



**Draft**  
**BAY-DELTA ADVISORY COUNCIL**  
**MEETING SUMMARY**  
**May 12, 1999**  
**Double Tree Hotel, Sacramento**

**Major Outcomes**

- EIS/EIR Preview - BDAC generally concurred that the proposed public hearing schedule be augmented by adding meetings in San Jose, Santa Rosa, San Diego, Redding, Visalia and possibly Central Los Angeles.
- Governance - BDAC and the Policy Group members in attendance concurred that a strategy for long term governance will be developed by the end of 1999. BDAC members urged that the CALFED decision-making process be more accessible to BDAC and the public. Resources Secretary Mary Nichols, co-chair of the CALFED Policy Group, committed to discussing the possibility of opening up Policy Group meetings to observers.

**Welcome and Chair's Report (Chair Mike Madigan)**

Chair Mike Madigan opened the meeting at 9:10 am. Introduction of BDAC members and guests were made.

**Preview Portions of the Draft Programmatic EIS/EIR (Steve Ritchie and Valerie Holcomb, CALFED Bay-Delta Program)**

Chief Deputy Director Steve Ritchie reviewed the remainder of the Phase II schedule, through June 2000. The schedule includes release of the Draft Programmatic EIS/EIR and ends with certification of the EIR and signing of the Record of Decision. He introduced CALFED information officer, Valerie Holcomb, who reviewed the public hearing schedule proposed for the Draft Programmatic EIS/EIR public comment period.

***Discussion***

BDAC members Roberta Borgonovo, Brenda Jahns-Southwick, Frances Spivy-Weber, Tom Decker, Robert Meacher, EZE Burts, Gene Andreuccetti, Stu Pyle, and Vice Chair Sunne McPeak provided comments on the proposed schedule and hearing locations. The comments focused on the need for more meetings in different locations, and no local scheduling conflicts with the hearings. Also, staff was encouraged to invite state and local elected officials, and to maintain the hearing structure used for the previous public hearings on the draft EIS/EIR.

### ***BDAC Recommendation***

BDAC recommended that the hearing schedule be augmented to include San Jose, Santa Rosa, San Diego and Redding; to either substitute a hearing in Central Los Angeles for the hearing in Pasadena, or to add it to the schedule, and substitute a meeting in Visalia for the meeting in Fresno.

### **CALFED Bay-Delta Program Action**

Lester Snow agreed that modifications would be made to the public hearing schedule, based on advice from BDAC. He would have the discretion to add a hearing in the Santa Barbara/Ventura area, if needed.

### **Presentation**

Mr. Ritchie continued by outlining four CALFED resource strategies: water quality, water management, ecosystem restoration and levee system integrity. He also described the tiered structure of the CALFED Program decision: Tier 1 - programmatic EIS/EIR Tier 2 - Supplemental EIS/EIR and Tier 3 - project specific EIS/EIR's.

### ***Discussion***

BDAC member Tom Graff and Ms. Spivy-Weber clarified the scope of the Water Management strategy with Mr. Ritchie. BDAC member Alex Hildebrand observed that water management in the San Joaquin valley may adversely affect water quality in the Delta. Huali Chai (speaking for BDAC member Hap Dunning who could not make the meeting) and BDAC member Byron Buck questioned the emphasis on studies, as opposed to actual treatment, in the water quality strategy. Ms. Borgonovo, Mr. Burts and BDAC member Rosemary Kamei discussed the structure of the proposed drinking water council and its role in decision making on water quality and future Delta water conveyance. Mr. Ritchie explained that the proposed Council would likely be a BDAC subgroup, and it would provide advice on how well the CALFED program is achieving its drinking water quality goals. Decisions on storage facilities would be integrated into the decisions made by the Council. It was emphasized by several BDAC members that stakeholder involvement in the proposed Council's process was needed and that in general, stakeholder constituencies needed to be kept apprised of the decisions and how they will be made.

***Public Comment***

Gary Bobker (The Bay Institute) commented that although the process and schedule are instructive and transparent, the strategy should be better integrated in the final EIS/EIR. He expressed concern that older strategies may still be imbedded in the documents and that all the documents should reflect the newer directions or strategies.

