

DRAFT

IMPLEMENTATION STRATEGY: ASSURANCES

THE NEED FOR ASSURANCES

Owing to the complexity of the Bay-Delta system, the scope of the Bay-Delta solution, and the costs associated with implementing the solution, the preferred alternative will be implemented in stages over a number of years. Phased implementation reflects the different time scale associated with different program components; that is, certain elements of the Bay-Delta solution, such as potential storage and conveyance facilities, require more time to be designed, environmentally reviewed, and constructed while other program components, such as certain ecosystem restoration or water use efficiency actions, can be implemented more immediately. Phased implementation also allows project costs for program components to be spread over time so as to distribute the financial burden.

Phased implementation, however, also stimulates concern that program components may not be implemented in the future as currently outlined in the preferred alternative. There is general concern that program components slated for later implementation may suffer from inadequate funding in the future, or key stakeholder groups engaged in the collaborative process may withdraw their support in the future. Such potential future threats could negate the extensive efforts by agency personnel and stakeholders to reach consensus over contentious issues through the CALFED Bay-Delta collaborative process. An assurances package, then, must provide adequate assurance that program components will be implemented as planned.

An assurances package must be balanced with a process that addresses scientific uncertainty as well as future ecological, economic, social, and cultural changes that compel revisions to the current Bay-Delta solution. The Program is developing a process to address circumstances that may prevent a key component of the solution from being implemented or operated as agreed in order to give a long-term solution the ability to adjust to such changing circumstances.

THE PROCESS FOR DEVELOPING ASSURANCES

In order to develop a package of assurances to accompany the preferred alternative, Program staff have worked with CALFED agency personnel, BDAC, the BDAC Assurances and Ecosystem Restoration Workgroups, and stakeholders.

BDAC Assurance Workgroup Process

The complexity of the Bay-Delta system prevents BDAC from considering several significant policy issues in sufficient detail. As a result, smaller BDAC Workgroups, composed of BDAC members and invited participants, have been formed to provide a more focused forum for

pursuing important policy issues. CALFED Program staff assist BDAC Workgroup members in staging public meetings and in reporting Workgroup results to the full BDAC.

The BDAC Assurances Workgroup convened its first meeting in August of 1996. Stakeholders and Program staff defined the mission of the Workgroup, established the objectives of the assurances package to be developed, and delineated a process for developing the assurance package. The mission of the Workgroup is **to formulate, discuss, analyze and recommend to BDAC appropriate mechanisms to assure implementation of the long-term Bay-Delta solution identified by the CALFED process.**

As embodied in the Workgroup's mission statement, the objective of the assurances package is to assure that the long-term Bay-Delta solution will be implemented as planned. The assurances package does **not** aim to assure specific outcomes, which will be addressed by the actual Bay-Delta solution; rather, the assurance package will focus on assuring implementation of the solution. For example, the specific actions to meet habitat or water supply goals will be part of the Bay-Delta solution, while assurances will be the mechanisms and tools used to ensure those actions are implemented and operated as agreed.

Program staff and stakeholders delineated a process for developing the assurances package. Figure I illustrates this process.

Figure I. The process for developing assurances. (See next page)

The Phases of Assurance Development

Identifying assurance needs and issues by program components

CALFED agency staff and stakeholders identified the Program components that require assurances: ecosystem restoration, water quality, water use efficiency, delta levee integrity, conveyance, storage, and financing (see Appendix A, Program Components).

