

**DRAFT PLAN TO IMPLEMENT THE  
STATE-FEDERAL PROCESS  
FOR DEVELOPING LONG-TERM SOLUTIONS  
IN THE BAY-DELTA ESTUARY**

Exhibit C of the Framework Agreement signed by the Governor's Water Policy Council and ClubFED stipulated:

"To secure California's water future, the Council and the FED commit to work together to equitably reconcile the economic and environmental values that are dependent on the Bay-Delta Estuary consistent with achieving and maintaining statutory objectives.

"The Council and the FED are committed to the principles detailed herein. Taken together, they provide a foundation for a joint process to develop a long-term solution for the problems affecting public values in the Bay-Delta Estuary. The process will be assisted by citizen-advisors gathered from California's agricultural, environmental, urban and other affected interests. The process will be administered through cooperative and coordinated activities of responsible State and Federal agencies, will incorporate full and coordinated compliance with the California Environmental Quality Act (CEQA) and the National Environmental Policy ACT (NEPA), and will ensure maximum opportunities for public involvement."<sup>1</sup>

The Council and the FED jointly commit to the following plan of implementation:

CALFED

This group provides policy direction and oversight to the process and ensures consistency between program policy and statutory requirements. While the Governor and the Secretary of Interior have the ultimate approval authority over this process, the functional decisions rest with CALFED. This group will propose individuals for nomination to the Estuary Policy Advisory Council (EPAC) and will receive recommendations from the Estuary Policy Advisory Council (EPAC). It will also serve as the final arbitrator of issues that develop during the process that cannot be resolved by either the Program Manager(s) or the Agency Coordination Team.

CALFED will be assisted by an Agency Coordination Team of designated representatives. This group is also responsible for working with the Program Manager(s) to: (1) assure the constructive engagement of their agencies in the process; (2) ensure effective coordination between the Bay-Delta solution process with other related programs and processes, including the CVPIA and CCMP; (3) secure timely review of program work products, including technical analysis, from their respective agencies and assist in reconciling substantive differences; (4) ensure that CEQA/NEPA evaluation develops the information and analysis in the depth and form needed to enable them to make necessary permitting and regulatory decisions.

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<sup>1</sup>The full Exhibit C of the Framework Agreement is attached for reference and to provide the appropriate context.

The Agency Coordination Team will meet regularly with the Program Manager(s). It will deal with significant issues identified by the Program Manager(s), including resolving inter-agency issues and developing agreements between involved agencies concerning roles and responsibilities.

### Estuary Policy Advisory Council (EPAC)

As agreed in the Framework Agreement, "the Public will have a central role. A committee of citizen-advisors, representing California's agricultural, environmental, urban and other affected interests will be created to advise the responsible agencies." To be consistent with the Federal Advisory Committee Act (FACA) requirements, this Council will be chartered through the Department of Interior and must include a Designated Federal Official (DFO). The DFO will serve as a member of the Council. A State representative would also be a member of the Estuary Policy Advisory Council. The EPAC will operate in full compliance with the State's Open Meeting Act. Members of the EPAC will provide a balanced representation of affected interests and will be jointly nominated and appointed by the Secretary of the Interior and the Governor of California. Responsibilities and decisions covered by this group include:

- Providing policy advice to the Water Policy Council and ClubFED, including:
  - Recommending objectives to be met, including both the problems to be addressed and a specific set of objectives;
  - Recommending neutral evaluation criteria to measure the effectiveness of alternative solutions;
  - Recommending specific solution alternatives to be evaluated in a formal CEQA/NEPA process carried out by one or more agencies;
  - As part of the CEQA/NEPA review process, recommending the best solution alternative for implementation by the appropriate agencies and assisting in the public involvement efforts.
- Requesting specific technical information and analysis from the Program Manager(s);
- Providing comments on the action plan and public involvement plan;
- Reviewing, with input from the general public, the merits and implications of various proposals and alternatives;

### General Public

The general public will be notified of, and can attend, all EPAC meetings. Additionally, they will have opportunities to provide comments directly to the Program Manager(s). Scoping and review of NEPA/CEQA documents will provide additional, formal opportunities for public comment. The existence of the Estuary Policy Advisory Council will assist the Program Manager(s) in identifying the needs and concerns of the general public.

### Joint State/Federal Program Team

The Program Team will include staff from State and federal agencies with expertise in the issues and needs to be addressed by the program, including water supply, biological resources, water quality, levees and channels, CEQA/NEPA, administration and budget. The team will report to the Program Manager(s).

After consultation with the Agency Coordination Team, the Program Manager(s) will select the members of the Joint State/federal Program Team. This Program Team will be housed together. The State Resources Agency Building at 1416 Ninth Street in Sacramento has been suggested as a possible location.

#### Budget and Resources Allocation

Consistent with the partnership nature of this program, it is the joint intent to share in the funding and support of this program. For at least the first year of its operation, however, substantially greater State resources are available than federal. The State funding commitment for its F94/95 was originally \$6,300,000. A substantial portion will remain available for the joint process. This will support: all State personnel; Estuary Policy Advisory Council deliberations; Interagency Coordination; resources inventories; and preliminary studies. The federal commitment for their current fiscal year includes \$400,000 appropriation to the Bureau of Reclamation. The federal agencies will attempt to reallocate available funds to support this effort.

#### Technical Teams

The membership of the technical teams will include staff from State and federal agencies and non-government individuals possessing expertise in the resource areas to be addressed by the Long-Term Bay-Delta Solution-Finding Process, which will include: (1) water quality, (2) water supply, (3) biological resources, (4) levee and channel management issues, and other issues of concern impacting the Estuary. The Program Team will solicit participation from an appropriate diversity of geographic and interest group representation. The work of the technical teams will be directed and supported by the Program Manager(s) and Program Team. The technical teams will, upon request, assist the Program Manager(s) with briefings to the Estuary Policy Advisory Council and the Agency Coordination Team.