

BDAC ASSESSMENT REPORT

E - 0 1 9 6 0 4

E-019604

**Report on Assessment of the Bay Delta Advisory Council
and the BDAC Work Groups**
Mary Selkirk and Eugenia Laychak
January 8, 1999

Executive Summary

Background

During October 1998 CALFED consultants Mary Selkirk and Eugenia Laychak conducted an assessment of the CALFED Bay-Delta Advisory Council (BDAC) and the BDAC Work Groups. The purpose of the assessment was to evaluate the effectiveness of the Council and its Work Groups in advising the CALFED Program on key policies and Program components. The assessment was designed to evaluate BDAC's role from the perspective of Council members, CALFED staff and other BDAC Work Group participants. Ms. Selkirk and Ms. Laychak interviewed forty-four individuals, including twenty-three BDAC members, nine CALFED staff and consultants, and twelve Work Group participants.

Key Findings

Overall effectiveness--Overall evaluation of BDAC's effectiveness in advising the CALFED Bay-Delta Program was mixed. Most BDAC members interviewed thought BDAC was successful as a public conduit to CALFED and as a sounding board on critical CALFED policy issues. However, many members expressed frustration at the Council's inability to reach consensus or make policy recommendations.

Membership Composition--BDAC members expressed divided opinions about the composition of the Council. While many expressed appreciation for the diversity of the membership, a number of BDAC members stated that they thought the difference in levels of knowledge and expertise on water policy issues was problematic. While some saw value in learning from Council members from diverse backgrounds and constituencies, others observed that members with greater expertise or with professional involvement in water policy tended to dominate and shape the discussions.

Meeting Structure--A number of BDAC members expressed a preference for focusing in greater depth on a fewer number of issues. Others expressed a preference for stakeholder and BDAC panels over staff presentations. Opinions about meeting facilitation were diverse. Some members appreciated the directive facilitation style of Vice Chair McPeak, while others preferred the more laissez-faire, non-directive approach of Chairman Madigan.

A majority of BDAC members were supportive of CALFED's convening BDAC meetings in locations throughout the state. However, most BDAC members said that two-day meetings were too demanding. Some expressed concern that the density of the agendas, the absence of resolution on key issues, combined with the two-day meetings had led, or would lead, to higher absenteeism and diminished commitment on the part of

BDAC members. Most of those interviewed expressed a strong motivation to “roll up their sleeves” and build consensus with their fellow BDAC members.

BDAC Work Groups—Overall assessment of the effectiveness of the BDAC Work Groups was only moderately favorable. Many of those interviewed—including BDAC members, CALFED staff and members of the public—expressed frustration at the inability of the Work Groups in many cases to reach consensus on key CALFED issues. Several reasons were cited for the Work Groups’ lack of effectiveness. These included inadequately defined objectives; lack of understanding of the Work Groups’ roles vis a vis BDAC; absence of designated outcomes or endpoints for the groups’ activities; and lack of definition of the Work Groups’ relationship to other public and stakeholder discussions on CALFED policies and Program components.

Critical Issues in 1999—BDAC members identified three critical CALFED policy issues which they proposed for in-depth deliberation through the next year or until certification of the final EIR/S. These issues included:

- Reaching agreement on the staged approach to the preferred Program alternative, including the proper role and assessment of groundwater and surface storage and development of performance standards for each of the common programs;
- Resolving the complex issues of CALFED governance, including recommendations for an ecosystem program management entity; recommendations for the process through which a decision would be made regarding major conveyance facilities construction; and development of an adequate package of legal, legislative, contractual and political assurances;
- Financing the CALFED Program, including resolution on the question of how to apply the principle of beneficiaries pay; and recommendations on public/private cost allocations for specific CALFED actions.

