

Summary of Primary CALFED Issues Discussed at April ClubFED Retreat

1. Assurances / Level of Detail

- “Assurances” refer to ensuring timely implementation of all aspects of the selected CALFED alternative. There are institutional, legal, regulatory, and financial issues in crafting assurances. Under the BDAC-led assurances work group, attention has focused on designing new institutions-- notably, establishing a single entity to implement the Program-- and using the Program to circumvent standard regulatory procedures. Agencies agreed that CALFED should convey to the BDAC work group that major new institutional or regulatory fixes are unrealistic.
- Assurances require sufficient information about the selected course of action that implementability can be warranted. This includes some level of guarantee that regulatory requirements, such as any which could arise pursuant to the Endangered Species Act, can be met. There is concern that the Program-level analyses being prepared will not provide enough detail to support the level of assurances which CALFED is suggesting, or which stakeholders expect from the Program.

2. No Action / Existing Conditions

The “no action” alternative refers to future (2020) conditions without implementation of the CALFED Program, whereas the “existing conditions” description refers to recent, representative conditions within the Bay-Delta and larger solution area. Where project operations model runs are required to characterize conditions, both “existing” and future “no action” will use agreements under the Accord and 1995 State Board Plan. Although the Program analysis is not being structured to document water costs of the Accord and Bay-Delta standards, among the water users there is a perception that the Program will make up recent regulatory water costs.

- Are the baseline conditions being used for the Program match conditions identified for other federal agency NEPA documents?
Next step: Agencies should review ASAP the CALFED Program baseline conditions for future no action and existing conditions and determine if there is consistency with other recent NEPA analyses; differences should be justifiable (different project purposes, recent changes in status of an activity, and so forth). (CALFED staff will be responsible for providing up-to-date information on existing and no action conditions for the Program.)
- What assumptions are being made regarding CVPIA implementation for the existing conditions and future No Action conditions? In particular, how should implementation of CVPIA (b)(2) be represented in the Program Plan? What level of implementation is appropriate for existing conditions? for No Action?
- What should be the relationship between the CALFED Program and agency projects/ programs which could affect the CALFED Program? Agencies such as the Corps of Engineers (planning, particularly) are involved in a number of activities within the CALFED Program solution area. These are not dependent on CALFED for implementation, but they affect the same resources. The MOUs signed by ClubFED agencies in no way limit agencies’ authorities to conduct their business. On the other hand, participation in CALFED suggests agreement to coordinate these activities.

3. Storage & Conveyance

- There is concern that the level of detail in the Programmatic analysis will be inadequate to produce a meaningful final document and decisions. The environmental impact document will characterize effects only broadly, by subregions within the problem and solution areas. Facilities alternatives contain a range of storage and conveyance capacities, which may be managed under a range of operating rules. Can we make meaningful distinctions between storage and

- conveyance alternatives, given the generality of impact information and the operational ranges? Certain of the parameters used in modeling operation of the facilities are a concern. What is the basis for the demand levels, and do these levels serve as targets? Does the assumption of existing Bay-Delta water quality standards (which have been developed with reference to current Delta management) make it difficult to fairly evaluate Delta facilities which are substantially different from what we have now? This points up the importance of defining an adequate level of protection for the Bay-Delta ecosystem.
4. Water Use Efficiency
 - Disagreement on conservation elements (i.e. agricultural and urban conservation) - What is the program goal and how will we know if we have achieved it? Will the water conservation components go beyond existing efforts? What is appropriate "trigger" to go beyond voluntary implementation? What is appropriate "hammer" if voluntary implementation does not accomplish the goal?
 - Transfers - A strong, effective, market-oriented transfers component must be an integral part of the water use program.
Next steps: Establish a CALFED interagency working group ASAP to start developing transfers element immediately (identify issues, determine appropriate CALFED program scope, propose process for program development and issue resolution). Continue discussions amongst CALFED agencies on questions regarding conservation components.
 5. Water Quality -
 - Generally, no major issues regarding the program, although the group acknowledged that the program needs review and input from those entities with aquatic resources expertise.
Next step: Ensure water quality program is reviewed by FWS representatives with needed expertise.
 - Identified need for integration of water quality objectives with those of other common programs. For example, FWS identified the need to better link land retirement activities in WQ program with habitat recovery actions in the Ecosystem Restoration program.
 6. Levees -
 - How do we integrate flood control with other programs (i.e. water quality, water supply and ecosystem restoration) to achieve CALFED program goals? For example, there is a need for vegetation on levees for habitat purposes; how can we reconcile this need with levee maintenance and inspection practices?
 - General concern that definition of this program has not moved ahead since flood events in January. Next steps: need to reconvene interagency & stakeholder groups to flesh out program.
 7. Permit Streamlining
 - CALFED has developed a proposed process for streamlining permitting and environmental review of ecosystem restoration projects proposed for early implementation. There was general consensus amongst the federal agencies that this is a sound proposal. One of the principal considerations is the resource commitment for adequate staffing to carry out proposal.
Next steps: a subgroup needs to estimate resources necessary to carry out proposal; proposal with identified resource needs should be sent to CALFED Management Team for action.
 8. Ecosystem Restoration
 - The scope of the ecosystem restoration program plan (ERPP) is focused on actions which will benefit the Bay-Delta ecosystem and does not address impacts to terrestrial species which have resulted from project water supplies in the service areas. Moreover, the ERPP is not intended as a mitigation plan, either for past or future impacts. However, the FWS pointed out that to satisfy certain ESA requirements [for example, for a habitat conservation plan (HCP)] the Program will need to address service area impacts (documentation, mitigation). How should the Program level plan deal with terrestrial species: expand the scope of the restoration component? via the HCP?

- only in the context of impacts and mitigation for Program actions (such as new reservoirs)?
Completion of the ERPP continues to be delayed. Will these delays affect the overall CALFED schedule and, practically, opportunities for the agencies to review and evaluate the ERPP?