

Meeting Summary
April 13, 2000

Draft
BAY-DELTA ADVISORY COUNCIL
MEETING SUMMARY
April 13, 2000
The Sterling Hotel
Sacramento, California

BDAC Members and Members of the Public in Attendance: See attached sign-in sheet.

Major Outcomes

- **CALFED Preferred Program Alternative Implementation** - BDAC members provided detailed changes to the draft recommendation presented by Chair Mike Madigan and Vice Chair Sunne McPeak and articulated areas of emerging agreement, disagreement and open issues. BDAC will finalize the revised recommendation at its next meeting.
- **Governance** - BDAC provided a few comments on the CALFED draft Framework Agreement outline. BDAC members generally endorsed the concept of regional work groups, in addition to subject specific work groups. Major outstanding issues are membership of the broad public advisory group, improving communication between stakeholders and decision-makers and stakeholder role in decision-making.

1. Welcome and Chair's Report (Chair Mike Madigan)

Chair Mike Madigan opened the meeting at 9:45 a.m. and introduced the state and federal representatives, Steve Macauley (Department of Water Resources) and Susan Ramos (U.S. Bureau of Reclamation), respectively. He announced new appointments to the Ecosystem Roundtable and reviewed the agenda for the day.

2. Executive Director's Report (Acting Executive Director Steve Ritchie)

Acting Executive Director Steve Ritchie provided highlights, including information on the proposal solicitation for the Ecosystem Restoration Program and Proposition 13. In response to a question from BDAC member Tom Graff, Mr. Ritchie stated that the final CALFED Programmatic EIS/EIR is scheduled to be released in June 2000.

Staff Commitment

Mr. Macauley, in response to a request from BDAC member Anne Notthoff agreed to provide a list of projects to be funded in the near-term with funds from Proposition 13, a state bond measure recently passed by California voters.

3. CALFED Preferred Program Alternative Implementation Recommendation (Chair Mike Madigan and Vice Chair Sunne McPeak)

Introduction

Chair Madigan reviewed the process he and Vice Chair McPeak used to develop the April 5 Draft BDAC Recommendation that was included in the meeting packet. He advised that they were looking for consensus on the Draft and to identify the areas of disagreement. Vice Chair McPeak reminded members that by drafting the draft recommendation and bringing it forward for review and comment, she and Chair Madigan were responding to the direction expressed by BDAC at the February 17, 2000 meeting.

Discussion

Chair Madigan and Vice Chair McPeak facilitated detailed, and at times spirited, discussion on the April 5, 2000 draft recommendation. Comments were recorded on flip charts and displayed on the walls. The following is a summary of the areas of emerging agreement, open issues and areas of disagreement. Detailed comments are attached to this summary.

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 formula 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 Issues — Appropriate use of peer reviewed scientific study in the decision making process. Ways to address environmental justice issues in an appropriate manner.

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 should decisions on permitting 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 objectives, 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.

Public Comment

- Ron Stork (Friends of the River) warned of significant legal constraints on diversions from the American River in the event that the East Bay Municipal Utility District (EBMUD) and CALFED pursue a regional Bay Area urban water supply approach that involves diversions from the Lower American River.
- Keith DeVore (City of Sacramento/County of Sacramento) iterated the concerns of the two local governments and the Sacramento Water Forum, as whole, if EBMUD and CALFED were to pursue diversions from the American River to improve water quality through the CALFED Bay Area Regional Blending Assessment.

Mr. Ritchie explained that as far back as 1998 CALFED was looking at water exchange possibilities to address Bay Area water quality issues and has encouraged the Bay Area water utilities to work together to solve the regional water quality problem. Tom Graff circulated an article from the Winter 1999 issues of California Wild on Enlargement of Los Vaqueros Reservoir.

- Cliff Schulz (Kern County Water Agency/State Water Contractors) provided specific comments on the Draft BDAC Recommendation. He noted that suggested changes to the second paragraph mean that the Preferred Program Alternative should be strengthened and refined by the time of the Record of Decision/Certification, not after. He suggested that the concept of sharing the water supply generated from completion of Water Management Strategy projects be explicitly stated. He recommended that the Water Supply section of the preamble be deleted.
- Arlene Wong (Pacific Institute) urged BDAC and the CALFED Bay-Delta Program to adopt the environmental justice principle in the April 12, 2000 letter from an environmental justice coalition (handed out at the meeting). She also urged that the principle be adopted through out the CALFED Bay-Delta Program and that adequate staff and resources be dedicated to implementing the principle.

- Kathryn Alcantar (Latino Issues Forum) asked that CALFED protect against the cumulative impacts of pollutants on the environment and human health and that related research and data collection be improved.
- Michael Warburton (Community Water Rights Project) mentioned that environmental justice is about treating diverse groups fairly while ensuring ecological sustainability of the system that supports human communities. He suggested that the California public trust doctrine is a useful framework for making decisions by combining changing scientific understanding with legal principles to arrive at socially desirable decisions. The doctrine framework also broadens the scope of public participation.
- Testimony of Dante John Nomellini (Central Delta Water Agency) before the House Subcommittee on Water and Power (March 30, 2000) and Wally Herger, member of Congress, before the House Resources Subcommittee on Water and Power hearing on the CALFED Bay-Delta Program (March 31, 2000) was handed out at the meeting.

BDAC Request

Chair Madigan asked that BDAC be kept apprised of the the discussions related to regional solutions to Bay Area water quality issues.

Next Steps

Chair Madigan and Vice Chair McPeak committed to providing a progress report to the CALFED Policy Group on April 19, 2000, on the BDAC Draft Recommendation on the CALFED solution. They will also revise the Draft Recommendation for further BDAC deliberations at a subsequent meeting in mid-May, 2000.

4. Governance Report (Kate Hansel)

Kate Hansel (CALFED Program Staff) provided a brief update on the status of the long-term governance proposal. A revision of the February proposal will be included in the final CALFED Programmatic EIS/EIR Implementation Plan.

With regard to interim CALFED governance, Ms. Hansel reviewed the Framework Agreement draft outline and materials on structure for public advisory groups (included in meeting packet). She asked for comments on the outline and a recommendation regarding public advisory groups.

Discussion

With regard to the outline, Mr. Dunning suggested that the Framework Agreement address water quality issues, in addition to water operations and the CALFED Bay-Delta Program. Mr. Hildebrand commented that the future will include major policy decisions on conveyance

and water supply reliability in addition to implementation actions. Mr. Schaver called for including tribal involvement in the principles and Mr. Raab called for oversight of the CALFED agency process.

BDAC members who spoke on public advisory groups generally endorsed the need for work groups focused on specific subjects and specific regions. They also stressed the importance of stakeholders and agencies making decisions together. Mr. Dunning mentioned that a smaller broad public advisory group would not represent all interests. Ms. Spivy-Weber suggested that membership of the broad group be drawn from representatives on the work groups. Chair Madigan stressed the need to improve communication between agency decision makers and public advisors by having agency representatives attend the public advisory group meetings. Vice Chair McPeak 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. Mr. Estrada and Mr. Schaver agreed with the Vice Chair and Mr. Estrada questioned who would decide which stakeholder caucuses would be represented and how competing interests would be addressed.

5. Water Management Strategy Evaluation Framework Briefing (Mark Cowin)

The agenda item was postponed.

The meeting was adjourn at 4:00 p.m.