Proposed Changes to BDAC and the BDAC Work Groups

Based on the findings from this assessment, the following recommendations are made regarding the Bay-Delta Advisory Council and the BDAC Work Groups:

1. Continue a schedule of regular BDAC meetings through 1999, about half of which should be held outside of Sacramento. Focus BDAC deliberations in 1999 on a narrowed set of CALFED policy topics.
2. Restructure BDAC meeting formats and BDAC participation to focus discussion and maximize active BDAC participation. Utilize stakeholder and BDAC panels and facilitated break-out sessions to focus discussion and identify gradients of agreement.
3. Retire certain BDAC Work Groups and re-structure others. Develop alternate, task-focused public venues through 1999 for input on specific Program components. Convene some of these public meetings in conjunction with BDAC meetings.
4. Routinely include CALFED Policy Group members at BDAC meetings to strengthen communication and interchange between the two groups.

5. Clarify the role of BDAC vis a vis other CALFED public input processes, such as the Ecosystem Roundtable.
6. Adopt a set of participation guidelines for BDAC members for 1999 that would supplement the guidelines adopted in November 1996 (attached).

A proposed calendar of BDAC meetings and related public workshops is also included.

I. Background and Summary of Interviews

In early fall of this year, senior CALFED staff expressed an interest in evaluating the role of the Bay-Delta Advisory Council in advising the CALFED Program. They were interested in hearing from BDAC members themselves regarding the effectiveness of the Council itself as well as the BDAC Work Groups. In addition, CALFED senior staff wanted input from BDAC members regarding what the members saw as the critical issues facing CALFED on which feedback and advice from the Council could be most helpful.

CALFED consultants Mary Selkirk and Eugenia Laychak undertook a series of in-depth interviews of BDAC members, including those who chaired or participated in the Work Groups.

All BDAC members, Work Group staff liaisons and other Work Group participants were contacted for the interview process. Two BDAC members were not available during the interview period. Four others did not return calls. A total of twenty-three BDAC members, eight Work Group staff liaisons and thirteen other Work Group participants were interviewed for the assessment. A complete list of those interviewed is attached in Appendix A. Also included in Appendix A are the interview questions.

I. Key Findings

The following are key findings from the interviews.

Overall Effectiveness of BDAC

Most BDAC members interviewed expressed the view that BDAC was largely successful as a public conduit to CALFED and as a sounding board on critical CALFED policy issues. On the other hand, many members expressed frustration at the Council's inability to reach consensus or make real policy recommendations. Some felt limited by the defined role of BDAC as advisory. Others felt that BDAC's effectiveness was limited by the composition of BDAC, in that some BDAC members are decision-makers in their communities while others are not.

Others expressed that BDAC had fulfilled an important function by helping to establish a greater sense of trust among stakeholders, though there were different opinions expressed as to the depth of that trust. Most BDAC members felt that their fellow BDAC members were operating from about "90% good faith," while others thought that the essential ingredients of confidence and trust were "not there yet." At the same time, as one BDAC member put it, "collegial understanding" of the issues was critical.

Several BDAC members expressed frustration with they perceived to be "posturing" at the public meetings, frustration that some BDAC members seemed reluctant to give up their positions, and would repeatedly state their positions at each meeting, rather than

look for areas of agreement. Some BDAC members said they thought that progress was made when attempts were made to informalize the proceedings. Several members thought that the breakout sessions encouraged less vocal BDAC members to express their ideas and perspectives.

Several members said they thought that BDAC had been particularly effective in providing good direction and agreement to CALFED on the ERP and on the Watershed program, on the concept of adaptive management and on the staged approach to implementation.

In summary, in the view of most members, BDAC has performed well in educating the public about CALFED. Over the past three and a half years, the Council, and CALFED, have received a tremendous amount of feedback, comments and recommendations from the public. However, the Council has not yet functioned well as an advisor with one voice to the CALFED Program.

