

M e m o r a n d u m

Date: February 11, 1998

To: CALFED Management Team

From: Lester A. Snow *Sharon Cross for*
Executive Director

Subject: Resolving Issues of Concern

Since the start of the CALFED Bay-Delta Program, CALFED agencies and interested parties have raised a series of issues which one party or another believes need to either be resolved or appropriately addressed prior to the release of a final EIR/S. Program staff, CALFED Management Team representatives and the CALFED Policy Group representatives have spent a great deal of time both identifying these issues and discussing how to resolve various sets of issues during Phase II and the preparation of the draft EIR/S.

The set of issues raised includes both specific issues and process concerns. Among the specific issues identified over the past two years were such topics as area of origin rights, recreation impacts, and urban sprawl in the Delta. The great proportion of these issues has been noted in two response to comments documents produced by the Program and where appropriate, have found a response in the draft EIR/S or in the Phase II Summary Report now being drafted. Also addressed in CALFED discussions regarding concerns/issues have been questions related to how the Program would move toward resolving outstanding concerns and how the Program would develop additional detail needed to fully define the Program elements (such as water use efficiency, water quality, ERPP and assurances). It is this set of issues particularly which is the subject of the following discussion.

In September, the CALFED agencies provided written comments on all of the common program elements. With this set of written comments, several discussions were held at the staff, Management Team and Policy Group levels to reach agreement on the scope and details of such issues. Outstanding common program element concerns were outlined and discussed at the October 1997 Management Team meeting. Discussion at the two-day December 1997 Management Team meeting focused on such issues, and follow-up discussion occurred at the Policy Group meeting in December.

CALFED Agencies

California

- The Resources Agency
- Department of Fish and Game
- Department of Water Resources
- California Environmental Protection Agency
- State Water Resources Control Board

Federal

- Environmental Protection Agency
- Department of the Interior
- Fish and Wildlife Service
- Bureau of Reclamation
- U.S. Army Corps of Engineers

- Department of Agriculture
- Natural Resources Conservation Service
- Department of Commerce
- National Marine Fisheries Service

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From these many discussions, a distilled set of remaining issues/concerns were identified at the January 1998 Policy Group meeting (Attachment 1). The emphasis at this time is on the process by which the CALFED agencies and Program staff will work toward refining and resolving these outstanding issues in the time remaining to the Program. The recommended process for each area is being developed and will be discussed at the Management Team meeting.

General Approach to Resolving Issues between the Draft and Final Documents

As outlined on the attached graphic (Attachment 2), Program staff are recommending a process for resolving outstanding issues. To the extent possible, these issues have been identified in either the Programmatic EIR/S, or in the Phase II Report. In general, outstanding issues will be addressed in a process that includes: (1) staff identifying or clarifying the issue in a background paper or report; (2) using a combination of technical (or science) review and stakeholder input to review issues, clarify approach and/or make recommendations. Fully resolving an issue in this manner might entail additional analytical work (modeling or other analysis). Results of these efforts would be further discussed at the Policy Group level and be fully articulated in the Final EIR/S. We will discuss the application of the generalized process to specific issues at the upcoming meeting.

Attachments