CALFED
BAY-DELTA
PROGRAM

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Memorandum

Date: April 18, 2000

To: Mike Madigan, Chair and Sunne McPeak, Vice Chair,
Bay-Delta Advisory Council

From: Eugenia Laychak
Bay-Delta Advisory Council Coordinator/Facilitator

Subject: Major Outcomes from April 13, 2000 BDAC Meeting

About 31 Bay-Delta Advisory Council members attended the meeting (one of the largest turn-outs since BDAC was formed). Steve Macaulay and Susan Ramos represented the state and federal agencies.

Recommendation on Solution Alternative for CALFED Bay-Delta Program

The Council deliberated on specific changes to the draft recommendation that was provided in the meeting packet. An overview of major topics of discussion is provided below.

1. Financing. With respect to financing issues, BDAC generally agreed that the Program needs to be accountable to the public and the California Legislature and Congress. The Council agreed that the "beneficiaries pay" concept needed more definition.

2. Decision-Making. With respect to decision-making, the need to clearly articulate about what the adaptive management process is and how it will be used. BDAC members discussed the need for the public, decision-makers and scientists to interact when decisions are made on funding and CALFED actions. Specifically, they discussed when peer reviewed scientific study was needed with respect to decisions on actions to improve water quality, fishery recovery and water supply reliability. These issues relate to assurances interested parties are seeking for implementation of the Program.

3. Stage 1 Decisions. Related to 1. and 2., BDAC spent much of its time focused on the timing of decisions on storage and conveyance that are scheduled to occur during Stage 1. Members agreed that decisions be made in Stage 1 on a diversion on the

Sacramento River, an isolated conveyance facility, and on specific surface storage facilities. However, there is much disagreement over whether those decisions should be made early or late in the Stage 1. There is also disagreement over how much site and project specific planning and engineering should occur during Stage 1 and the need for a diversion at Hood, or another location on the Sacramento River.

4. Environmental Justice. Members agreed that these issues should be more clearly defined.

5. Definitions. As mentioned in #1 and #4, BDAC suggested that several other terms be defined, for example "accountability" and "oversight" of the Program , "balancing" between competing uses, "optimizing" links between program elements, "stakeholders" (do they include agencies and tribes?).

6. Underlying issues. Issues that permeated throughout the meeting were dissatisfaction with how decisions are made on short term water operations, the amount of water users can expect from federal water projects, and the amount of water that will be reallocated for fisheries and environmental restoration.

A summary of the areas of agreement, open issues and areas of disagreement expressed by BDAC members is attached.

Agenda Item Outcome

You committed to reporting on the progress made to the Policy Group at its meeting on April 13, 2000. Another BDAC meeting will be scheduled to complete the recommendation.

Next Steps

I will provide you with the material for the progress report to the Policy Group. I will coordinate with Mary Scoonover, Steve Ritchie, others on staff, BDAC, and you as the draft recommendation is changed to incorporate the comments from the meeting.

Governance

Discussion focused on public involvement during the interim governing period. Hap Dunning, Frances Spivy-Weber and Sunne McPeak iterated the challenge of having adequate representation of public interests and keeping advisory groups to a manageable size. Fran suggested that membership of a broad advisory group be composed of representatives from the focused work groups. Sunne suggested that stakeholder caucuses nominate a representative to the decision-making group and that communication within each

caucus be formalized so there is adequate communication and feedback between the representatives and their respective caucuses.
Roberta Borgonovo added that the meeting processes should be set up so that public members are adequately briefed on Program issues.

BDAC Recommendation

BDAC generally concurred with the staff recommendation of having a broad public advisory group and focused work groups to advise the CALFED decision-makers in the interim governing period.

Water Management Strategy Evaluation Framework

The briefing was postponed.

Public Comment

Ron Stork, Friends of the River, Keith DeVore, County of Sacramento, briefed BDAC on recent rumors concerning the longstanding EBMUD proposal to divert water from the Lower American River. Ron and Keith warned of legal and political "minefields" if CALFED were to seriously consider this proposal.

Next Steps

Next BDAC meeting will likely be in mid-May; date, time and agenda to be determined soon.

BDAC Recommendation on Solution Alternative for CALFED Bay-Delta Program Emerging Agreement, Open Issues, and Areas of Disagreement 4/18/00

Funding
Agreement — Need for assured funding for all program elements and program accountability to the California Legislature and Congress for program performance. Need for long-term funding formulae for all Program elements.

Open Issues — Subjecting funding to annual appropriations processes. The process for identifying beneficiaries and determining the amount each beneficiary, including the public, should pay for CALFED Program actions.

Delta Inflows/Outflows
Agreement — The need for Delta inflows/outflows to recover and sustain native fish and wildlife populations.

Open issues — The amount of water needed for recovery. Whether and how to balance needs of fisheries with water supply, water quality and other needs of water users.

Water Use Efficiency
Agreement — Developing water use efficiency measurable objectives for all economic sectors and optimizing water use efficiency for environmental, urban and agricultural uses under all circumstances. Optimizing appropriate links between storage, water use efficiency, environmental restoration, water quality, water conveyance and water transfers.

Open Issue — Who gets the water saved by implementing water use efficiency measures.

Decision-Making
Agreement — Instituting a transparent decision making process that incorporates participation with tribes, local and environmental justice interests. The decision making structure and process must include high-level representatives from tribes and each of the CALFED agencies, institutionalize stakeholder participation and address involvement by the California Legislature and Congress.

Open Issue — Appropriate use of peer reviewed scientific study in the decision making process.

Storage
Agreement — Decisions to be made in Stage 1. Water management strategy tools include groundwater and surface storage, in addition to other tools in the water management strategy.

Disagreement — When in Stage 1 decisions on permitting should be made. Whether Stage 1 studies on surface storage should include engineering and plans for specific projects.

Hood Diversion and Conveyance
Agreement — That in-Delta export water quality, ecosystem restoration and water conveyance goals are to be met. Optimize Delta conveyance to meet those goals. To reach agreement on the timetable for optimizing through-Delta conveyance. Conducting in Stage 1 the requisite feasibility studies for isolated conveyance, provided that there is a sincere effort to optimize through-Delta conveyance and other water quality improvement strategies.

Disagreement — The need for the Hood or other diversions on the Sacramento River. When in Stage 1 should decisions be made on a Sacramento River diversion and whether an isolated conveyance is needed to meet water quality, water supply reliability and fisheries recovery goals.

Ecosystem Restoration Program (ERP) and Environmental Water Account (EWA)
Agreement — Implementing the ecosystem restoration plan and environmental water account to provide assurances for recovery of Delta fisheries. Establish and capitalize the environmental water account with a "water budget" and seek to minimize the taking of additional water from supplies through further regulatory actions.

Open Issue — Integration of the ERP, Environmental Water Program and Environmental Water Account. Determining appropriate water flows and other restoration actions for recovery of native and ESA listed fishes.

Water Supply Reliability
Agreement — Accurately identifying water supply increases from CALFED and private party actions. Providing water supply reliability assurances during Stage 1.

Open issue — Defining water supply reliability and related goals. Balancing competing water quality and quantity needs within and outside the Delta.

Water Operations

Agreement — Revising state and federal water operations rules to incorporate "alarms" for elevating decisions when water quality and supply objective, as well as fisheries objectives, are threatened.

Open Issue — Appropriate use of peer reviewed scientific review and study for making decisions on revising the rules.