Decision-making

While BDAC members were not asked a direct question in their interviews regarding decision-making, a majority of members raised this issue in the course of their interviews. Frustration was expressed regarding BDAC's advisory role. Some BDAC members were comfortable with the role as defined in the original charter. However, others felt increasingly constrained: that because BDAC was not "making decisions," they perceived that the CALFED Program saw no useful role for the Council. Members made comments like the following: "we need to get to more endpoints, more consensus, "let's wade out into the water, we need to get to more endpoints," "we have to get the hot issues on the table; people will stay if we do."

Several expressed a desire to be challenged to narrow and refine their advice to CALFED. They expressed a desire to utilize their problem solving capabilities, and were impatient to "dig in" to the conflicts surrounding controversial issues, in particular storage, and conveyance and water use efficiency.

Most members agreed that BDAC was important for building trust across diverse interest groups and for learning that others have legitimate concerns. They also acknowledged that because there was limited consensus on basic approaches to solving the problems facing CALFED, their ability as BDAC members to reach agreement may be limited.

BDAC comments may be expressing confusion over the level of consensus needed to reach agreement. Consensus does not necessarily mean full endorsement of a proposal. There are gradients of agreement, such as those stated in the November 1996 guidelines, which members can express to accurately reflect their level of agreement with a proposal. For example, a member can support, agree to with minor reservations, or, at a minimum, live with a proposal. The goal is to develop a proposal that as many members as possible can support, with the understanding that 100 percent endorsement may not be possible.

Composition of BDAC

BDAC members expressed divided opinions about the composition of the Council. While many expressed appreciation for the diversity in the membership, a number of BDAC members stated that the differences in levels of knowledge and expertise on water policy issues were problematic. Some stated that they thought the more knowledgeable members, who by virtue of their professional career or years of experience, tended to dominate and shape the discussions at the BDAC meetings. However, others expressed the value in learning from other members and in the informal discussions they had with other members during the course of the formal public meetings.

Meeting Structure and Format

A number of BDAC members expressed a preference for fewer staff presentations and more in-depth discussion on a more limited number of issues. Several members requested more expert panels and more stakeholder panels, rather than staff presentations, as vehicles for deliberation on key CALFED policy issues. And, as stated above, a number of BDAC members supported the movement toward more informal discussions in the BDAC meetings because they felt that more progress was made in those discussions.

Most members expressed support for meeting in different locations around the state because of the unique opportunity it provided for BDAC members to hear from a broad range of members of the public. While one BDAC member stated that he thought two-day meetings were too short, many more members stated that two-day meetings demanded too much out of their schedules. Some expressed concern that the density of the agendas, the absence of resolution on key issues, combined with the two-day meetings had led to, or could lead to, higher absenteeism and diminished commitment on the part of BDAC members.

III. BDAC Work Group Assessment

Included below are general comments on the BDAC Work Groups and in-depth assessments of each of the five Work Groups.

BDAC members' general assessment of the Work Groups as a whole was mixed. While some BDAC members expressed that they saw some value in the direct access to CALFED staff provided by the Work Groups, in general their assessment was that the work groups were not effective. Most agreed that the concept of the Work Groups was a good one, but that perhaps it was time to re-configure the objectives and format of the work groups.

Reasons cited for the overall lack of effectiveness of the Work Groups included:

- ill-defined objectives and lack of clarity regarding the Work Groups' roles;
- lack of understanding about the Work Groups' role vis a vis BDAC;
- absence of deadlines or endpoints for the Work Groups' activities;

- lack of a definition of the Work Groups' relationship to other public and stakeholder discussions on CALFED policies;
- limited work group member involvement in setting agendas and participating in discussion; and
- tendencies to focus on interest group positions rather than underlying interests when addressing issues.

Currently, very few BDAC members participate in the Work Groups. Several BDAC members reported that they had initially participated in the Assurances, Water Transfers and Finance Work Groups, but that they stopped attending out of frustration. Several members of the Ecosystem Restoration Work Group said they stopped attending after the Scientific Review Panel because the role of the Work Group had become more ambiguous.

