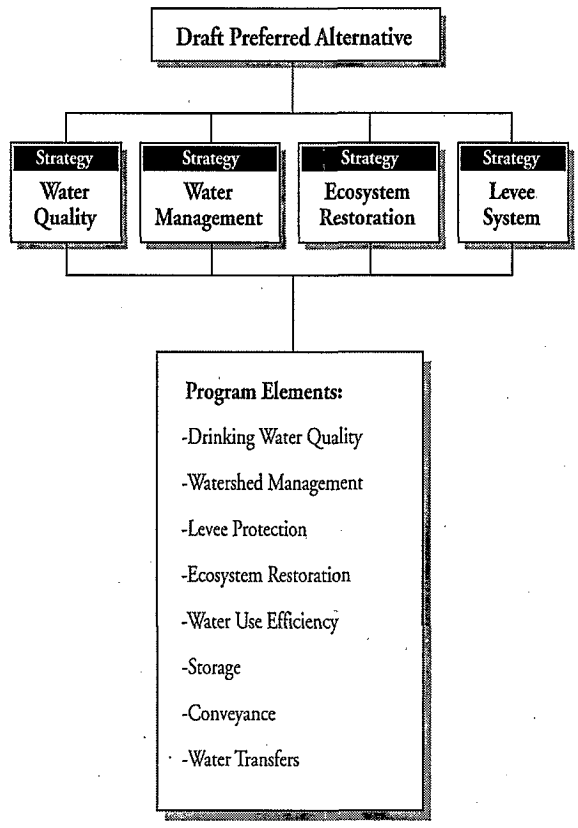
4.0 GOVERNANCE PLAN

The governance and decision-making structure for implementation of the CALFED Preferred Alternative is a key feature in assuring successful program implementation. CALFED is in the process of developing a long-term governance plan for the CALFED Bay-Delta Program. A draft proposal for long-term governance is included in this chapter. A final CALFED proposal the long-term governance structure is expected to be complete at or near the time of the Record or Decision. To implement the long-term governance proposal, state and federal legislation will be needed. While the long-term structure is being established, an interim governance structure will need to be in place. For the interim, CALFED proposes the continuation of essentially the current structure being used for the planning phase of the program but adapted to support the implementation phase. The current structure will need to continue in the interim because the Program will be relying on existing laws and authorities. The interim structure will be in place only as long as it takes to establish a long-term structure; possibly 1 to 2 years .

The CALFED Program is a complex, multi-objective program which involves many agencies and programs, and covers a large geographic scope. The CALFED Program provides an integrated approach to environmental and water management in the Bay Delta System. Each of the program elements supports one or more of the four CALFED resource strategies -- ecosystem restoration, water quality, water supply reliability, and levee system integrity. The strategies for the resource areas are described in the Phase II Report In developing a long-term governance structure, CALFED developed and evaluated principles, functions, and structures/forms needed to successfully implement the CALFED Program. Included in this chapter is a discussion of the:



- Existing governance structure and decision -making processes for CALFED
- Functions needed for CALFED implementation
- Interim governance
- Reasons for a new governance structure
- Long-term governance principles and proposal

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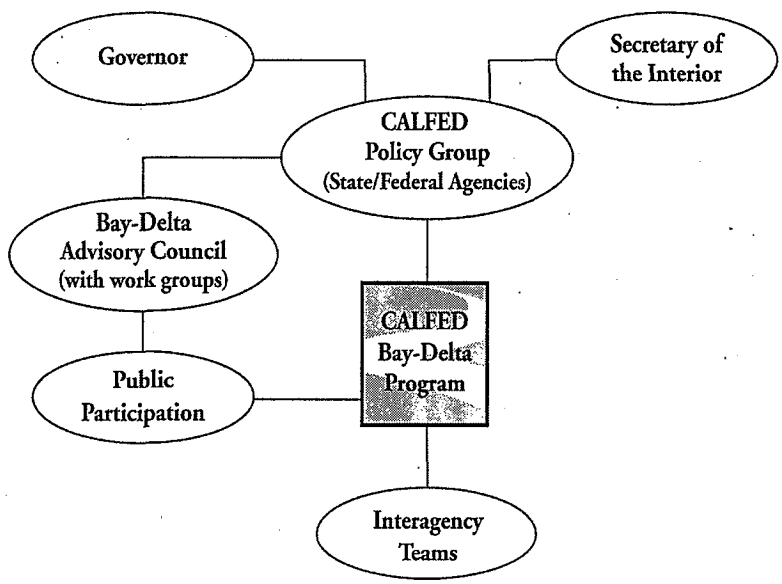
4.1 Background

The current organization of the CALFED Bay-Delta Program is shown below. The Bay-Delta Program is a collaborative effort between state and federal agencies to develop a long-term solution to the Bay-Delta problems. The operating principles were agreed to in the 1994 Framework Agreement, an interagency MOU between the Governor's Water Policy Council and the Federal Ecosystem Directorate. Currently there are 17 CALFED agencies on the CALFED Policy Group (see list below). Each agency has management or regulatory responsibilities for the Bay-Delta or its watershed.

Existing CALFED Program Structure



During the planning phase of the program, the CALFED Policy Group has served as the primary governing body for program direction, and for coordination of individual agency decision-making on CALFED issues. Legal authority for program decisions currently rests with the Governor (for state matters) and the Secretary of Interior (for federal matters). Formal public comment and advice to the agencies has been provided by BDAC, a federally chartered citizens' advisory committee with over 30 members. In addition, advice and comment has been provided in smaller forums through BDAC Workgroups, Subcommittees, and other Technical Groups. For the past several years, the CALFED Program has worked with an advisory group on the governance issues. Currently called the BDAC Governance Workgroup, the Workgroup has provide advice and comment on the governing structure for the CALFED program.

State CALFED Agencies	Federal CALFED Agencies
CA Resources Agency	U.S. Department of Interior
Department of Fish and Game	Fish and Wildlife Service
Department of Water Resources	Bureau of Reclamation
CA Environmental Protection Agency	Geological Survey
Water Resources Control Board	Bureau of Land Management
Department of Food and Agriculture	U.S. Environmental Protection Agency
Delta Protection Commission	U.S. Department of Commerce
	National Marine Fisheries Service
	U.S. Department of Agriculture
	Natural Resources Conservation Service
	Forest Service
	Western Area Power Administration
	U.S. Army Corps of Engineers

4.2 Functions for Implementation Phase

As CALFED moves into the program implementation phase from the planning phase, new responsibilities and program functions will be required. Before proposing a governance structure suitable for program implementation, it is important to first identify the basic functions that will need to be performed. CALFED has organized functions for implementation of the program into three categories to accommodate the complexity of the program; program direction, program management, and direct implementation. In all cases, the functions do not predetermine the form or governing structure that will be used, but guide the selection of the interim and long-term governance proposals.

1. **Program Direction Functions**. An entity will need to provide broad program direction for the CALFED program during implementation, as the Policy Group has done during the planning stage. Because the program has four equal objectives, it will be important for an entity to ensure balance, integration and coordination between the objectives. Program direction functions include:

   - Oversight of CALFED Program Implementation. An entity needs to be responsible for developing policies and making decisions in order to achieve program goals and objectives, making decisions for staged decision-making, and providing direction to ensure balanced implementation, integration, and continuous improvement in all resource areas.

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- Program Assessment. An entity needs to be responsible for assessing overall achievement of program goals and objectives. An entity needs to be responsible for modification, as needed, of program goals and objectives which would be done in coordination with the appropriate agencies and with public input.

- Review and Approve Priorities and Budgets. An entity needs to be responsible for review and approval of program priorities and budgets. The responsible entity would be subject to state and federal agency budget development, review, and approval processes.

- Coordination of Related Programs. An entity needs to be responsible for coordination of the CALFED Program with other related programs to maximize available resources and reduce conflicts with other programs. Programs would need to be identified within the state and federal agencies that are most related to CALFED objectives to determine what level of coordination and review those programs should have with CALFED.

- Conflict/Dispute Resolution. An entity needs to be responsible for conflict/dispute resolution between CALFED agencies.

- Public Outreach and Communication. Although there will be numerous agencies in each program element that will work with the public, an single entity needs to be responsible for public input and communication for the CALFED Program as a whole.

- Legislative Communication. An entity needs to be responsible for communicating with Congress and the California Legislature to report on program progress, answer legislative inquiries, review and respond to legislative proposals, and to review and submit legislative proposals. Legislative communication would need to be coordinated through the appropriate state and federal agencies.

