,277 to \$1,389,783. These are minor changes to the previously approved agreement terms and could be considered within the Executive Director's authority to approve. However, staff felt it was important for the Board to be made aware of the delays in getting the agreement executed. Executing this agreement and securing a dedicated staff for the Sites NMFS permits continues to be important for meeting the project schedule given NMFS is short staffed and challenged by the volume of federal permitting work currently in place and expected to continue for several years.

Prior Action:

May 2023 - Authorized the Executive Director to enter into an agreement with the NMFS to reimburse for dedicated staff support to prepare and implement Biological Opinion permitting for a total of up to \$1,388,277 through September 30, 2028, with a not-to-exceed of \$65,400 for fiscal year 2023.

Fiscal Impact/Funding Source:

There is \$278,658 included in the Amendment 3 Work Plan through December 31, 2025 for this activity and it is not expected that the needs will exceed this amount.

The agreement with the Authority would reimburse for actual NMFS staff time to September 30, 2029. NMFS would be authorized to proceed with work with a not to exceed of \$63,000 for fiscal year 2024. Additional notices to proceed will be issued for future years based on the Authority's work plan cycles.

Staff reviewed NMFS' budget proposal and determined the costs and overhead rates are reasonable. The budget proposal is based on one full-time equivalent at a senior scientist level. Costs would be reimbursed after the fact through invoices submitted by NMFS to the Authority and the Authority would only pay for the time spent on the Project. The agreement has a provision that either party can terminate the agreement with 30 days advance written notice.

Staff Contact:

Ali Forsythe/Joe Trapasso/Lori Jones

Primary Service Provider:

Brown and Caldwell

Attachments:

None.