

Draft Text of Key Outcomes from July 19 BDAC Discussion Framing Advice for CALFED

The Bay Delta Advisory Committee (BDAC) has met eight times during Phase I of the CALFED Process. We have received briefings by staff, offered advice at key junctures of the program, and discussed several policy issues that will affect implementation of Bay-Delta solutions.

We have considered five questions posed by staff, and have the following response. While BDAC generally concurs with the overall approach taken by CALFED in framing alternative for refinement and analysis as we head into Phase II, we have several specific comments and concerns that we believe should be addressed. Our response follows:

Question 1: Staff believes the alternatives represent a reasonable range of solutions. What adjustments of these 3 alternatives, if any, are needed to address the public interest in solving the problems identified early in the Program?

Overall BDAC Response: BDAC concurred with proceeding with further refinement of the three draft alternatives.

Level of Detail: The overall sense of the Council was that while the level of analysis was appropriate for the current stage of CALFED's work, there is a strong desire to see more clarity and definition of the alternatives.

Selection of Upper and Lower Ends of Ranges: Several BDAC members asked for a second look at the rationale and the selection of the upper and lower ends of the ranges in the sizing of storage and conveyance. The proposed range is 5,000 cfs to 15,000 cfs; the lower end of the range represents future demand estimates for urban water use, while the higher end represent the capacity of the existing conveyance system.

Impacts on Agriculture: Representatives of the agricultural community asked that CALFED staff further clarify the intent and definition of land retirement as a tool, water transfers, and associated benefits and impacts. Some BDAC members expressed the view that user-initiated water transfers work against the interests of agriculture. BDAC also requested clear expression as to what water supply objectives mean in terms of yield. A related concern is whether CALFED staff have the necessary expertise and sensitivity to agricultural issues that are called for given the important place of agriculture in the implementation of possible solutions.

Assurances: Several BDAC members brought up the need to establish manageable objectives and clear assurances, to maintain and build trust and comfort with the Program. A key BDAC observation is that no group can expect to have every one of its desired assurances met. Rather, the Program needs to create a political agreement that provides that all needs are reasonably met.

Clarify CALFED Terms: Related to the concern about assurances, BDAC members urged that CALFED staff continue to clarify the meaning and intent of CALFED terminology.

Integrate Policy and Technical Tracks: BDAC members also commented that the written, technical reports do not seem to keep pace with the policy deliberations and explanations they receive in public forums. BDAC members expressed the desire to continue being consulted on key policy choices as they arise in CALFED staff's work.

Question 2: The Program is developing common programs at fairly extensive levels to address the issues of ecosystem restoration, water quality, system vulnerability, and water use efficiency. What are the strengths and weaknesses of this approach and how can we address them as we proceed?

Overall BDAC Response: BDAC's overall response is that the common programs are a practical idea and a helpful structure. There was general agreement that this is a wise policy choice, and a superior way to configure the program relative to the earlier approach of modest, moderate, and extensive levels of effort.

Focus on Issues will Support Investment: BDAC members noted that calling out the four common programs helps bring focus to the need to make expenditures in the four program areas.

Implementation of Common Programs: One concern expressed is whether the programs will actually be extensive enough to resolve the problems. BDAC raised the issue of future activities after completion of the EIR/S. Members suggested that Phase II include design of an administrative structure to ensure adequate Program development, implementation, monitoring and adaptive management strategies.

Several specific concerns were raised about the ecosystem restoration, water use efficiency, and water supply components.

Ecosystem Restoration: With regard to ecosystem restoration, BDAC members praised the scope of the program, "the largest ecosystem restoration project in North America", but posed several questions and requests for clarification.

BDAC observed that the Ecosystem Restoration program seems to do a good job of dealing with adult fish, but does not address entrainment of eggs and larvae. BDAC members also raised questions about the technical capabilities of fish screens to handle proposed flows.