2. **Program Management Functions**. Program management for each program element and within each resource area will be critical for effective implementation. Program management functions include:

- Manage program element implementation
- Identify priorities, propose actions, develop budgets
- Assess and report on program element performance
- Coordinate with implementing agencies and stakeholders, and between program elements

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3. **Direct Implementation Functions**. These functions have been identified separately because some agencies which may be involved in CALFED program element implementation may not have program management responsibility. For example, one entity will be responsible for program management of the ERP (CALFED in the interim), but there will be many agencies and organizations responsible for direct implementation of the ERP, such as conducting habitat restoration projects. Direct implementation functions include:

- Responsibility for direct implementation of individual actions.
- Report on assessment and monitoring of individual actions
- Prepare environmental documentation and obtain permits
- Stakeholder and local coordination for individual actions

4.3 Interim CALFED Governance

The interim structure will be in place from the time of the Programmatic ROD and possibly for 1 to 2 years, depending on the time required to adopt legislative changes and reorganize existing authorities and structures. For interim governance, CALFED proposes adoption of the current CALFED structure being used during the planning stage, but with modifications to ensure it is suitable for performing the implementation functions. The current structure will provide for an efficient transition to the implementation phase with minimal program delays or disruption. However, for several reasons described in Section 4.4, CALFED does not support using the current structure on a permanent basis.

Schedule for Governance Decisions

- Interim Governance
  --Revised Agreements adopted soon after the finalization of the NEPA/CEQA process.
  --Operates until a long-term governance structure adopted

- Long-Term Governance
  --Draft Proposal in Final EIS/EIR, April 2000
  --Final Proposal at or near the time of the ROD, Summer 2000
  --Legislation needed to finalize

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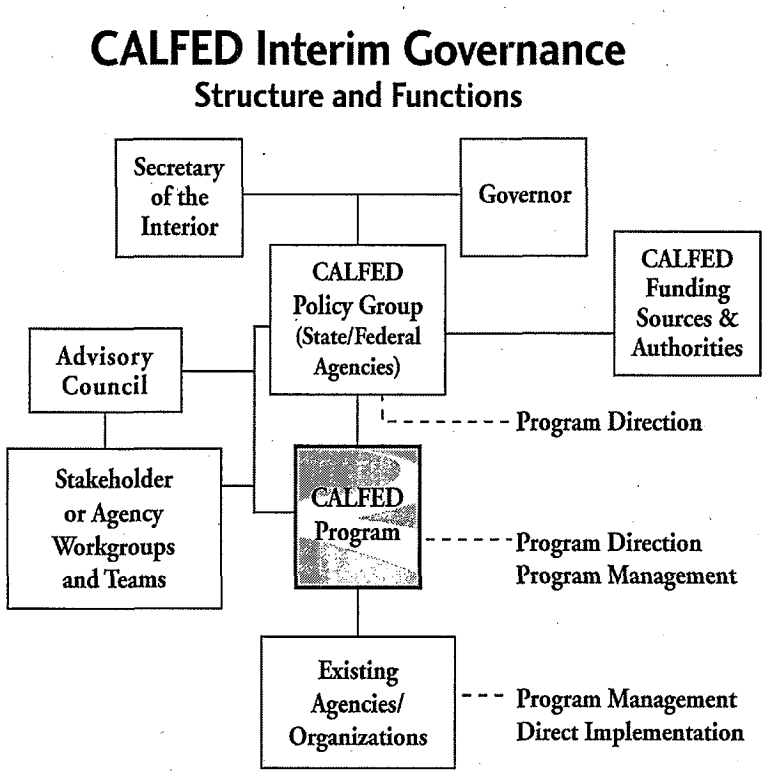
Policy Group. In the interim, the program direction functions will continue to be performed by the CALFED Policy Group. Program priorities and workplans and budget requests which support the CALFED objectives should be reviewed and approved by the CALFED Policy Group. While final approvals will continue to rest with the agencies with program and funding authority, Policy Group should provided a recommended approval to the funding agency. This review and coordination is critical in the interim to ensure programs and funding are meeting CALFED objectives . A new Framework Agreement will be adopted that describes the functions of the Policy Group during the implementation phase, the decision-making procedures, the agency membership and designated representatives, and the meeting schedule.

Public Involvement. In the interim, public involvement in the decision-making structure will either be through BDAC or through public Policy Group meetings. Public involvement will also continue through groups focused on individual Program Elements, such as the Drinking Water Council and the Ecosystem Roundtable.. Policy Group and BDAC are evaluating the options for structuring public involvement in the interim as implementation begins.



Program Element Implementation. In the interim, for each of the program elements, the CALFED Program will perform the program direction and coordination functions. In addition, program management functions for each of the program elements, will in most cases be performed by state and federal agencies which currently have program and funding authorities. However, if requested, CALFED will provide program management functions in the interim. For example, CALFED will continue performing program management functions for the CALFED ERP, in coordination with the ERP funding agencies. Specifically, funding for the ERP is expected to continue to be available from the Federal Bay-Delta Ecosystem Enhancement and Water Security Act and Proposition 204. With program management responsibilities distributed among many agencies in the interim, important that agencies closely coordinate to achieve the CALFED objectives.

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Funding. As CALFED implementation begins is critical that the program demonstrates progress in meeting its objectives and demonstrates an integrated program. Although State and Federal agencies that are members of the CALFED Policy Group are in strong support of a coordinated program, it will be a challenge to oversee and coordinate a fragmented program in which all funding and program authority rests in over 15 agencies. In the interim, CALFED Policy Group and CALFED staff will serve the coordination and integration functions for the program. This will be especially necessary with regard to new funding appropriated in the annual budgets or in a new bond measure that is directed at CALFED activities. Specifically, CALFED will coordinate with agencies on budget requests, workplans, and priorities.

Levee System Integrity Program

CALFED proposes to continue existing levee protection programs but with greater and more reliable long-term funding, and with increased integration with other CALFED programs. In the interim, CALFED will provide program direction and coordination for the levee program. Program management responsibilities will remain with existing agencies. Final decision-making authority would continue to rest with existing agencies, however, program priorities and funding should be coordinated and reviewed by CALFED Policy Group. CALFED should coordinate closely with DWR on the levee funding (subventions and special projects) to ensure consistency and integration with CALFED objectives. CALFED may assume program management responsibilities for certain tasks if agencies with funding authority request CALFED assistance.

CALFED will form a coordination group to provide technical coordination between agencies and to advise CALFED and the implementation agencies (DWR, USACE) on program management and implementation.

Ecosystem Restoration Program

The CALFED Program will perform both program coordination and program management functions for the ERP in the interim, in coordination with the appropriate agencies. Although funding authority rests with the Resources Agency (Proposition 204) and the USBR (Federal Bay Delta Act), CALFED staff have been delegated the responsibility for program management in coordination with the funding agencies.

In the interim, the Ecosystem Roundtable or a similar advisory body will be continued to provide public input into the program. An Interim ERP Science Board will be established to advise the program on annual priorities and workplans. The ERP Interim Science Advisory Board will be coordinated with the CALFED Science Review Board once the CALFED Science Board is established. Generally, the ERP Interim Science Board will focus on reviewing and advising on ERP priorities and projects, and the CALFED Science Review Board will consider the larger science issues for CALFED including interrelationships, conceptual models and indicators.

Environmental Water Account (EWA). In the interim, the Fish and Wildlife agencies (DFG, USFWS, NMFS) will be responsible for managing the EWA, in coordination with the CALFED Program. Policy and funding decisions regarding the EWA will need to be reviewed by the CALFED Policy Group and coordinated with the CALFED Operations Group. Coordination and consultation efforts among the CALFED Operations Group, including project operators and ESA management agencies, the CALFED ERP program manager, and stakeholder groups are intended to ensure that the environmental water acquisitions are consistent with-CALFED program goals and objectives, and that conflicts with ESA requirements and project operations are minimized or avoided. Although policy and funding review and approval for the EWA will be provided by the CALFED Policy Group, day to day management decisions will be made by the three implementation agencies. EWA actions will also be reviewed over time by the ERP Science Advisory Team as the actions relate to the overall Ecosystem Restoration Strategy.

Watershed Program

In the interim, CALFED will provide program coordination for the Watershed Program. In addition, CALFED staff may serve the program management functions if requested by a funding agency. CALFED will facilitate and coordinate communication among the various watershed groups/agencies to increase consistency with CALFED objectives as much as possible.

For funds appropriated for the Watershed Program, CALFED should coordinate closely with the agencies with funding authority to ensure the activities are consistent with CALFED objectives. Final program and funding decisions during the interim will continue to rest with the lead agency but should be coordinated and reviewed by CALFED Policy Group.

