

BDAC ASSURANCES WORK GROUP
Meeting Summary
September 3, 1998

The BDAC Assurances Work Group held its seventeenth meeting on September 3, 1998, from 9:00 until Noon in Room 1506-12 of the Resources Building.

BDAC Members present:

Hap Dunning

CALFED Staff/Consultants:

Steve Ritchie
Stein Buer
Dick Daniel
Marty Kie
Dave Fullerton
Eugenia Laychak
Mike Heaton

Others present:

George Bayse
Randall Neudeck
Amy Fowler
Cynthia Koehler
Linda Cole
Bill Boetcher
Tom Hagler
Alf Brandt
Patrick Leonard
Kathy Kunysz

1. Chairman Hap Dunning convened the meeting and participants introduced themselves. There were some editorial corrections to the July 7 Meeting Summary, and the names of Cliff Schulz and Cynthia Koehler were added to the attendance list.

2. Stein Buer gave the CALFED staff report. He reported that the documents dated August 5 "Developing a Draft Preferred Alternative" and August 14 "Draft Preferred Program Alternative, 30 Year Policy Framework" have been tentatively approved by the CALFED Policy Group. Staff will continue to review and refine these documents and to consider the numerous comments received from stakeholders and other members of the public. These documents will form the basis of and be incorporated into the Revised Phase 2 Report which will be part of the Revised Draft PEIR/EIS to be released in December of this year.

Stein reported that working and administrative drafts of these documents will be available for continued public review in September and October, in addition to the formal public comment period after their release in December.

With respect to assurances, Stein suggested that the Work Group should focus its attention on the issues related to development of a new entity for Ecosystem Restoration Program (ERP) implementation and management, and the specific assurances for implementation of Stage 1 actions. The new entity proposal and the Stage 1 assurances, together with the Conservation Strategy and the Contingency Response Process, will constitute the Assurances Package for the Stage 1 Implementation Plan.

In response to a question from Hap, Stein said that the CALFED agencies have not "signed off" on a new entity, but agree that the issue should continue to be considered and discussed. This matter will be the subject of discussion at the next CALFED Policy Group meeting. It was generally agreed that formation of a new entity will probably require legislation, both at the state and federal level.

3. Amy Fowler reported that the Ag-Urban Group has been working on comments on the August 5 framework document and is actively exploring possibilities for "bundling" Stage 1 actions in three sets or bundles of linked actions for implementation during Stage 1.

4. Cynthia Koehler reported that the Environmental Water Caucus will be meeting shortly to discuss assurance issues and will also submit comments on the August 5 document. Cynthia expressed the concern that the program has not yet articulated or proposed a true "assurances package" for Stage 1, and that implementation planning does not constitute assurances. Generally, she reported that the EWC members are discouraged about the progress of the CALFED program.

5. Loren Bortorf gave an overview of the August 5 framework document..... He outlined the organization and content of the paper, and explained the concepts of triggers and conditions for decision making. For example, the decision to construct an isolated conveyance facility will be triggered (or not) by water quality conditions (public health) and fisheries status

(diversion effects) at an agreed upon point during Stage 1. Even if these "triggers" are pulled, construction of a new facility will be conditioned by other criteria, such as meeting water use efficiency criteria or "making progress" on water transfers and conjunctive use projects.

Several unresolved issues were identified, such as: what criteria will be used for water use efficiency objectives; the scope of the "solution area"; the need for additional local protections in the context of groundwater and conjunctive use programs; the seismic threat to levees. EWC representatives expressed concern that many of the issues they have identified have not been addressed. Hap observed that not all issues will be resolved by the time the draft EIR/EIS is released in December.

There was also a brief discussion of the 404 permit requirements and whether a programmatic 404 permit would be issued. It was noted that there may be a programmatic needs analysis under 404 with project specific permits.

Loren concluded by saying the comments received prior to September 15 could be reflected in the draft Phase 2 Report.

6. Dave Fullerton presented an overview of the staff proposal for a new entity to manage and govern the implementation of the ERP. He described the functions, responsibilities and resources which have been identified as being essential or desirable in an ERP manager, whether it is an existing agency or a new entity.

There was a discussion about the merits and drawbacks of a new entity to manage the ERP as opposed to CALFED and/or existing agencies. There continues to be some concern about the new entity concept among the agencies. Stakeholder representatives, on the other hand, tend to be supportive of the concept.

There was a brief discussion of the possible form of a new entity. It could be new public agency under State law, a non profit organization or corporation, a joint federal state entity like Tahoe Regional Planning Agency, or a trust or conservancy.

There was also some discussion about how ERP management and governance fits into the broader framework of CALFED program oversight and how the relationship to the data collection and monitoring program.

The discussion returned to the functions of the ERP manager. In response to the question whether there was consensus on the functions, Cynthia expressed disagreement with the idea that the ERP manager would be a guarantor of regulatory stability to water users/exporters, and expressed concern about the role of the ERP manager in water project operations. But for these two issues, there appears to be consensus among stakeholder representatives as to the functions of the ecosystem manager, as described in the meeting packet.

7. Mike Heaton summarized the tools and mechanisms identified for assuring the implementation of Stage 1 actions. These are described in the meeting packet.

8. Marty Kie reported that draft documents outlining the Conservation Strategy are available and will be discussed at the next Ecosystem Restoration Work Group meeting.

9. Hap Dunning will contact Roberta Borgonova (Chair, Ecosystem Restoration Work Group) to confirm a joint meeting of the two work groups for October 5. The next meeting of the Assurances Work Group was tentatively set for November 6 at 9:00 with the agenda to focus on ERP management and governance, and program oversight.

10. The meeting was adjourned at noon.