Another question is whether the Ecosystem Restoration Program includes an assessment that compares the respective evaporation of agriculture and conversion from agriculture to wetlands. Questions were also posed about the explicit goals of habitat restoration and how they will be quantified. BDAC also suggested that an administrative capability to implement restoration be

developed. CALFED staff needs to address how programs are developed, reviewed and approved over decades. BDAC members asked for clarification as to restoration actions that result from CVPIA, which will be implemented regardless of the CALFED process, and a suggestion that these should be described in the No Action Alternative.

Water Use Efficiency: A variety of concerns were discussed on the question of water use efficiency. Some agriculture representatives wanted to see specific documentation that CALFED plans to step away from the tool of land retirement. Several other BDAC members felt that land retirement should be retained in the CALFED toolbox. There was also a request to explain whether agricultural easements were intended as a tool.

Some urban representatives asked for clarification of statements contained in CALFED documents that seemed to suggest different alternatives might employ different levels of conservation and reclamation.

Other BDAC members raised questions about staff assumptions regarding demand hardening as a factor that could limit water conservation. BDAC suggested that water supply planning can be improved by increasing the accuracy of water availability. A related BDAC concern is how CALFED will deal with the large variation in implementation of urban BMPs across California. BDAC also pointed out that the role of market incentives needs to be explained more clearly.

At least two BDAC members wanted the term "demand management" retained as a concept. Water efficiency concerns highlighted the linkage between CALFED and overall California water policy.

BDAC expressed that principles and standards for water use efficiency be developed and applied to environmental water.

Water Quality: One BDAC concern is whether the CALFED Program give more weight to reliability of urban supply than reliability of agricultural supply. A BDAC also recommended that accepted demand and population projections be used to ensure the alternative meet future supply needs and water consumption targets.

Question 3: The three alternatives are based on staging of the common program implementation from core to modest, moderate and extensive levels of implementation. Is this a reasonable way to proceed? What are the strengths and weaknesses of this approach?

Overall Response: BDAC's overall response was that the staging of common programs is a practical approach and a sound policy choice.

Concurrent Implementation: One concern expressed is that the four programs really must proceed concurrently, to reinforce the idea that all stakeholders will realize benefits at a fairly continuous rate. This concern in turn requires close attention to assurances.

Another concern or question is how CALFED can really see the solutions through into the implementation stage if their mission is primarily one of planning.

Flexibility and Accountability: BDAC members expressed the view that CALFED staff should be flexible in designing the adaptive management approach in the implementation of the common programs, but that this flexibility must be coupled with accountability to the overall program objectives and solution principles.

Question 4: In Phase I substantial workshops, public meetings, BDAC meetings, and other public forums were conducted, as well as providing written outreach material. Has this level of public involvement and outreach been adequate? Are there important groups that are underrepresented?

Overall BDAC Response: BDAC's was quite supportive of the overall public involvement program, and felt that the level of involvement had generally been adequate. Several BDAC members commented that in fact the public involvement program is one of the CALFED program's strengths. Several areas for improvement were called out.

Possible Underrepresented Constituencies: BDAC members identified several constituencies that should get more attention at the Program moves into Phase II. They include:

- Southern California
- the Bay Area
- Mountain Counties
- Business and Labor

Raise the Level of Understanding: BDAC members expressed the concern that the various constituencies still do not really understand the Program's objectives, the 3 alternatives, nor the possible benefits of each.

Compare List of Participants to Stakeholders: BDAC suggested that CALFED staff compare the list of individuals and organizations that have participated with those known to have a stake. Then, staff could create more outreach and involvement opportunities for those groups who are not participating.

Question 5: What other policy issues need to be highlighted and addressed in Phase II?

Overall BDAC Response: BDAC recommends that staff continue to define and analyze several important policy issues as the program moves into Phase II. These include the items listed below.

Land Retirement: Under what conditions will land retirement be used as a tool?

Water Transfers: How will water transfers be used to implement program objectives. How will their associated impacts be identified and analyzed?

Cost: Several members said that BDAC ensure an allocation of costs to beneficial users the Program addresses

Involve BDAC in Key Policy Deliberations: Several BDAC members reiterated the desire to be consulted as staff is carrying out important policy deliberations.

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