IV. Critical Issues

When asked what they thought were the most critical issues facing CALFED on which BDAC could weigh in productively in the coming year, members were in general agreement with one another. While some BDAC members had suggestions for a range of issues including water use efficiency, water quality and defining water supply reliability, almost all members interviewed identified at least one of the following three critical issues:

- 1. Reaching agreement on the staged approach to the preferred alternative, including the proper role of groundwater and surface storage, and development of performance standards for each of the common programs.**
- 2. Advise CALFED in resolving the complex issue of CALFED governance, including recommendations for an ecosystem program entity; recommendations for the process and entity through which a decision would be made regarding major facilities construction, including storage and an isolated canal; and development of an adequate package of contractual, scientific and political assurances which would ensure progress across all the common programs.**
- 3. Financing, including resolution on the question of how to apply the principle of beneficiaries pay; recommendations on public/private cost allocations for specific CALFED Program actions.**

BDAC members also mentioned other issues, including water use efficiency, reaching agreement on a definition of water supply reliability and knowing when you had it; water quality assurances; and development of an effective groundwater management policy; getting to scientific agreement on how much water us required to make a healthy Bay-Delta system.

V. Proposed Changes for 1999

Based on the assessment of the BDAC process as a whole, and the BDAC Work Groups in particular, the following suggestions are offered to refine and focus BDAC deliberations in the coming year. The first recommendation pertains to the content of BDAC deliberations. The subsequent recommendations pertain to the process for deliberating on these content areas. These recommendations were developed based on specific suggestions made by BDAC members, as well as through a distillation of their comments.

Recommendation #1: Focus BDAC deliberation on a narrowed set of topics.

The majority of BDAC members interviewed suggested that their contributions, and the meeting agendas, be more focused in the coming year. BDAC members identified three key issues which they want to address in 1999:

- the draft preferred alternative and related issues, including the role of storage and the development of performance standards for all the common programs;
- CALFED governance and assurances, including Program oversight and management; and
- financing the Program, including defining “beneficiaries pay” and public/private cost allocations.

Recommendation #2: Re-structure BDAC meetings and BDAC participation to focus discussion and maximize active BDAC participation.

Meeting Format:

- Limit meeting agendas to one or two agenda items.
- Invite BDAC members to co-facilitate discussion on each agenda item.
- Utilize stakeholder panels and presentations as a significant aspect of framing each agenda discussion.
- Routinely invite legislators to observe/comment and participate.
- Utilize break-out groups with facilitators and BDAC convenors to keep discussions focused on defining common ground on specific proposals brought to BDAC by the CALFED staff.
- Encourage the Chair and Vice-chair to assist BDAC in working toward consensus in its advice to CALFED.

Meeting Frequency and Locations:

- Convene BDAC every six to eight weeks in 1999, coinciding when possible with Policy Group meetings and Program milestones. A proposed calendar, with tentative agendas, is attached.
- Conduct four one-day meetings outside of Sacramento, one in or near the Sacramento Valley, one in the Bay Area at the Bay model, one in the San Joaquin Valley, and one in Southern California.

Recommendation #3: Retire certain BDAC Work Groups and re-configure others.

Embodied in this recommendation is a commitment to maintain public access to the CALFED Program. These recommendations propose using different approaches which build on the successes of the Work Groups. All recommendations are based on suggestions from the interviewees and from distillation of their comments.

General Recommendations:

- Retire the Ecosystem Restoration, Finance and Transfers Work Groups, as proposed below.
- Re-configure the Assurances and Watershed Management Work Groups, as proposed below.
- Convene public workshops or other public venues on specific CALFED Program components or policy issues through 1999.
- Clearly identify the roles and objectives of each Work Group or other public workshop.
- Establish a clear communication and accountability strategy for coordinating public and private discussions.
- Try to accommodate regional and volunteer interests when scheduling public meetings.
- Have effective facilitation at meetings to ensure discussions stay on track and minimize positional statements.