The Interagency Watershed Advisory Team (IWAT) will continue to provide advice to the CALFED Program on program priorities, funding, and implementation. The BDAC Watershed Workgroup will continue to be the main forum for formal public input and advice on the program.

Drinking Water Quality

In the interim, CALFED will perform the program direction and coordination functions for the Drinking Water Program. Because funding targeted for the drinking water program will be dispersed in various agencies (such as USBR, EPA, DHS, DWR, SWRCB), program management responsibilities will also be dispersed. Therefore, for those funds targeted at the CALFED drinking water program, CALFED staff will need to provide interagency coordination and program direction to ensure CALFED drinking water quality objectives are being addressed. To the extent CALFED agencies request assistance from CALFED, the CALFED Program may assume some of the responsibility for management of those funds, including priority setting and project selection.

The Delta Drinking Water Council will continue in the interim, and will likely be part of the long-term governance structure. The Council was established to provide agency and stakeholder advice and input into the decision-making process for drinking water issues.

Water Management Program

1. **Water Management Strategy**. The WMS provides the broad framework to coordinate and integrate the many water management tools in the program, evaluate the success of implementation efforts, and to select additional tools needed to achieve CALFED's water supply reliability objective. CALFED will manage the WMS in the interim, however the management of each of the programs/tools described below (transfers, WUE, recycling, etc) would remain with existing agencies. CALFED will coordinate with appropriate agencies in managing the WMS. Potential funding to support the WMS may include annual state appropriations associated with the Integrated Storage Investigation (ISI) and Federal appropriations from the Bay Delta Act. CALFED should coordinate closely with DWR and USBR to develop budget proposals and workplans to support the WMS.

2. **Water Transfers.** CALFED will continue to coordinate various processes for resolving water transfer issues among the agencies and stakeholder groups. In the interim, CALFED will provide program coordination among CALFED program elements and among agencies with jurisdiction over water transfers and use of project facilities. Agencies with jurisdiction over water transfers would retain authority to implement any changes in their own policies or procedures. As CALFED member agencies, these agencies will coordinate with CALFED to implement program recommendations. USBR and the DWR will continue to have jurisdiction over the use of and access to their respective project facilities. These agencies will work in close coordination with the SWRCB to provide a consistent set of rules and guidelines for water transfers and a streamlined transfer review and approval process.

3. **Water Use Efficiency**. In the interim, CALFED will provide the program direction and coordination for the WUE program. To the extent funding agencies request assistance from CALFED, CALFED may serve program management functions as well.

Funding authority for the CALFED WUE program will remain with existing agencies in the interim. Therefore coordination with state and federal agencies which have funding for WUE programs will be critical. Specifically, CALFED should work closely on WUE programs funded by new bond funds (if approved by the voters). Final program and funding decisions during the interim will continue to rest with the agencies with funding authority, but should be coordinated and reviewed by CALFED Policy Group.

CALFED will also coordinate with the California Urban Water Conservation Council (CUWCC), Agricultural Water Management Council (AWMC), and other public groups during the refinement and implementation of the WUE program. CALFED staff will convene technical

work groups to conduct and review directed studies, to address technical issues, and to respond to problems associated with public acceptance of WUE actions.

4. **Water Recycling.** In the interim, CALFED will provide the program direction and program coordination for the CALFED recycling program. To the extent funding agencies request assistance from CALFED, CALFED may serve program management functions as well.

Funding authority for recycling program will remain with existing agencies in the interim. Therefore coordination with state and federal agencies which have funding for recycling programs will be critical in the interim to ensure state and federal funding is available to support CALFED objectives as much as possible. Specifically, CALFED should work closely on recycling programs funded by existing and new bond funds (if approved by the voters). Final program and funding decisions during the interim will continue to rest with the agencies with funding authority, but should be coordinated and reviewed by CALFED Policy Group.

5. **Storage**. In the interim, CALFED will provide program direction and coordination for the Integrated Storage Investigation (ISI). Funding for water storage related activities generally has been provided to DWR and USBR through annual appropriations. In the interim, funding will remain with existing agencies. Therefore CALFED should work closely with DWR, USBR and other agencies to ensure programs are coordinated and consistent with CALFED objectives. Final program and funding decisions during the interim will continue to rest with the agencies with funding authority, but should be coordinated and reviewed by CALFED Policy Group.

Technical advisory committees may be set up to work with ISI staff on specific project studies (such as the existing Technical Advisory Committees on Sites Reservoir).

6. **Conveyance**. In the interim, CALFED will provide program direction and management for conveyance actions. To prepare for program implementation, CALFED has been serving the role of program management for South Delta conveyance actions. In the interim funding will remain with existing agencies. For example, funding for South Delta conveyance actions are included in the proposed water bond (Proposition 13). Therefore CALFED should work closely with DWR and other appropriate agencies to ensure programs are coordinated and consistent with CALFED objectives. Final program and funding decisions during the interim will continue to rest with the agencies with funding authority, but should be coordinated and reviewed by CALFED Policy Group.

7. **Water Operations**. Operational and resource management issues will continue to be coordinated and resolved when possible by the CALFED Operations Group, with major issues and conflicts referred to the CALFED Policy Group, Secretary of the Interior, and Governors' Office to be resolved.

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Comprehensive Monitoring Assessment and Research Program (CMARP)

In the interim, CALFED will manage the CMARP. To implement a comprehensive program for monitoring, research, and assessment, management of the CMARP should be centralized within CALFED and not delegated to an individual agency or program element. In the interim, CALFED will appoint a manager of the CMARP (expected to be referred to as the Chief Scientist). Funding for CMARP implementation will depend on existing funding authorities and new funding. In the interim funding authority will remain with existing agencies. Therefore CALFED should work closely with the appropriate agencies to ensure programs directed at CMARP implementation are coordinated and consistent with CALFED objectives. Additional review of existing programs is needed to identify their relationship to the CMARP objectives and the amount of additional funding that is needed to implement the CMARP. Final program and funding decisions during the interim will continue to rest with the agencies with funding authority, but should be coordinated and reviewed by CALFED Policy Group.

4.4 Reasons for a New Governance Structure

The current CALFED governance structure was established to develop a long-term plan to address the Bay-Delta problems. State and Federal agencies agreed upon operating principles for the CALFED Program in the 1994 Framework Agreement, an interagency Memorandum of Understanding between the Governor's Water Policy Council and the Federal Ecosystem Directorate. In the process of evaluating options for a CALFED long-term governance structure, CALFED reviewed the governance functions/responsibilities below to determine whether the existing structure could successfully serve those functions, or whether a change would be needed.

Program Direction Functions An entity will need to provide broad program direction for the CALFED Program during implementation to ensure program balance, integration and coordination among the four equal program objectives. Program direction functions include:

- Oversight of program implementation
- Program assessment
- Review and approve priorities and budgets
- Coordinate related Programs
- Conflict resolution
- Public outreach and communication
- Legislative communication

The CALFED agencies and BDAC have determined that the existing structure is not adequate to serve as the long-term governing structure for CALFED because:

- Dispersed authority. The 1 MOU which established the Policy Group provides a forum for communication that has served well for the planning phase of the program. However,

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the current informal structure does not provide the authority necessary to ensure continued balance and integration over a long-term period. Authority for funding and program implementation currently resides in over 15 state and federal agencies. Without a more formal structure, CALFED would do not have the authority to receive funding or direct programs and activities to serve the CALFED objectives. Instead CALFED would need to rely on the cooperation of numerous agencies over a 30 year implementation period.

- Lack of accountability. CALFED is a voluntary collaborative effort between 17 state and federal agencies. Each agency retains its own authority but agrees to coordinate with the other agencies. With significant funding being sought to implement the CALFED program, a single point of accountability is needed for the public and legislature to address concerns regarding the success or problems with program implementation.

- Lacks formal mandate. A formal mandate by the State Legislature and Congress is needed to ensure a lasting partnership of the State and Federal governments. An MOU is a voluntary agreement to cooperate which doe not provide the foundation for a State and Federal partnership over a 30 year or longer period of implementation.

4.5 Long-term Governance Proposal

CALFED has developed the following long-term governance proposal to serve as the foundation for implementing the CALFED Program. Legislation would be needed to implement the proposal, and additional review and input is needed by the State Legislature, Congress and the broader public. This proposal for a new institutional structure embodies an integrated approach to water and environmental management in the Bay-Delta system that requires a shift in authorities and management of these critical resources. CALFED has adopted the following principles that summarize the essential elements of the governance proposal.