**Continue Discussion on Water Management Strategy (Lester Snow, CALFED Bay-Delta Program)**

Lester Snow, Executive Director, described the purpose of the CALFED Water Management Strategy, reviewed the water supply reliability goals/objective's and provided updates on the Integrated Storage Investigation (ISI), the Economic Evaluation of Water Management Alternatives (EEWMA) and the Environmental Water Account (EWA).

***Discussion***

- Related to the draft water supply reliability goals/objectives, Mr. Graff, Mr. Hildebrand and Mr. Buck recommended that the goals include a reference to multiple use of water as a mechanism to increase the utility of available water supplies. Mr. Izmirian suggested that the economic efficiency of improving access to water supplies be measured.
- In reference to the ISI, Mr. Buck and Lester Snow clarified that the range of storage that is evaluated in the programmatic EIS/EIR will be refined to a narrower range in the Investigation. Ms. Spivy-Weber, Mr. Frick and Lester Snow pointed out that groundwater storage and conjunctive use opportunities are being considered and added as options.
- Vice Chair McPeak, Ms. Spivy-Weber and Mr. Buck reiterated that the EEWMA shows that all categories of water management strategy tools are economically viable and that water reclamation and high quality source water are important to stakeholders.
- Mr. Graff and Pete Rhoads (Metropolitan Water District) clarified that the gaming exercises related to design and implementation of the EWA are taking a dual baseline approach of including and excluding the CVPIA 800,000 af of water set aside for environmental purposes. Ms. Borgonovo pointed out that sources of funds for the EWA have not been determined. Mr. Hildebrand expressed displeasure with the progress, so far, on negotiations for addressing adverse conditions in the south Delta.

## **CALFED Bay-Delta Program Action**

Lester Snow committed to changing the goal related to increasing the utility of available water so that it includes a reference to multiple use of water.

### ***Public Comment***

- Amy Fowler (Santa Clara Valley Water District) called for consistency between the water quality and water management strategies. She also informed BDAC that the District embraces water recycling, needs new storage for blending with lower quality water, and wants water quality benefits included in the EEWMA.
- Mr. Bobker suggested that the EWA be operated in conjunction with upstream water acquisitions and flow related habitat improvements.

### **Conservation Strategy Update (Ron Rempel, California Department of Fish and Game)**

Mr. Rempel summarized the description of the Multi Species Conservation Strategy that was included in the meeting packet.

### ***Discussion***

Mr. Buck pointed out that the strategy is designed to address species of which scientists know a lot about, and species of which little is known. Also, the strategy will address the effects of the CALFED Ecosystem Restoration Program on habitats and the species of interest. Ms. Southwick raised several assurances issues. She advised that habitat restoration designed for improving conditions for endangered species may increase populations of invasive species. She asked that the strategy deal with nuisance species and their effects on ESA listed species, address the effects of environmental restoration on ESA listed species, and that mitigation measures take agricultural operations, including the seasonality of operations, into account. Mr. Pyle asked that mitigation measures in the strategy be limited to addressing direct impacts of Delta diversions and the Water Management Strategy.

***Public Comment***

- Nick DiCroce (Cal Trout/EWC) asked for greater detail on how CALFED is planning for steelhead recovery. He complimented CALFED on including a pre-eminent steelhead biologist on staff.
- Mr. Bobker asked for an explanation from CALFED staff on how the Program intends to integrate the pieces of the Ecosystem Restoration strategy.
- Patrick Maloney (Citizen) suggested that the Salinas public hearing be moved to Watsonville, that people of color be encouraged to attend the hearings, and that the Business Roundtable report and recommendations be addressed by CALFED.
- Ed Petry (Mendota Stakeholder) urged BDAC and CALFED to address issues on a regional basis. For example, flood flows on the San Joaquin River may have redirected impacts on the Mendota pool.

**Discuss Major Policy Issues Relative to CALFED Governance (Kate Hansel, CALFED Bay-Delta Program)**

Introductions between BDAC and CALFED Policy Group members were made after lunch. Policy Group members Resources Secretary Mary Nichols, Patrick Wright (Resources Agency), Assistant Secretary Patricia Beneke, David Cottingham (Department of Interior), Mike Spear (U.S. Fish and Wildlife Agency), Tom Hannigan (CA Department of Water Resources), Walt Pettit (State Water Resources Control Board), J.R. Flores (Natural Resources Conservation Service), Phil Metzger (U.S. EPA), Walter Yep (U.S. Army Corps of Engineers), and A.J. Yates (CA Department of Food and Agriculture), attended the afternoon session.