Ecosystem Restoration Work Group

- Continue with the Work Group through April 1999, with the objective of assisting the Program in preparing for the upcoming Scientific Review Panel in the spring of 1999.
- Appoint or reappoint a ten to twelve participants, including a minimum of four BDAC members along with agency representatives and members of the public.
- After the scientific Review Panel, declare the Group's objective accomplished and retire the Group.
- Provide further public discussion in 1999 on ERP policy issues through focused workshops jointly sponsored with universities or other organizations. Suggested policy areas include:
 - ERP management and oversight, including the public's role
 - Integration of the ERP, CMARP, Conservation Strategy, Watershed and Levees Programs
 - Review of final drafts of the Strategic Plan and the ERP, including Stage I actions.

Finance

- Declare the Work Group's objective accomplished and retire the Group.
- Continue public discussion on overall finance issues at BDAC meetings, with focus on the following issues:
 - Applying the principle of "beneficiaries pay."

- Allocating Program costs or investments between state/federal governments and water users.

Transfers

- Declare that the Work Group has accomplished its objective and retire the Group.
- Convene a more focused group, comprised of agency representatives, water users and environmental community representatives to address the quantification/definition of carriage water, reservoir refill criteria, third party impacts and the role of the public in overseeing a transfers clearinghouse. Task this group with completion of its work by the end of 1999.
- Schedule a regional public workshop on the outcomes of this group's efforts in conjunction with a BDAC meeting.

Assurances

Retain the group and re-configure as follows:

- Add a BDAC Co-chair from the business or agricultural community
- Appoint or re-appoint a maximum of ten to twelve participants. This should include a minimum of 5 BDAC members, including the co-chairs, at least one member of the Policy Group, and a maximum of four agency representatives.
- Refine the proposed objective of this group as follows:
 - Provide recommendations to BDAC and CALFED on the overall CALFED and Ecosystem Program entities
 - Provide recommendations to BDAC regarding proposed legislative language on governance and oversight.
- Meet quarterly through 1999, and report quarterly to BDAC and the Policy Group.
- Convene two Work Group meetings to coincide with regional BDAC meetings to maximize public input around the state.
- Maximize utilization of stakeholder panels to focus discussion.
- Coordinate deliberations of the Work Group with those of the Irvine Foundation Focus Group.

Watershed Management

- Continue the Work Group in its current configuration through completion of the final draft of the Watershed Management Plan.
- Convene regional public meetings or workshops, private informal stakeholder discussions, and/or jointly sponsored workshops to address the following policy issues:
 - Developing detailed actions, watershed by watershed, in the Sacramento and San Joaquin regions
 - Financing the Watershed Program

Recommendation #4: Clarify the role of BDAC vis a vis other CALFED public input processes.

Clarify BDAC's role with regard to other CALFED public processes, such as the Ecosystem Roundtable, the levees advisory groups, Friends of the ERP and others.

Establish clear lines of communication and accountability. Invite BDAC members to participate in each of these other public venues when appropriate.

Recommendation #5: Encourage greater communication between BDAC and the CALFED Policy Group.

Another way to enhance BDAC input could be to hold periodic joint BDAC-Policy Group meetings on specific policy matters. Holding joint meetings in specific topics would ensure that the formal public advisory council has direct interaction with the formal CALFED decision-making body. The agendas for such joint meetings might include public-private financing of Stage I actions, or discussion of the implementing entity for the ERP.

In addition, encourage the attendance and participation of selected Policy Group members at each BDAC meeting in 1999.

Recommendation #6: Draft a set of guidelines for BDAC members for their participation in 1999.

Include expectations regarding attendance, participation on BDAC panels, convening a break-out session and/or facilitating panel discussions. Encourage BDAC participation in related public workshops (see below), in legislative briefings and in other public affairs activities.

VI. Calendar for 1999

The following is a proposed scenario for BDAC meetings and related public workshops for calendar year 1999. The scenario calls for eight BDAC meetings, four based in Sacramento and four held in different geographic locations throughout the state.

