

9/8/96

Workplan for Developing Assurances
Through the Bay-Delta Advisory Council's
Assurances Work Group

Purpose:

The BDAC Assurances Work Group's task is to formulate, discuss, analyze, and recommend to BDAC appropriate mechanisms to assure implementation of the long-term solutions identified by the CALFED process.

Approach:

The work group will review and comment on the staff products. Staff will produce the documents described below.

- 1) **Articulate needs (objectives) that the assurances must satisfy in order for the long-term solution to be implementable.** Staff will compile a list of needs for the Work Group to examine. Those needs may vary by resource area (water quality, water supply, ecosystem restoration and system integrity), by interest group (agricultural interests may be different from urban), by geographic location (delta farmers may have differing needs than San Joaquin or North of Delta farmers), as well as needs common to some or all of the above (need to have the program implemented substantially as agreed or a need to know the cost of the program).
- 2) **Identify scope.** Staff and the Work Group will examine the list of needs to determine the appropriate scope of the needs to be assured. For example, if needs are substantive needs to be met by the program, or if the need is being addressed by another effort, those needs will be identified as beyond the scope of this effort.
- 3) **Describe tools or methods of assurance.** Staff and the Work Group will compile a list of the tools and methods of assurances available to meet the above listed needs.
- 4) **Define guidelines or principles to be followed in assessing assurance mechanisms.** The staff and Work Group will define guidelines or principles to help govern the selection of methods of assurance. For example, the group may adopt a list of guidelines that would assure that any solution would:
 - a. be self-executing;
 - b. satisfy the solution principles (implementable, durable, equitable, no significant redirected impacts, etc.);
 - c. clearly articulate performance criteria and schedules of performance for each step of the solution;

d. implement the entire solution even if that implementation occurs in stages or phases;

e. work within the existing statutes, regulations and institutions where feasible. If it's not possible to satisfy the solution principles or give adequate assurances within the existing structure, then new ones should be analyzed and considered;

f. give preference to the least cost alternative that provides the necessary level of assurance;

5) **Assess tools or methods of assurance against each need.** With the guidelines the staff and Work Group will determine which methods of assurance meet each need. In reality, this effort will produce a number of differing ways to assure any particular need. Each method will be assessed to determine the level of certainty it provides, its cost, and any other relevant factors. This process will result in a spectrum of assurances for each need.

6) **Craft a package of preliminary assurances.** The staff and Work Group will recommend the appropriate level of assurance from those arrayed above, and craft a preliminary package of assurances intended to assure implementation of a long-term solution. This package will be fairly general until a preferred alternative has been identified. For example, the preliminary assurance recommendation for a portion of the water supply component may be a multi-party contract. The specific contents of the contract would remain fairly general until a preferred alternative was selected.

With a preferred alternative, staff and the Work Group will turn its attention to crafting a specific package of assurances aimed at implementing the preferred alternative.

Schedule:

A list of needs will be identified and displayed in a conceptual framework by end of September 1996.

A list of tools or methods of assurance will be identified by end of October 1996.

The list of needs to be met with assurances will be finalized by the end of October 1996.

A list of guidelines or principles will be completed by the end of November 1996.

A workshop to gather public comment and ideas may be appropriate in December 1996 or January. A decision should be reached on this matter no later than early October 1996.

An assessment of how the methods of assurance meet the needs will be completed by December 1996.

In January 1997, the group will begin to craft a preliminary package of assurances.

By the end of March 1997, the work group will present BDAC with a recommendation of needs to be met and a preliminary package of assurances for meeting those needs.

Once a preferred alternative is identified, the work group will begin crafting the specific package of assurances.

Resources:

Aside from the lead staff person, this effort will require a substantial commitment of resources to complete its tasks and produce recommendations by March 1997.

At least one half-time staff person or graduate student to conduct research, help prepare the documents identified above, and take care of procedural details.

A portion of one support person's time to attend to administrative details (setting meetings, mailing agendas, maintaining the mailing list, etc.).

A consultant or consultants to prepare the documents described above and assist with educating the work group, BDAC, and the public. Dave Fullerton and Mike Heaton are currently meeting this need. The group will need their assistance at the same or similar levels through March 1997.

A facilitation consultant to recommend an appropriate process to allow a large amount of contentious work to be completed within a relatively short period of time. The consultant will review agendas, attend the Work Group meetings, and help design procedures to assure the orderly accomplishment of the group's task. The Work Group scheduled monthly meetings through the end of 1996. The group will probably continue to meet monthly through March 1997.

In addition, we may need to hold a public workshop in December or January in order to assure broad public understanding of the issues and support for the program's direction. Workshops take a great deal of time and planning. A significant amount of staff time would be required.

Finally, it is important that Lester Snow have the time to work with this group in order to encourage participants to stay on task and reach agreement on the significant and complex questions of implementation.