4.5.1 Principles

Principle 1: *Federal/State Partnership. The CALFED Program, as defined in the final PEIS/R and accompanying documents, should be carried out through a State and Federal government partnership.*

Principle 2: *Accountability. There should be a clear point of, and process for accountability of the Program to the Legislature, the Congress, and the public.*

Principle 3: *Commission. A new CALFED Commission should be created to direct efforts to achieve CALFED Bay-Delta Program goals and objectives.*

Principle 4: *Membership. The membership of the CALFED Commission should be made up of State, Federal, tribal and public members. Public members should represent a broad array of interested constituencies. State and federal members should be representatives at the highest level of the agency organization.*

Principle 5: *Leadership. The governing structure and authorities of the Commission should be designed to attract effective leadership.*

Principle 6: *Changes in Authorities. The Commission will not exercise or supplant any regulatory authorities. However, changes in specified program and funding authorities should be made in legislation to consolidate or coordinate management of each Program Elements.*

Principle 7: *Commission Responsibilities. The Commissioners should serve as the decision-making body for the CALFED Bay-Delta Program, and the Executive Director and Commission staff should be responsible for program direction and oversight. Responsibility for program direction and oversight should be retained by the Commission in order to reduce fragmentation of responsibility and accountability, and maximize coordination and integration among the Program Elements.*

Principle 8: *Agency/Tribal Participation. The Commission should establish a process to support participation and coordination with agencies (federal, state, and local) and tribes involved in and affected by the CALFED Program who are not members of the Commission. The Commission should facilitate government -to-government consultation with the Tribes.*

Principle 9: *Public Involvement. The Commission's meetings should be open and public, and the Commission should seek ways to maximize public knowledge of, and involvement in, its work. The Commission should support involvement in the Program at a community-based level.*

Principle 10: *Program Management. Program management for each of the program elements should be specified in legislation establishing the Commission. Each program element should be evaluated to determine the appropriate entity for assuming program management functions. Responsibility for program management will vary between program elements depending on the nature of the program and actions, the expertise of agencies, and the ability of the agency to manage the programs without significant conflicting mandates.*

Principle 11: *Comparable Authority over Program Elements. Each of the Program Elements should have the same degree of autonomy from, as well as the same degree of accountability to, the Commission. For each Program Element, the Commission should exercise a comparable degree of authority over specified funding and programs.*

Principle 12: *Funding. Funding for implementation of the CALFED Program should be appropriated directly to the Commission for those activities to assigned to the Commission. For CALFED programs managed by a State or Federal agency, funding for the program should be appropriated directly to that agency, with control language requiring Commission review, coordination, and approval of program plans and priorities.*

Principle 13: *Crosscut Budget. For those funds and programs not under Commission approval but which are related to CALFED (to be specified in an interagency MOU), the appropriate agencies should participate in preparing an annual Crosscut Budget to ensure coordination with the CALFED Program.*

Principle 14: *Ecosystem Restoration Program(ERP). Due to the complexity and size of the ERP, there should be significant focus and accountability given to its management. A new ERP entity, under the authority of the Commission, should manage the ERP.*

Principle 15: *Legislative Reporting. The Commission should serve as the focal point for contact on the CALFED Program with Congress and the Legislature, and should provide annual status reports on the Program.*

4.5.2 Proposed CALFED Bay-Delta Commission

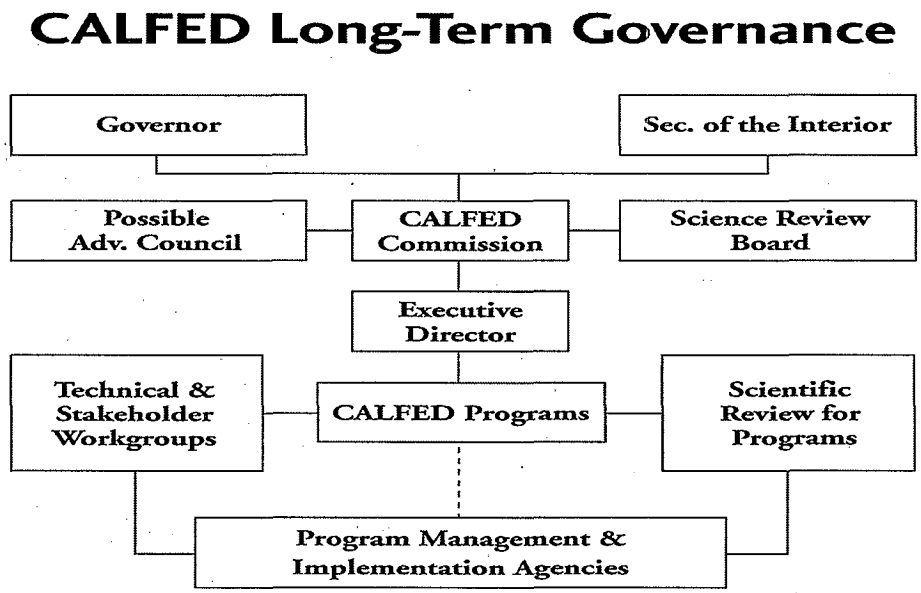
Principle 1: *Federal/State Partnership. The CALFED Program, as defined in the final PEIS/R and accompanying documents, should be carried out through a State and Federal government partnership.*

Principle 2: *Accountability. There should be a clear point of, and process for accountability of the Program to the Legislature, the Congress, and the public.*

Principle 3: *Commission. A new CALFED Commission should be created to direct efforts to achieve CALFED Bay-Delta Program goals and objectives.*

A new CALFED Bay-Delta Commission (Commission) should be created to provide program direction and oversight for the implementation of the CALFED Bay-Delta Program as specified

in the Final EIS/R and implementing documents. State and Federal legislation would be needed to establish the Commission. The legislation should establish a permanent partnership between the State and Federal governments which is critical to the success of the CALFED Program. The governing structure of the Commission is still being evaluated but could be a State or Federal entity, or a joint State and Federal entity. At a minimum to maintain a strong partnership, both the State and Federal governments will require; equal participation on the Commission, long-term funding commitments for the Program, and cooperation and coordination with the Commission.



Commission Membership.

Principle 4: *Membership. The membership of the CALFED Commission should be made up of State, Federal, tribal and public members. Public members should represent a broad array of interested constituencies. State and federal members should be representatives at the highest level of the agency organization.*

There are numerous configurations for creating the membership of a new CALFED Commission. However, in all options, it is critical to include the highest level of authority for state and federal agencies represented. The CALFED program will depend on ongoing communication and coordination among state and federal agencies with responsibilities in the program. Because regulatory authorities are being retained in existing agencies, and coordination between the regulatory agencies and the CALFED program is critical, those agencies need to be represented on the Commission.

Selection and size of the membership of the Commission has not been determined. There are more agencies and constituent groups that are interested in being members on the Commission than can reasonably be accommodated. Currently the CALFED Policy Group has 17 members

and that does not include public members. Listed below are some of the agencies and interest groups that may be appropriate to consider for Commission membership.

- State agencies: Resources Agency, Cal-EPA, Department of Fish and Game, Department of Water Resources, State Water Resources Control Board, Department of Food and Agriculture, Department of Health Services, Delta Protection Commission, and Department of Finance.

- Federal agencies: Department of the Interior, Fish and Wildlife Service, Bureau of Reclamation, National Marine Fisheries Service, Environmental Protection Agency, Army Corps of Engineers, Natural Resources Conservation Service, and Western Area Power Administration.

- Public: local government, watershed organizations, water users, environmental interests, farming interests, and Delta interests.

- Tribal: tribal interests have requested membership on the Commission. Due the large number of tribes in California, selection of tribal representative(s) could be coordinated with or delegated to the California Tribal Policy Council or a similar tribal organization representing a broad cross section of tribes in California.

Commission Organization, Duties, and Authorities.

Principle 5: *Leadership. The governing structure and authorities of the Commission should be designed to attract effective leadership.*

Principle 6: *Changes in Authorities. The Commission will not exercise or supplant any regulatory authorities. However, changes in specified program and funding authorities should be made in legislation to consolidate or coordinate management of each Program Elements.*

Principle 7: *Commission Responsibilities. The Commissioners should serve as the decision-making body for the CALFED Bay-Delta Program, and the Executive Director and Commission staff should be responsible for program direction and oversight. Responsibility for program direction and oversight should be retained by the Commission in order to reduce fragmentation of responsibility and accountability, and maximize coordination and integration among the Program Elements.*

The Commission should be the primary agency responsible for achieving the CALFED Program objectives and targets identified in the CALFED Final EIS/R and implementing documents. The

Commission should appoint an executive director to be responsible, under the Commission's direction, for overseeing and directing the CALFED Bay-Delta Program. The executive director should be responsible for hiring and directing the Commission staff. The Commission members should assume the following responsibilities and authorities to ensure program integration and balance:

1. Budget Approval. The Commission should review and approve the annual budget, through the State and Federal budget processes, for those specified programs/funding under Commission authority. The Commission should ensure the proposed budget reflects the CALFED priorities and provides program balance and integration. It is critical that sufficient funding is under Commission direction for all Program Elements to provide assurances of meeting CALFED Program objectives. Additional review is needed to identify the appropriate programs and funding that should either come under Commission authority, or should require coordination with the Commission but not change authorities.

