

DRAFT
BDAC Governance Workgroup
March 28, 2000 Meeting Summary
(27th meeting)

Attendees

BDAC Members: cochair EZE Burts, cochair Hap Dunning, and Byron Buck.
Public attendance: Attached is the sign-in sheet for the meeting

General Update and Announcements

CALFED staff provided information on the current schedule for printing the Final EIS/R. No firm date has been set but it is expected to be printed in early May and released in June. Staff requested that any remaining comments on the governance section should be provided within 2 weeks. There was discussion on whether the governance plan is "locked in" once it is printed in the final EIS/R. Staff and legal counsel from the Attorney General's Office explained that the governance document is not "locked-in" because of its inclusion as a technical appendix to the Final EIS/R. It is not binding on agencies, stakeholders, or the federal or state legislatures, which would likely have to enact legislation to implement a long-term governance structure. It is not a project that requires environmental analysis and therefore has not been analyzed in the Final EIS/R.

Action: The Workgroup requested that language be included in the Implementation and Governance Plans in the Final EIS/R that indicates that these sections are not final.

Those that attended the Joint Legislative Hearing on CALFED Governance and Finance held February 28, 2000 provided a brief summary. Assemblyman Machado focused on the problems with the current structure and there was very little discussion on the long-term governance proposal. Those testifying were asked to submit in writing the three ways they would improve the current CALFED process.

Tribal involvement in the CALFED process was discussed. Tribal representatives expressed disappointment that tribal concerns have not been addressed by CALFED. The workgroup cochairs agreed that no decision has been made on the exact membership of a new Commission, but disagreed that progress had not been made. Significant improvements have been made to include tribal representation in the last year of the CALFED process by including a tribal member on BDAC and by the Workgroup and CALFED agencies recommending tribal representation on the new Commission.

Interim Governance

Staff provided in the Workgroup packet a draft outline of a new Framework Agreement. The Framework Agreement would be a signed agreement between the CALFED agencies describing the interim "process" for CALFED implementation. The Workgroup was asked if there should

changes to the outline--new or revised elements.

Comments included :

1. **Financing**--Add a new principle on financing and cost-sharing.
2. **Public Involvement** -- Add a new principle regarding a strong public involvement program/process to reflect the section currently included later in the outline. Comments were made about the current appearance that public input is not fully integrated into the program, and the decision are actually made behind closed doors without full public debate. Changes should be made to the current Policy Group process that provide an opportunity for challenging program decisions and assumptions, and that bring forward the best thinking. Specifically, agendas should be explicit about what decisions will be made by Policy Group and allow for full debate publicly before the decision is made. Concerns were raised about water operations, and the need to provide public disclosure over the basis for decisions.
3. **Implementation Procedures and Process.** Need to be clear about who implements, who has what authority over decisions on funding, contracting, priorities), what is the process to link and coordinate programs and actions.
4. **Water quality.** The last Framework Agreement has a large section on water quality standards. Why is that not included in this outline?
5. **Performance Assessment.** Add a principle about meeting performance standards. Describe how performance measures are monitored and assessed. How is adaptive management linked into the decision-making process.
6. **Regulatory Link.** Add a principle that the CALFED program is not assuming regulatory authorities but will regulatory and CALFED actions will be coordinated.

Action: Staff was asked to revise the outline within two weeks and prepare a draft Framework Agreement by the end of April.

Public Advisory Groups.

Staff provided information in the packet on the options for structuring public advisory groups in the interim and possibly in the long-term. The workgroup discussed the information but did not make a recommendation to BDAC. This issue is on the BDAC agenda for April.

Comments included:

1. A smaller public advisory group has advantages and disadvantages. A smaller group can meet with Policy Group each time rather than a subset of the Advisory Group as currently is the case with BDAC. A smaller group however does not provide the depth of knowledge on the CALFED issues. A group of 10 may not be able to provide advice on the entire program.

2. Do the advisory groups need to be under a Federal Advisory Committee Act Charter?

Action: Bring the Workgroup comments and material forward to BDAC. Investigate whether the advisory groups need to be under a FACA charter and why.

Governance of CALFED Science Program.

CALFED staff and USGS staff gave a presentation on the current functions and distribution of duties for the CALFED Science Program (previously referred to as CMARP). Information was included in packet.

The discussion was short because of time constraints but comments focused on how the science budget is developed and approved, what actions in the CALFED program are influenced by the science, the need for a Science Leader/Chief Scientist and the need for integration of science at the at all levels of the program.