



M e m o r a n d u m

Date: June 11, 1999

To: Policy Group

From: Lester A. Snow



Subject: Schedule and Tasks related to Interim and Long-term Governance

Summary

Over the next few months Policy Group will be making decisions regarding both interim and long-term governance for CALFED. At the BDAC meeting in May, Policy Group committed to making a decision on the long-term governance structure by December 1999. Once the Policy Group reaches a decision, it is likely that it will take some time before the long-term governance structure is in place. This is because of the time needed to enact legislation required to make changes to existing laws and authorities.

While the long-term structure is being established, an interim governance structure will need to be in place. The revised draft EIS/R includes a proposal for an interim CALFED governance structure which will be in place by the time of the ROD in June 2000. For the interim, CALFED proposes the continuation of the current governance structure, adapted to support the implementation phase (Attachment 1). The interim structure will be in place only as long as it takes to establish a long-term structure.

- Interim Governance
 - Decision in the Revised draft EIS/R, June 1999
 - Revised Agreements in place by the time of the ROD, June 2000
 - Operates until a long-term governance structure adopted
- Long-Term Governance
 - Policy Group Recommendation between September - December 1999
 - Legislation expected to be needed
 - Possibly introduce legislation in early 2000

Described below is a summary of the major tasks and issues and a proposed schedule for reaching a decision on both interim and long-term governance.

CALFED Agencies

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

Federal
 Environmental Protection Agency
 Department of the Interior
 Fish and Wildlife Service
 Bureau of Reclamation
 U.S. Geological Survey
 Bureau of Land Management
 U.S. Army Corps of Engineers

Department of Agriculture
 Natural Resources Conservation Service
 U.S. Forest Service
 Department of Commerce
 National Marine Fisheries Service
 Western Area Power Administration

Action: Information and Discussion Item

Detailed Discussion

Interim Governance

The following agreements and documents need to be updated to identify the tasks and processes for implementing the CALFED Program in the interim (Attachment 2):

- New or Revised Framework Agreement
- Revised FACA Charter
- New Administrative MOU

The Framework Agreement (Attachment 3) will need to be updated in several ways, including the following:

- The Agreement contains numerous outdated references that need to be changed to reflect current program activities and agreements.
- The Agreement needs to identify the state and federal participating agencies. Currently the Agreement references the State Water Policy Council which no longer exists.
- The Agreement needs to contain a clear description of the respective interim functions of the CALFED Program, Policy Group and the CALFED agencies
- Specifically, for Policy Group, decisions are needed on the following:
 - Decision-making protocols for both policy and administrative matters
 - Role of the public in Policy Group decision-making
 - Clarification of the joint relationship of BDAC and the Policy Group, including frequency of joint meetings
 - Frequency of Policy Group meetings
 - Determination of Policy Group Chairs
- Exhibit C of the Framework Agreement needs to be rewritten to reflect agreements and processes for program implementation, rather than the planning process for a long-term solution as it currently describes.

The FACA Charter which established the Bay Delta Advisory Council may also require revision. The proposed interim governance structure includes BDAC. However, the Policy Group may want to consider changes to the Charter or to BDAC membership in the context of clarifying BDAC's advisory role during interim governance. In addition, it may be advisable to provide more detail in the Charter regarding the functions of BDAC sub-groups like the Ecosystem Roundtable.

Long-term Governance. The Policy Group needs to make a decision on a long-term governance structure no later than December 1999, and preferably by early this fall. While all aspects of the CALFED Program will be addressed in a final governance structure, the primary focus is expected to be on the long-term structure for CALFED program oversight and for management of the ERP. These two issues have received the greatest attention, primarily by BDAC and other stakeholders. In addition, the state legislature has expressed an interest in proposing a CALFED governance structure. It is likely that new legislation will be needed irrespective of the final governance recommendation. Even if existing agencies are used to implement the CALFED program, authorizing language referencing CALFED program responsibilities needs to be added to existing agency authorities.

The Policy Group needs to identify and consider such legislative language changes as soon as possible. On the federal side, bills can be introduced at any time. However on the state side, the bill introduction deadline is early in the legislative cycle, which begins in January. The deadline for legislative requests within the Administration is usually early December in preparation for the January legislative deadline. In addition, there is a possibility that the Legislature may hold interim hearings on CALFED governance this fall. In order to be prepared for bill introduction deadlines and interim State legislative hearings, Policy Group should try to reach a decision on long-term governance as early as September 1999.

CALFED Governance Workshop. On June 16, 1999, the California Environmental Trust (CET) is convening a panel of experts to address issues involved in structuring governance entities for the CALFED Program. The Workshop will focus primarily on the development of an ecosystem entity. CALFED has asked the CET to provide a summary of the Workshop at the Policy Group meeting.

A schedule for discussion and action on each of these interim and long-term governance issues is attached. (Attachment 4)