2. Approve the CALFED Long-Term Program Plan and Priorities. The Commission should be responsible for adopting CALFED program priorities as part of a Long-Term Program Plan. The Commission should review the Long-Term Program Plan and priorities annually and modify as needed. The CALFED priorities should guide the priorities for each Program Element in order to provide integration and balance of the CALFED Program.

3. Approve Annual Program Element Workplans. The Commission should be responsible for review and approval of the Annual Workplans for each Program Element. Annual Workplans should be submitted to the Commission after first reviewed by the Executive Director and Commission staff. The Commission should review the Annual Workplans to ensure:

    - A balanced and integrated CALFED program.
    - Program Element priorities are consistent with CALFED program priorities and consistent with Program Element objectives and priorities.
    - Independent scientific and technical review of the Annual Workplans has been conducted and incorporated into the Workplans.
    - Public input has been adequately considered in the development of the Annual Workplan.

4. Support Coordination of a CALFED Crosscut Budget. To ensure coordination with programs related to CALFED, but not under the authority of the Commission, the Commission should review and comment on an Annual CALFED Crosscut Budget

prepared by the Commission staff. The Commission should provide recommendations to the appropriate agencies on program modifications needed to increase coordination with CALFED activities. Coordination with State and Federal agencies will be needed in the early planning stages of budget preparation as well as after program budgets are approved by Congress or the State Legislature. Additional review is needed to identify those programs that should be included in an annual CALFED Crosscut Budget. Once identified, those programs should be listed in an interagency MOU specifying the agreement to coordinate and share program and funding information.

5. Approve Performance Assessment. The Commission should review and approve an annual performance assessment prepared by Commission staff. Prior to submittal to the Commission, the CALFED Science Review Board should provide an independent review of the Assessment and comment on how the CALFED Program is achieving its objectives.

6. Conflict Resolution. The Commission should seek to resolve conflicts among agencies implementing the CALFED Program. Issues that could not be resolved by the agencies themselves, or by the CALFED Commission, should go to the Governor and Secretary of the Interior for decision.

4.5.3 CALFED Agency Coordination and Public Participation

Principle 8: *Agency/Tribal Participation. The Commission should establish a process to support participation and coordination with agencies (federal, state, and local) and tribes involved in and affected by the CALFED Program who are not members of the Commission. The Commission should facilitate government -to-government consultation with the Tribes.*

Principle 9: *Public Involvement. The Commission's meetings should be open and public, and the Commission should seek ways to maximize public knowledge of, and involvement in, its work. The Commission should support involvement in the Program at a community-based level.*

The purpose of CALFED public involvement is to maximize opportunities for the public to work with the Commission, Commission staff, and scientific and technical advisors to design, implement, and evaluate the CALFED Program. "Public", in this context, means interest groups, their representatives and the public at-large. Public involvement in the program will be provided through advisory committees and groups, public workshops, newsletters, and other publications that provide updated information, and meetings outside the Sacramento area.

The current citizen advisory group, Bay Delta Advisory Council (BDAC) was established to provide advice to the program in the planning phase during the development of a Preferred Program Alternative. As this phase is completed and the Implementation Phase begins the structure and membership of advisory groups should be reevaluated. Currently, CALFED is evaluating various structures for providing public involvement through advisory groups.

- Broad citizen's advisory group
- Program/subject specific workgroups,
- Local workgroups

Broad citizens' advisory group. One of the primary responsibilities of an overall advisory group would be to assist the Commission with program integration and to consolidate information between programs. The overall group could meet less frequently than BDAC has, possibly semi-annually. Membership should be made up of a broad array of interests including organizations and interests not represented on the Commission and possibly representatives of subcommittees and work groups. Examples include statewide non-governmental organizations, water agencies, local government representatives, and tribal representatives. Responsibilities could focus on:

- Recommendations on long-term plans and Program element performance and priorities.
- Recommendations on Program integration
- Liaison between its work groups, subcommittees and the Commission.
- Creation of subcommittees and work groups, as needed.
- Considering recommendations from subcommittees and local work groups..

Program/subject specific workgroups. The role of Program workgroups would be to focus on specific program elements and provide specialized technical/policy expertise to the program. Membership could include individuals with technical/policy expertise pertinent to the Program, such as ecosystem restoration and drinking water quality experts from non-governmental organizations, tribes, water agencies, state and federal agencies, and the public at-large.

Local Workgroups. Local workgroups could provide the public and local forums to support community based outreach described in the Watershed Program Plan. Groups could represent specific geographic areas in the CALFED solution area, such as northern California, San Joaquin Valley, Delta/Bay Area, and southern California. Alternatively, they could represent local conservancies in watersheds or ecological zones. Membership could include local government representatives, local non-governmental organizations, local tribal representatives, and the public at-large. Responsibilities could include:

- Effective coordination/interaction with local citizens.
- Liaisons between the local areas and CALFED
- Providing local advice on program element performance and priorities.

E-024639

E-024639

4.5.4 CALFED Program Elements

Principle 10: *Program Management. Program management for each of the program elements should be specified in legislation establishing the Commission. Each program element should be evaluated to determine the appropriate entity for assuming program management functions. Responsibility for program management will vary between program elements depending on the nature of the program and actions, the expertise of agencies, and the ability of the agency to manage the programs without significant conflicting mandates.*

Principle 11: *Comparable Authority over Program Elements. Each of the Program Elements should have the same degree of autonomy from, as well as the same degree of accountability to, the Commission. For each Program Element, the Commission should exercise a comparable degree of authority over specified funding and programs.*

Principle 12: *Funding. Funding for implementation of the CALFED Program should be appropriated directly to the Commission for those activities to assigned to the Commission. For CALFED programs managed by a State or Federal agency, funding for the program should be appropriated directly to that agency, with control language requiring Commission review, coordination, and approval of program plans and priorities.*

Principle 13: *Crosscut Budget. For those funds and programs not under Commission approval but which are related to CALFED (to be specified in an interagency MOU), the appropriate agencies should participate in preparing an annual Crosscut Budget to ensure coordination with the CALFED Program.*

The Commission's staff, under the direction of the executive director, should be responsible for program direction, coordination and when appropriate, program management for the Program Elements. Legislation establishing the Commission should specify the roles and responsibilities of the Commission and the agencies in directing and managing the CALFED Program. Program management responsibilities for each Program Element are described in below. The CALFED Program Elements include:

- Levee system integrity
- Ecosystem restoration
- Watershed management
- Drinking water quality
- Water management
  (water use efficiency, recycling, water transfers, storage , conveyance, operations)

E-024640

E-024640

Levee System Integrity -- Governance Proposal.

Program Description. (See Levee Program Plan for complete program description).

The CALFED Levee Program supports the continuation of the existing levee protection programs but with greater and more reliable long-term funding, and greater integration with the other CALFED Programs. The major elements of the Levee program are:

- Subventions and Special Projects Program.
- Subsidence Control Plan
- Emergency Management and Response Plan (EMRP)
- Delta Levee Risk Assessment

Commission responsibilities:

- Planning. Commission staff, in coordination with State and Federal agencies and with advice and input by technical and public advisory groups, will prepare a long-term and annual workplan including program priorities and actions. DWR will be the lead for developing the workplans related to the Subventions and Special Projects Program and the Emergency Management Program.

- Public Involvement. Commission staff should convene and coordinate public involvement in Delta levee priorities and program implementation.

- Interagency Coordination Commission staff should coordinate state and federal agency involvement in the Levee Program. It may be appropriate for the Commission to assume the responsibilities assigned to the Resources Agency under Section 12308 of the Water Code regarding Delta levee and habitat requirements.

- Assess program performance Commission staff should assess program performance in meeting CALFED levee program objectives

- Subvention and Special Projects Program. DWR should retain program management responsibility for the subvention and special projects program. Commission staff should oversee and provide program direction of DWR's subvention and special projects program activities, monitoring, priorities, and budget to ensure ongoing program integration with other CALFED objectives and consistency with the CALFED Levee program and priorities.

