

**CALIFORNIA CENTER  
FOR  
PUBLIC DISPUTE RESOLUTION**

*A Joint Program of*  
**CALIFORNIA STATE UNIVERSITY, SACRAMENTO  
McGEORGE SCHOOL OF LAW,  
UNIVERSITY OF THE PACIFIC**

**PRINCIPALS**

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**DATE:** March 24, 1997

**TO:** Lester Snow, Mary Scoonover, CALFED Bay-Delta Program

**FROM:** Eugenia Laychak, 916/444-2161, 916/44402162 (fax)

**SUBJECT:** March 11, 1997 Assurances Meeting Outcomes

**Eugenia Laychak**  
Program Manager/  
Mediator  
CSU, Sacramento

Overall, this meeting benefited from the process chart and active participation from more environmental and agricultural water user interests. The absence of Work Group members was disappointing, but expected.

**ASSOCIATES**

**Susan Carpenter**  
Mediator/Author  
Riverside, California

**Larry Hoover**  
Mediator  
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**Larry Norton**  
Mediator  
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The meeting may have benefited even more from summing up of discussions on the individual agenda items. We may have belabored the discussion on tools; however, the dialogue indicated that people needed the additional time to discuss advantages and disadvantages of the tools. Discussion related to the questions went reasonably well, but was rushed because of the amount of time spent on the process and tools discussions.

**STAFF REPORT**

**Comments**

Allowing Cliff Schultz to explain the CUWA/Ag negotiation process highlighted the "side- conversation" issue discussed in further depth at the March 12 BDAC meeting. The discussion was beneficial and brought those discussions out into the open.

**Recommendations**

- Continue with this format.
- On the issue of the CUWA/Ag. discussions, at the April 24th meeting, ask for an update regarding the discussions, including the involvement of the environmental interests. Specific people, i.e. Cliff Shultz, Gary Bobker, can be asked, prior to the April 24th meeting, to present the updates, relative to the Assurances technical team. This would be consistent with the CALFED position expressed at both the Assurances and BDAC meetings. The updates can address who is involved and any relevant results of the discussions.
- It is my belief that the outside discussions can help the CALFED process only if there is full disclosure of the major outcomes and areas of agreement and disagreement in the public forums, and communication within the caucuses is good. If you agree, related questions from staff would help bring this information to the public discussions.

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I share your concern for generating the perception that these discussions have "official" CALFED status, therefore, the staff questions should be verbal and expressed at the meeting.

#### **PROCESS DISCUSSION**

##### **Comments**

It was a struggle to keep the discussion on point and not wander into discussions on the substance of assurance issues or the case study.

##### **Recommendations**

- When addressing process issues, an explanation ahead of time that the intent is to focus on the process may help defer substance related comments.
- A brief summary of major discussion points and how the Program will respond would help bring closure to discussions. In the future, asking the participants to accept the process may help facilitate future discussions, when process related issues arise.

#### **TOOLS DISCUSSION**

##### **Comments**

As stated above, the tools discussion took far more time than anticipated. Part of the reason was because we went through the tools one-by-one. Another was that people had a lot to say about the tools.

##### **Recommendation**

- Ask people for their comments, rather than review the documents point by point.
- For discussions that go on for more time than anticipated check in with the group to see if they are comfortable with continuing the discussion, or would rather defer their comments to other discussions or agenda items.

#### **DISCUSSIONS ON THE TWO QUESTIONS**

##### **Comments**

These discussions went reasonably well. The group stayed focused and several suggestions contributed to moving the deliberations forward.

##### **Recommendations**

- Continue with developing questions to frame the discussions, and recording the meeting comments on the flip charts.
- Consider contacting key discussants for critical discussions to ensure important issues are raised and to help focus the dialogues.

##### **Next Steps**

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There may be a need to discuss the non-CALFED side conversations, given the BDAC discussion on March 12, so that I am aware of any change in the BDAC or staff approach to dealing with this issue. The low attendance of Work Group members at the recent Assurances meetings may be a result of the side conversations. It may be worth it to discuss how the Work Group meetings can cover issues that are not being addressed by the side conversations or stay ahead of the private dialogues.

In addition, BDAC members asked for facilitation of Work Group and public forum meetings, without being specific as to which forums they were concerned about. Given this direction and the reluctance of the Chair to have a facilitator (either CCPDR or others) I suggest that either of you take a more active role in summing up discussion and keeping the discussions on point.