Kate Hansel introduced the topic by reviewing the information in the meeting packet. Chair Madigan asked Policy Group members to discuss ways to improve on stakeholder involvement in the CALFED process.

***Discussion***

- Chair Madiagan, Vice Chair McPeak, BDAC member Judith Redmond, Ms. Borgonovo, Ms. Spivy-Weber, Mr. Hall, Mr. Pyle, and Ms. Kamei, discussed optimizing stakeholder involvement in the CALFED process with Secretary Nichols, Assistant Secretary Beneke, Mr. Cottingham, Mr. Metzger, Mr. Brandt (Solicitors's Office), and Mr. Wright. Suggested changes to the current process and structure were made:

- Clarify and formalize the decision-making process
  - Include stakeholders in the decision-making
  - Institutionalize cooperation between stakeholders and the Policy Group
  - Open Policy Group meetings to stakeholders and the public
  - Increase interaction between CALFED, Congress and the Legislature
  - Increase interaction between BDAC and the Policy Group
  - BDAC chairs should report regularly to the Policy Group
  - De-centralize the structure to allow more participation by grassroots organizations
- 
- Mr. Burts, Mr. Decker and Mr. Buck joined the others in discussing the need to act quickly in developing the long-term governance structure. It was pointed out that the interim period during implementation (Phase III) would likely be in one to three years. Mr. Burts warned a legislative solution may be imposed on CALFED if the Program does not act quickly. Mr. Decker and Vice Chair McPeak advised that the existing structure be used and that time spent modifying it be kept to an absolute minimum. Mr. Buck asked that progress on instituting the long term governing structure begin immediately after the ROD is signed.
  
  - The long-term governance proposal was discussed. Mr. Brandt and Mr. Spear noted that implementation of the Endangered Species Act will influence the governing structure, as the law allows little flexibility in managing the species after they are listed. They noted that the Department of Interior is not considering relinquishing regulatory authority. Mr. Hall and other stakeholders are looking for assurances from CALFED regarding regulatory certainty and unilateral implementation of the ESA and CALFED Program by agencies. He suggested a governing structure to "knit" the state and federal agencies together. Vice Chair McPeak suggested that agencies develop an agreement that will discourage independent action by an agency. Secretary Nichols observed that an ongoing, formal structure will ensure the durability and effectiveness of such an agreement. She also stated that the agreements will be influenced by outside forces, including legislative arenas and other programs and policies, and that CALFED governance will need to adapt to changes in the Program over the long term.
  
  - Assistant Secretary Beneke stated that CALFED is breaking new ground and that creative solutions are needed. Mr. Raab suggested that outside experts be consulted. Mr. Graff suggested that the structure avoid a regulatory approach. Vice Chair McPeak observed that trust between all interested parties is an issue that underlies governance.

- Cynthia Koehler (Save the Bay Association) joined in discussion on the Ecosystem Restoration entity. She stated that the environmental community needs environmental water, secure funding for ecosystem restoration, and agencies with mandates that allow and encourage achievement of ecosystem restoration performance standards. She, Mr. Buck and Vice Chair McPeak discussed that a new Ecosystem Restoration entity will more likely provide the assurance that restoration will occur as planned and that the Environmental Water Account and Ecosystem Restoration Program need to be linked.

### **BDAC and Policy Group Agreement**

The commitment was made to develop a long term governance plan by December 1999. Resources Secretary Nichols agreed to discuss with the rest of the Policy Group the possibility of opening Policy Group meetings to observers.

### ***Public Comment***

- Dennis O'Conner (California Research Bureau) suggested that an independent oversight entity would ensure that the CALFED solution would be implemented.
- Mike Schaver (Big Valley Band of Pomo Indians) mentioned that over 30 tribes are working on water quality standards for Clear Lake that should be consistent with State standards. He welcomed the opportunity to have tribal representation on BDAC and suggested that Tribes be represented on the Policy Group, as well.

### **CALFED Finance Policy: Scope and Level of Detail for the Revised Draft EIS/EIR (Kate Hansel)**

This agenda item was postponed to the July 8-9, 1999 BDAC meeting.

Vice Chair McPeak adjourned the meeting.