  The Commission should have authority to review and make changes to the Subvention and Special Projects Programs with regard to program priorities and funding level to ensure integration and consistency with CALFED objectives. The Commission review and approval should occur prior to the review and approval by the Reclamation Board, as currently required under state law, for the Delta Subventions program. Final approval for

E-024641

E-024641

the Subventions program should remain with the Reclamation Board. However, it may be appropriate to transfer final approval of the Special Projects Program from the California Water Commission to the Bay-Delta Program because the CALFED Commission will represent the water management interests similar to the CWC, but could also integrate water management with the other program objectives.

- Manage the Subsidence Control Plan. Commission staff should prepare and implement a plan to reduce or eliminate the risk to levee integrity from subsidence.

- Emergency Management and Response Plan (EMRP). DWR will serve as program manager responsible for implementing the EMRP in the Delta. The Commission staff should oversee the development of the plan and the coordination of state and federal agencies participating in the EMRP. Significant work on emergency response has been done since the floods of 1997 and the Flood Emergency Task Force (FEAT) effort. This and other activities will be included in Delta emergency plan.

- Risk Management Analysis The Commission staff should conduct special studies and plans including Delta Levee Risk Assessment.

State and Federal Agency Authorities and Responsibilities.

Department of Water Resources. DWR should continue to have program management responsibility for managing the Delta levee subventions and the Special Projects Programs. DWR should coordinate with CALFED Commission to develop program plans and budgets to ensure program integration and consistency. DWR should submit an annual workplan to the Commission for approval. DWR will serve as program manager responsible for implementing the EMRP in the Delta. Funding will be appropriated to a DWR special emergency account. DWR should participate with the CALFED Commission in Delta levee studies and programs, including subsidence plans/studies, beneficial reuse of dredged material strategy, and the levee risk assessment and strategy.

Corps of Engineers. Currently, the COE participates in Delta Levee programs when federal project levees are involved and in the emergency response to levee failure and floods in the Delta. The role of the COE and federal government needs to be addressed as part of proposed legislation for CALFED governance. An open issue that needs to be resolved is how the costs of the levee program are distributed. Currently the program is funded primarily by state and local funds. The Corps is considering expanding their federal interest in the Delta levees, which could increase federal funding available for Delta levee programs. If federal funding for the levee program increases, the role of the federal government and the Corps should be reevaluated in decision-making process and governance structure should be evaluated and adjusted appropriately.

Office of Emergency Services. OES is the coordinator for emergency response in California. No change in authority or responsibility is proposed.

Funding

Initially, the Levee Program will rely on existing funding authorities, but will need increased funding commitments to meet the program objectives. Later in Stage 1, new authorizations and funding may be provided if the Federal government declares a broader interest in the Delta. In addition, funding for the CALFED program may include user fees that could be used to support the Levee program.

The Commission should have authority to review and make changes to the program priorities, program plans and annual funding levels for the Delta Subventions and Special Projects Programs to ensure consistency and integration with the CALFED Levee Program. The Reclamation Board should retain final approval for the Subventions funds. Funds requested through the annual state budget cycle for the Delta Levee Subvention or Special Projects Program or other program actions within the scope of the CALFED Levee Program should be reviewed and coordinated with the Commission before inclusion in the Governor's Budget.

Funding for the Subvention and Special Projects Program and other DWR responsibilities described above should be appropriated to the DWR with control language that requires Commission approval of the program priorities and program plan before expenditure. To the extent legally permissible, Delta levee funding that is included in the Proposed Water Bond ($30 million, Article 3) should be required to be coordinated and consistent with CALFED objectives and should require Commission approval before expenditure.

Ecosystem Restoration Program (ERP) -- Governance Proposal

Principle 14: *Ecosystem Restoration Program(ERP). Due to the complexity and size of the ERP, there should be significant focus and accountability given to its management. A new ERP entity, under the authority of the Commission, should manage the ERP*

Program Description (See ERP Plan for complete program description).

The ERP is designed to restore the ecological health of the Bay-Delta ecosystem. The approach of the ERP is to mimic ecological processes and to increase and improve aquatic and terrestrial habitats to support stable, self-sustaining populations of diverse and valuable species. The ERP is a complex and comprehensive program whose actions are interlinked with each other and with actions in the other CALFED Program Elements. Management of the ERP will be based on scientific and biological principles and processes, and follow an adaptive management approach.

Commission Responsibilities

Commission staff should oversee and provide program direction for the ERP to ensure ERP objectives are being met and to provide integration and coordination with other Program

E-024643

E-024643

Elements. The Commission should have final approval of the ERP plans, priorities, and project selection. Commission staff should participate in and oversee the development of a long-term plan and annual workplans, including program priorities and actions. The ERP Conservancy should be the lead agency in preparing the plans for the ERP.

New ERP Conservancy Structure and Authority

An ERP Conservancy should be established to serve as program manager for the ERP. The Conservancy should report to the CALFED Commission for program direction and budget/funding approval. The relationship between the Commission and new Conservancy is described further in the responsibilities below. The Conservancy should have a board of directors that includes the high level representatives from DFG, USFWS, and NMFS. The Conservancy members should be a subset of the Commission members to avoid conflict with the Commission. The Conservancy should appoint an executive director to be responsible for management of the ERP.

New ERP Conservancy Responsibilities

The Conservancy should be the primary entity responsible for managing and overseeing the implementation of the ERP. The Conservancy responsibilities should include:

- Planning. The Conservancy, in coordination with Commission staff, agencies and with scientific and public input, should prepare a long-term plan and an annual workplan including program priorities and actions.

- Public Involvement and Interagency Coordination. Convene and coordinate public and interagency involvement in the ERP. Coordinate funding and projects with related ecosystem restoration programs.

- Monitoring and assessment. As part of an adaptive management approach and the Commissions' Comprehensive Monitoring, Assessment and Research Program (CMARP), the Conservancy should manage the monitoring and assessment of the program actions in achieving ERP targets.

- Independent Scientific Review. The Conservancy should establish an independent Science Review Committee/Board to aid in the development of program priorities, periodically review projects and other decisions to ensure quality control, and assess progress in meeting program targets.

- Project Selection and Management. The Conservancy should manage a financial assistance program (public solicitation and directed actions) to fund high priority actions that will address ERP targets. The Conservancy should manage a research and pilot program, as part of CMARP, to address areas of scientific uncertainty.

E-024644

E-024644

- Environmental Water Account (EWA). For a complete description of the EWA see the Phase 2 Report, an appendix to this Final EIS/R. The long-term management of EWA has not been determined at this time. It is expected that a decision on the management and decision-making authorities for the EWA will be made by the time of the Record of Decision. The interim governance structure, described earlier in Section 4.3 will continue until a long-term structure is in place.

State and Federal Agency Responsibilities.

Agency Implementation. The Conservancy should rely on existing State and Federal fish and wildlife agencies, and private nonprofit organizations to implement individual projects and research. Final ownership of land and water rights should be held primarily by existing State and Federal agencies in order to ensure long-term protection and management.

Agency Coordination. There are numerous State and federal agencies that have existing authority for fish and wildlife protection and habitat restoration. These agencies, (such as the USFWS, NMFS, COE, NRCS, USFS, DFG, Delta Protection Commission) should coordinate with the Conservancy in monitoring, data collection, priority setting, project selection, cross-cut budget preparation, and co-funding projects and studies.

Additional review of existing programs is needed to identify which programs should be coordinated with the ERP and how that coordination should be achieved. Certain programs and funding that have been identified that should be coordinated with the CALFED ERP include:

- CVPIA, portions of the Act, administered by USFWS, USBR, DFG, and DWR
- Central Valley Habitat Joint Venture
- Refuge and Wildlife Area, administered by USFWS and DFG
- Endangered species recovery planning by NMFS, USFWS, and DFG
- Section 1135 of WRDA administered by the Corps of Engineers
- 1996 Farm Bill programs administered by the NRCS
- Delta Four Pumps Agreement administered by DWR and DFG
- Tracy Fish Agreement administered by USBR and DFG
- Section 319 of the Clean Water Act, administered by the SWRCB and EPA

The CVPIA, managed by the USBR and the USFWS, is one of the larger programs in California related to the CALFED ERP. Both programs address many of the same objectives but have separate and independent mandates. Therefore close coordination of the two programs is essential. Where the objectives of the two programs overlap; annual workplans, crosscut budgets, priorities, project selection and funding should be coordinated. The ERP and the related portions of the CVPIA should prepare a Joint Annual Workplan. The Joint Annual Workplan should be submitted to the Commission which should have authority to review and comment on the CVPIA components of the plan.