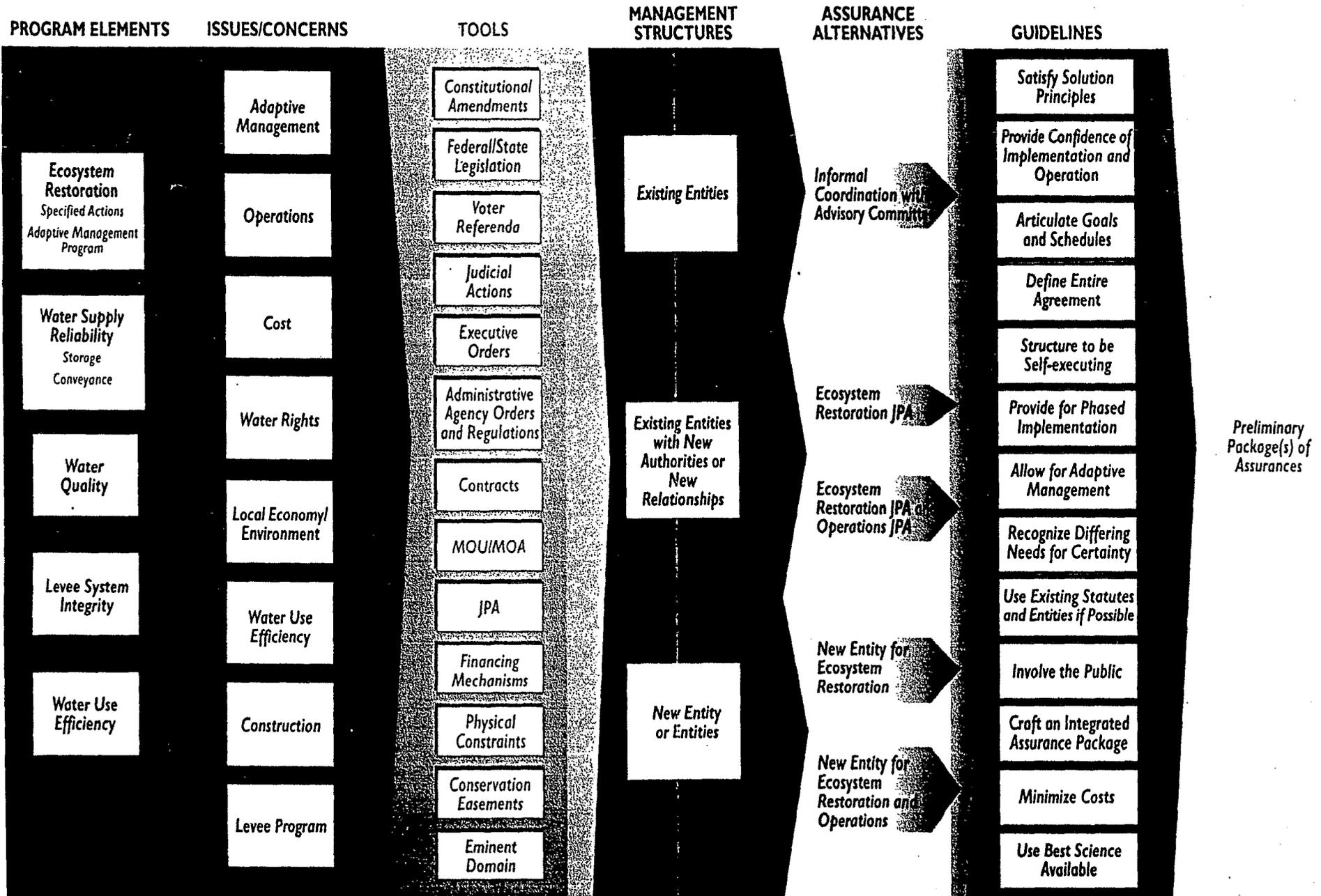
Identifying the assurance concerns by stakeholder groups

Staff and stakeholders recognized that different stakeholder groups had different concerns regarding implementation of the Bay-Delta solution. Consequently, staff and the Assurances Workgroup delineated the major stakeholder groups and identified assurance concerns for each group (see Appendix B, Stakeholder Concerns).

Compiling list of assurance tools and methods

Having identified assurance concerns and needs, Program staff and stakeholders then developed a preliminary list of tools and methods to satisfy those assurance concerns and needs (see Appendix C, Tools or Methods of Assurance).

IMPLEMENTATION: ASSESSING ASSURANCES



Developing guidelines for evaluating assurance tools and methods

Program staff and stakeholders developed general criteria to help guide the evaluation of individual assurance tools and methods as well as the overall assurance package (see Appendix D, Guidelines for Evaluating Assurances).

Crafting a preliminary package of assurances

Having identified assurance concerns and needs and assessed assurance tools and mechanisms, Program staff and stakeholders began developing preliminary packages of assurances. The preliminary assurance packages include assurance tools and mechanisms that garnered support from agency personnel and stakeholders. For assurance tools and mechanisms that did not attract consensus among agency personnel and stakeholders, the packages present a range of options with accompanying rationale so that decision-makers could select the appropriate assurance mechanisms in the future.

The Case Study

Since Program staff and stakeholders would not know the preferred alternative until it was identified as part of the Draft Programmatic EIR/S, the Assurances Workgroup decided to develop preliminary packages of assurances based upon a case study. The Workgroup assumed that many of the assurances tools and mechanisms will be common to all alternatives, since each alternative includes the four common programs. Reasoning that the alternatives being considered as part of the Programmatic EIR/S would require assurance packages which are qualitatively similar, Program staff decided to develop the assurances case study upon one of the alternatives. The Assurances Workgroup selected Alternative 3B to serve as the case study for developing the preliminary package of assurances. Program staff and stakeholders agreed that Alternative 3B was one of the more difficult alternatives to assure given its significant amount of modifications to the existing water supply system. Developing a package of tools and mechanisms to assure Alternative 3B would provide good practice in satisfying complex assurance needs and illustrating the difficulties in crafting assurances.

Once the preferred alternative is identified, the Program staff will work with the BDAC Assurances Workgroup to refine a preliminary package of assurances to meet the assurance needs of the preferred alternative.

Management Entity

One of the major uncertainties regarding implementation of the Bay-Delta solution concerns the appropriate management entity to implement the plan. Would existing state and federal agencies with regulatory or management authority in the Bay-Delta implement the plan? What level of coordination among these agencies would be necessary in order to implement the plan? Would a new management entity be necessary to implement the Bay-Delta solution effectively?

Because not all elements of the Bay-Delta solution will be fully defined in advance, considerable discretion will be granted to those who implement the program. Consequently, Program staff and stakeholders defined a range of possible management structures and entities for consideration. These options include various forms of coordination among existing state and federal agencies as well as new management entities (See Appendix X, Management Structure Alternatives).

Assurance Options

Program staff and stakeholders developed assurance options for the program components that comprise the Bay-Delta solution.