

**BDAC Assurances Work Group  
Meeting Summary  
November 6, 1996**

The BDAC Assurances Work Group held its third meeting on Wednesday, November 6, 1996 in the auditorium at 714 P Street, Sacramento from 9 am to noon.

BDAC Members of the Work Group present were:

Hap Dunning, Chair  
Alex Hildebrand  
Rosemary Kamei

Invited Participants in the Work Group present were:

George Basye  
B. J. Miller  
Gerald Meral  
Elizabeth Patterson  
Dennis O'Connor  
Dan Sullivan

Other Participants included:

David Guy, BDAC member, California Farm Bureau  
Liz Howard, USBR  
Lynn Barris, Butte Environmental Council  
Linda Cole, Valley Water Protection Association  
Amy Fowler, Santa Clara Valley Water District  
John S. Mills, RCRC  
Tom Hagler, U.S. EPA  
David Briggs, CCWD  
Dan Jones, MWD  
Polly Smith, League of Women Voters  
Susan Pufahl, Sierra Club  
Stuart Cohen, Sierra Club  
Peter L. Candy, Surfrider Foundation  
Allan Highstreet, CH2MHILL  
John Coburn, SWC  
Anthony Bartsett, SEWD  
Keena Lipsitz, MWD  
Brad Shinn, CFWC  
Anthony Pennington, RCRC  
M. K. Hardesty, Reclamation District 2068  
Jeff Jaraczski, NCWA

Dan Fults, Friant WUA  
Bill Dunn, Calaveras County WD  
Jim Chatigny, Nevada ID/MCWRA  
Glenn Brown  
Tom Zuckerman  
Jim Monroe, USACE  
Cliff Schulz, Kern County Water Agency  
Bill DuBois, California Farm Bureau

## Introduction

Work Group Chair Hap Dunning opened the meeting and asked participants to introduce themselves. At the close of the October 2 Assurances meeting, it was suggested that representatives at the meeting report to their constituencies and offer feedback from constituents at the November 6 Assurances meeting. Hap Dunning invited participants at the November 6 meeting to report any comments from constituents while introducing themselves. None of the meeting participants reported any feedback from constituents during the introductions.

In his introductory remarks, Lester Snow noted that the Program had received a number of comments concerning the pace of both the Program's and the Assurance Work Group's schedule. He indicated that the projected date for the draft preferred alternative would probably be moved from late May to mid-September 1997 and that a revised timeline should be available soon.

Lester Snow urged stakeholders to keep separate the issues of assuring implementation of the preferred alternative and specific actions designed to meet specific stakeholder needs, suggesting that stakeholders participate in work on the program components to help shape the solution, and participate in the assurances work group to help assure the solution would be implemented.

## Assurance Needs and Objectives

Mike Heaton and Dave Fullerton presented the revised Stakeholder Concerns and Program Needs and Objectives sections of the staff paper. Dave Fullerton explained that the list in Part I represented the disaggregated "laundry list" of concerns identified by stakeholders, while the list in Part II represented an aggregated list organized by the program components into Program Needs and Objectives.

Echoing Lester Snow's comments, Mike Heaton explained that the Stakeholders' Concerns listed in Part I contained actions beyond the purview of the Assurances Work Group. Those issues should be addressed in other Program forums. Part II listed the assurance needs that fell within the Assurance Work Group's mission. Dave Fullerton explained the process by which staff prepared the list of Stakeholder Concerns as well as the list of Program Needs and Objectives.

Alex Hildebrand commented that the dynamic interplay between program elements being discussed in other Program forums and the need for assurances makes it difficult to separate them. He suggested that the development of assurances be an iterative process. Lester Snow explained that the development of assurances was essential to helping select a preferred alternative; that is, the level at which an alternative could be assured would be one decision criterion for selecting the preferred alternative. However, Lester also noted there were a number of other elements that governed the selection of a preferred alternative that were outside the scope of this work group.

B.J. Miller and Cliff Schulz suggested that the Program assume all stakeholders are satisfied with whatever the preferred alternative will be and focus on how to assure implementation of that alternative, especially concerning the following issues: translating a preferred alternative into the necessary water rights and Endangered Species Act biological opinions; moving to the focused EIR/EIS and obtaining necessary Corps of Engineers permits; and assuring certainty of water so that it will not be curtailed in the future.

Dan Sullivan recommended that the Assurances Work Group focus on the Stakeholder Concerns listed in Part I. Gerald Meral agreed. Stuart Cohen commented that the Needs and Objectives list in Part II provided an appropriate structure for the Work Group's deliberations, while the Work Group could use Part I to determine whether or not the Work Group was satisfying stakeholder concerns. Dennis O'Conner suggested that the Program identify what other groups in the Program are addressing stakeholder concerns listed in Part I that fall outside of the Assurance Work Group's mission.

Staff agreed to prepare a case study for the work group study at its December meeting in order to try to move the group's discussion from the abstract to the specific. In addition, staff solicited stakeholders' comments on the list of Stakeholder Concerns in order to assure all concerns are described, and that they are described accurately.

### **Tools and Methods of Assurance**

Staff presented the revised list of assurance Tools and Methods. Dennis O'Connor recommended that restructuring existing institutions should be added to the list, while Tom Zuckerman suggested the addition of the federal and state governments' powers of eminent domain. Alex Hildebrand suggested adding the emergency powers of the state to the list.

B.J. Miller began a discussion about a new institution to implement and manage the elements of the preferred alternative, suggesting that a new agency or organization is not the "silver bullet" that will solve all assurance needs. Elizabeth Patterson suggested the need to examine a tiered system, a compact, and a new institution. John Mills expressed concern about a new federal bureaucracy separate from elected officials.

**Guidelines**

Tom Hagler presented the revised list of guidelines. Jeff Jaraczski suggested the addition of a "safe harbor" guideline that would assure stakeholders that implementing the actions of the preferred alternative will protect them from future regulation. Polly Smith suggested that the guidelines should serve as goals. She also suggested the additional guideline of preventing a single problem from undermining the entire program. Stuart Cohen agreed, adding that there should be flexibility to modify any agreement if the need arises. Hap Dunning suggested that the concept of adaptive management should be applied to elements of the Program other than the ecosystem restoration plan. Liz Howard noted the need for confidence in the scientific decisions that would shape much of the preferred alternative and its possible implementation.

**Future Meetings**

The next BDAC Assurances Work Group meeting will be held on December 13 from 9 to noon in room 1131 of the Resources Building in Sacramento. The Work Group agreed to meet on January 14, 1997 from 9 am to noon in Sacramento. The Work Group agreed that the Assurances Workshop in early February would serve as their February meeting. The Group asked the staff to identify potential meeting dates approximately 6 weeks apart. Staff agreed to present a tentative schedule of meetings through September 1997 at the December 13 Work Group meeting.