Funding

The ERP is expected to rely primarily on new funding sources to implement the program because in most cases the program is proposing new initiatives on top of existing base programs which are critical to the ERP or are supporting other mandated activities. Initially, the program will rely on public funding through state and federal appropriations. Later in Stage 1, new funding mechanisms such as user fees may be adopted. The list of funding source below includes only those funding sources currently available or potentially available in the near term. (Note: If the Conservancy is not established as a joint State and Federal entity, then state and or federal funding can be appropriated to the Commission and passed on to the Conservancy)

- Federal Bay-Delta Enhancement and Water Security Act. If reauthorized, funding for ecosystem restoration should be appropriated to the Conservancy through the Department of Interior. (However, the Conservancy would need to be established as a federal entity to receive federal funding).

- California Proposition 204. Chapter 7, appropriates $390 million to the Resources Agency "until the Legislature by statute authorizes another entity, recommended by CALFED, to carry out this chapter." The Conservancy should be the entity to receive and manage the funding.

- Proposed Water Bond. Chapter 9, Article 3, includes $40 million appropriated to DWR for facilities to control low dissolved oxygen and other water quality problems in the lower San Joaquin River and South Delta. Improvements in low DO provides benefits for both the ERP and the Drinking Water Quality program and should be coordinated by the Commission. To the extent legally permissible, these funds should be required to be coordinated and consistent with CALFED objectives and should require Commission approval before expenditure.

Watershed Program -- Governance Proposal

Program Description (see Watershed Program Plan for complete program description)

The Watershed Program is intended to aid all Program Elements in using a comprehensive, integrated, basin-wide approach to help achieve the mission of restoring ecosystem health and improving water management. The program is focused on supporting local community based efforts as a means for designing and implementing many aspects of the CALFED program. The Watershed program will provide this support through increased coordination and collaboration between existing and future local watershed programs, and technical and financial assistance for watershed activities.

E-024646

E-024646

Commission Responsibilities

- Planning. In coordination with appropriate agencies and with public input, prepare an annual workplan and long-term plan, including program priorities which support the Watershed program objectives and the annual CALFED priorities. Oversee implementation of the annual workplan.

- Financial Assistance. It has not been determined if the Commission should rely on existing agencies to manage a grants program or retain the management responsibility within the Commission. The financial assistance program should be targeted at local watershed organization, planning, restoration and management projects, monitoring, and education programs.

- Coordination, Assistance and Public Outreach. Facilitate and improve coordination and assistance among government agencies, other organizations, and watershed groups. Convene public and local forums to maintain input into the program as needed. Oversee technical assistance program for local watershed programs.

- Information Exchange. Increase exchange of information and data among those interested and involved with watershed management and achieving the goals of the CALFED Program.

- Monitoring and Assessment. Oversee and manage, as part of CMARP, a monitoring and assessment program for watershed related actions.

- Integration with CALFED Programs. Provide ongoing support to the other CALFED Program Elements to ensure integration of the watershed program objectives of local community based planning and implementation where necessary and appropriate.

- Studies and Research. Manage research and studies aimed at further defining the relationship of watershed processes with the objectives of the CALFED program

- Performance Reports. Prepare reports to Commission on progress in meeting targets and objectives, and recommendation for program changes as needed.

State and Federal Agency Responsibilities

- Coordination. There are numerous State and Federal agencies with watershed responsibilities, programs and funding. Through an interagency workgroup, the Commission should work to improve coordination and exchange of information. Additional review is needed to determine which existing programs should be closely coordinated with the CALFED Watershed program and to determine how that coordination should occur.

- Grant Management. There are many state and federal agencies involved in watershed restoration, but each have their specified mandates, such water quality or forest management. Whereas the commission has to address multiple objectives equally. Therefore it is likely that the Commission would retain the grant management authority and coordinate with other state and federal agencies.

- Technical Assistance. The Commission should rely on one or more existing agencies, to provide technical assistance to local community watershed groups. Existing agencies have staff and technical resources located at the local level. Technical assistance should be overseen by the Commission and be consistent with Commission priorities and objectives.

Funding

The Watershed program will rely both on existing and new funding. The list of funding sources below includes only those sources currently available or potentially available in the near term.

Proposed Water Bond. Chapter 6, Watershed Protection Program provides a total of $468 million to the SWRCB for watershed activities. Within that amount Article 2--Watershed Protection, provides $90 million, appropriated to the SWRCB, for grants to fund watershed activities. To the extent legally permissible, a portion ($25 - $50 million) of the funding should be dedicated to support CALFED watershed objectives, and the Commission should be given the opportunity to review and recommend approval to the SWRCB over that portion of the funding dedicated to CALFED objectives.

Bay Delta Ecosystem and Water Enhancement Security Act. If reauthorized, a portion of the funding could be available for watershed actions. Funding should be appropriated to the Commission or to a Federal agency, if the responsibility for watershed grant management is not retained by the Commission.

Existing Funding / Agency Responsibilities. Additional review of existing programs and authorities is needed to determine the level of existing funding that may be available to support the CALFED Watershed program objectives. Existing programs and funding that are likely to address CALFED Watershed objectives and may require coordination include:

- Clean Water Act programs administered by EPA and SWRCB
- Farm Bill programs administered by NRCS
  (Others to be added)

Drinking Water Quality -- Governance Proposal

Program Description (see Program Plan for complete program description)

The objective of the CALFED drinking water quality program is to continuously improve source water quality that allows for municipal water suppliers to deliver safe, reliable, and affordable drinking water that reliably meets, and where feasible, exceeds applicable drinking water standards. The CALFED program for improving drinking water quality focuses on reducing the loads and /or impacts of bromide, total organic carbon, pathogens, nutrients, salinity, and turbidity through a combination of measures including:

- Source reduction
- Alternative sources of water
- Treatment and health effects
- Operational improvements--storage and conveyance

Commission Responsibilities

- Planning. In coordination with appropriate agencies and with technical and public input, the Commission staff should prepare a long-term plan and annual workplan including program priorities and actions. The Commission staff should oversee implementation of annual workplan.

- Public and Interagency Involvement. Convene and coordinate public and interagency involvement in the Drinking Water Quality program, such as the Delta Drinking Water Council *(NOTE: DDWC is currently a subcommittee of BDAC, but the DDWC (or similar entity) should continue whether BDAC continues or not).*

- Monitoring and Assessment. Manage the monitoring and assessment of the program studies and actions as part of the CALFED Comprehensive Monitoring Research and Assessment Program (CMARP).

- Performance Reports. Prepare reports on program performance in meeting program objectives and targets--including trends in Delta water quality, progress in source control, trends in treatment technology status of human health effects of disinfection byproducts.

- Independent Scientific Review. Convene expert scientific panels to assess CALFED performance in meeting program objectives and targets.

- Source Control. Identify and manage actions and studies to improve Delta source water quality related to drinking water improvements. Implementation of the actions or studies may be performed by the SWRCB or other appropriate agencies.

E-024649

E-024649

- Alternative Sources. Evaluate and facilitate water exchanges to shift higher quality supplies to urban users for drinking water while ensuring that agricultural users retain a reliable supply of water.

- Treatment and Health Effects. Identify additional research needed for human heath effects and treatment technologies and propose research to meet the needs. Identify additional funding needs related to drinking water regulation development performed by DHS and EPA. Research efforts will be coordinated with the CALFED Comprehensive Monitoring Research and Assessment Program (CMARP).

- Operations. Identify, fund, and/or facilitate implementation of actions and studies related to storage, conveyance, and operational changes, and coordinate with the Water Management Strategy, to implement drinking water quality program actions.

State and Federal Agency Responsibilities

Environmental Protection Agency. To support regulatory development, conduct research on health effects related to disinfection byproducts and on new treatment technologies. Provide funding to DHS for the State Revolving Fund under the Safe Drinking Water Program.

Department of Health Services Implement research on health effects related to disinfection byproducts and on new treatment technologies. Conduct source water assessment studies. Participate in water quality data coordination.

State Water Resources Control Board & Central Valley Regional Water Quality Control Board. Implement studies and research on source water improvements. Participate in water quality data coordination.

Department of Water Resources. As needed, may implement project actions involving engineering features and other actions related to source water improvement. Implement studies and projects related to storage and conveyance. Implement actions related to the San Joaquin Drainage Management Program. Participate in water quality data coordination.

U.S. Bureau of Reclamation. As needed, may implement project actions involving engineering features and other actions related to source water improvement. Implement studies and projects related to storage and conveyance. Implement actions related to the San Joaquin Drainage Management Program. Participate in water quality data coordination.