Date	Location	Duration	Tentative Agenda
January 21	Sacramento	1 day	Phase II Report
March 24-25	Bakersfield	1 ½ days	Preferred Alternative Local tour Ag WUE
Mid-May (Joint with Policy Group, to coincide with release of EIR/S)	Sacramento	1 day	Governance
July 8-9	San Diego	1 1/2 days	Governance

September 16-17 <i>Public workshop</i>	Northern CA	1 ½ days	Watershed Program <i>Governance/Finance</i>
Early October	Sacramento	1 day	
November 18 <i>Public workshop</i>	Bay Area	1 day	Governance <i>Governance</i>
December 15 (joint with Policy Group)	Sacramento	1 day	ROD

Appendix A: List of Interviewees and Interview Questions

I. Interview Questions

The following are the questions posed to BDAC members and others in the assessment interviews:

Questions to BDAC members:

1. Based on the original charter establishing BDAC and its objectives and on your own experience and observations, how effective do you think BDAC has been in fulfilling its role?
2. How would you assess your individual contribution and effectiveness as a BDAC member and/or work group member?
3. How well did CALFED staff prepare you for the BDAC meetings? What is your opinion of the written materials generated? The meeting summaries?
4. What are the one or two most critical issues you think BDAC needs to address for CALFED over the next year, through the signing of the Record of Decision, and immediately following the ROD, into mid-2000?

Questions for the BDAC Work Group Chairs:

1. How effective has the Work Group been in addressing the issues that BDAC asked it to address?
2. Regarding the meeting processes and structure, what has worked well and what could be improved?
3. How well have the written materials framed discussions at meetings?
4. What issues should the Work Group address between now and the Record of Decision, and into the year 2000?

Questions to Work Group staff liaisons:

1. How effective has the Work Group been in addressing the issues that are important to the Program?
2. How would you assess your individual contribution or effectiveness?

3. Regarding the meeting process and structure, what worked well and what could be improved?
4. How well have the written materials framed discussions at the meetings?
5. What Program areas will require intensive public meetings and discussions in 1999 and into the year 2000?

Questions to other Work Group participants:

1. How effective has the work group been in addressing the CALFED-related issues that are important to your organization or constituency?
2. How effectively has the work group addressed its goals?
3. Regarding the meeting processes and structure, what has worked well and what could be improved?
4. How well have the written materials, i.e., agenda and other packet materials, framed discussions at the meetings?
5. What issues should be addressed in CALFED-sponsored public meetings and discussions in 1999 and 2000?

II. Interviewees

The following individuals were interviewed:

BDAC:

Jack Foley
Richard Izmirian
Rosemary Kamei
Tom Graff
Steve Hall
Roger Fontes
Mike Stearns
Howard Frick
Stu Pyle
Alex Hildebrand
Ann Notthoff
Byron Buck
EZE Burts
Tom Decker
Patrick Wright
Don Bransford
Bob Raab
David Guy
Roberta Borgonovo
Hap Dunning
Eric Hasseltine
Martha Davis
Robert Meacher

CALFED Staff/Agency Staff/Consultants:

Judy Kelly
Stein Buer
Dick Daniel
Peter Kiel
Mike Myatt
Dave Fullerton
Mike Heaton
Greg Young
Jerry Johns

Other Work Group participants:

Bill Betchart, consultant
Gary Bobker, The Bay Institute
Linda Cole, Valley Water Protection Association
Kristin Cooper-Carter, CSU Chico
Caitlin Cornwall, Sonoma Ecology Center
Nettie Drake, Panoche/Silver Creek CRMP
Laura King, San Luis & Delta-Mendota Water Authority
Dennis O'Connor, California Research Bureau
Pete Rhoads, Metropolitan Water District
Sally Schenks, Delta farmer
Laura Steere, consultant to EBMUD
Tom Zuckerman, co-counsel, Central Delta Water Agency