Funding

The Drinking Water Quality Program is expected to rely primarily on new funding sources because the Program is proposing new initiatives on top of existing base programs. The list of funding sources below includes only those sources currently available or potentially available in the near term.

E-024650

E-024650

Proposed Water Bond

- Chapter 9, Article 3 Bay Delta Multipurpose Water Management Program provides a total of $250 million to DWR for CALFED activities which includes $17 million for agricultural drains/ facilities in the Delta for improving water quality. Chapter 9, Article 4 provides $180 million to DWR to provide loans/grants for programs and projects to increase water supplies, enhance reliability, and improve water quality. To the extent legally permissible, these funds should be required to be coordinated and consistent with CALFED objectives and requires Commission approval before expenditure.

- Chapter 7, Article 2 provides $100 million to SWRCB for nonpoint source pollution control grants. The Commission should coordinate with the SWRCB to determine what portion of these funds can be legally directed to the CALFED objectives. To the extent legally permissible, that portion should be required to be coordinated and consistent with CALFED objectives and requires Commission approval before expenditure.

Bay Delta Ecosystem and Water Enhancement Security Act. If reauthorized, a portion of the funding could be available for drinking water quality actions. Funding should be appropriated to the Commission to oversee and manage.

Existing Funding Authorities. Listed below are base level programs/authorities which are critical to the overall success of the Program and should not be significantly redirected for CALFED purposes, but certain portions of the program may address CALFED priorities.

- Safe Drinking Water Program State Revolving Fund. EPA provides an annual grant to DHS which funds a drinking water State Revolving Fund. Funding is primarily for loans to bring treatment facilities in compliance with existing standards. A portion of the funding is available for source water protection in the Delta. Additional staff review is needed to determine if this funding is available for other Drinking Water Quality priority actions including research and pilot projects for treatment technologies for future standards related to disinfection byproducts related to bromide.

- Clean Water Act.
  --EPA awards an annual grant to the SWRCB which funds the Clean Water State Revolving fund. This funding is for low interest loans for both point and nonpoint source water quality projects (although historically most of the funding has been for treatment systems).
  --EPA provides funding to the SWRCB under Section 319h of the CWA for nonpoint source pollution control. Some of the CALFED actions to improve drinking water would be eligible for funding under this program.

E-024651

E-024651

Water Management -- Governance Proposal

Program Description

The Water Management Strategy (WMS) is a long-term framework for reaching CALFED's water supply reliability objective and to improve water supplies for all Program objectives. The WMS includes tools to be implemented in Stage 1 that in combination are targeted at water supply reliability. The water management tools included in the WMS are water transfers, water use efficiency, water recycling, storage, conveyance, and operational changes. The WMS will need to be evaluated during Stage 1 to determine its success in providing water supply reliability, and the need for selecting additional tools to achieve CALFED objectives. The tasks required to oversee and coordinate the WMS are described below. The responsibilities for managing each of the WMS tools are described later in this section.

Commission responsibilities:

- Planning. In coordination with appropriate agencies and with technical and public input, the Commission staff should prepare an long-term plan and annual workplan including program priorities and actions. The Commission staff should manage implementation of annual workplan.

- Implementation of WMS Tools. Provide oversight and program direction for the implementation of the WMS tools to ensure coordination and integration is occurring. (See description of program management responsibilities for each WMS tool below).

- Monitoring and Assessment. Review the monitoring and assessment methods for the WMS tools.

- Performance Assessment Reports. Prepare performance assessment reports on the WMS and update the WMS as needed to achieve program objectives.

- Permit Coordination. Coordinate with regulatory agencies regarding permit requirements related to proposed WMS tools--such as CWA Section 404 performance requirements.

- Research and Studies. Manage the support studies and research of new tools (WUE, recycling, storage, hydroelectric facility reoperation, operational flexibility, conveyance)

- Interagency Coordination. Convene an interagency group to advise the Commission on implementation and refinement of the WMS.

E-024652

E-024652

- Public and Technical Involvement. Convene and coordinate public and technical involvement process for the WMS.

- Assess Water Demand. Advise DWR in the preparation the California Water Plan (Bulletin 160). DWR should report to the Commission on the preparation of the California Water Plan and the coordination and integration between the Plan and the CALFED Program.

2. State and Federal Agency Authorities and Responsibilities.

The Commission should work closely with USBR and DWR and other interested agencies in refining, implementing and assessing the outcome of the WMS. In addition to providing program advice regarding the WMS, USBR and DWR will participate in managing WMS studies or research.

Funding

The WMS is expected to rely on new funding because no existing programs or funding authority is available to support the WMS coordination and oversight tasks described above. The list of funding sources below includes only those sources potentially available in the near term.

Bay Delta Ecosystem and Water Enhancement Security Act. If reauthorized, a portion of the funding could be available for WMS coordination and oversight. Funding should be appropriated to the Commission for those purposes.

Water Management Strategy Programs/Tools

1. Transfers-- Governance Proposal

Program Description (see Transfers Program Plan for complete description)

The CALFED Water Transfers program proposes a framework of actions, policies, and processes that, collectively, will facilitate water transfers and the further development of a state-wide water transfer market. The framework will also include mechanisms to provide protection from third party impacts.

Commission Responsibilities

- Planning. In coordination with appropriate agencies and with technical and public input, prepare an annual workplan and long-term plan, including program priorities which support the Water Transfers program objectives. Oversee implementation of the annual workplan.

E-024653

E-024653

- Transfer Information. Program direction and oversight of a Water Transfer Information Clearinghouse which would serve several information exchange functions. Implementation of the Clearinghouse has not be determined but may be assigned to an existing agency or to the Commission. Assignment of this responsibility should be specified in legislation establishing the Commission.

- Research. Identify necessary research and studies to address open technical or policy issues affecting program success. For example, a study of the cause and effect of groundwater and surface water interaction that would result form water transfers.

- Rules and Guidelines. The Commission should provide interagency coordination and facilitation with State and Federal agencies (SWRCB, DWR, and USBR) to ensure that rules and guidelines for water transfers are consistent and uniform, and ensure that agencies with existing authority provide a streamlined transfer review and approval process. Also facilitate discussions to resolve water transfer technical and policy issues (such as definitions of transferable water, clarification of carriage water requirements, reservoir refill criteria).

- Public Outreach. Convene public and local forums to maintain input into the program as needed.

- Performance Reports. Prepare reports to Commission on progress in meeting targets and objectives, and recommendation for program changes as needed.

State and Federal Agency responsibilities.

SWRCB, DWR, and USBR. These three agencies should advise the Commission in all aspects of the CALFED water transfer program. The agencies should form an interagency committee (possibly formalized by a MOU) to establish their responsibilities in implementing the recommendations of the Commission.

Funding

The water transfers program is expected to rely on new funding sources, but the funding demands for the program are minimal because there are no capital investments. New funding will likely be from annual State and Federal appropriations, or in part from new fees paid by water transfer proponents CVP water user currently pay transfer fees into the CVPIA Restoration Fund). For program direction and oversight State or Federal funding should be appropriated to the Commission, but if the Clearinghouse is established in an existing agency, funding for managing the Clearinghouse should be directed to that agency. The Commission should have review and approval authority of the Clearinghouse funding and priorities if delegated to a separate agency.

2. Water Use Efficiency--Governance Proposal

Program Description (see WUE Program Plan for complete description)

The CALFED Water Use Efficiency program helps improve water supply reliability as part of the Water Management Strategy but also can benefit the water quality program and the ecosystem restoration program. The objectives of the WUE Program are to:

- Reduce existing irrecoverable losses
- Achieve multiple benefits
- Preserve local flexibility
- Use incentive -based actions over regulatory actions
- Build on existing water use efficiency programs
- Provide assurance of high water use efficiency

Commission Responsibilities

- Planning. In coordination with appropriate state and federal agencies and with public and technical input, the Commission should prepare an annual workplan and long-term plan, including program priorities which support the WUE Strategic Plan. Oversee implementation of the annual workplan.

- Financial Incentive Program. Oversee and provide program directions for a loans and grants program for WUE programs. Program management of the WUE has not be determined.

- Technical Assistance Program. Oversee and provide program directions for technical assistance program to support the Strategic Plan. Program management of a technical assistance program has not been determined but is expected to be assigned to existing state and federal agencies.

- Interagency Coordination and Public Outreach. Coordinate with Urban and Agricultural Councils. Convene local forums to maintain regional input into the Agricultural WUE program.

- Technical and Scientific Review. Oversee and direct scientific and technical review of program plans, priorities, and achievement of targets and objectives.

- Performance Reports. Prepare reports to Commission on progress in meeting targets and objectives, and recommendation for program changes as needed.

E-024655

E-024655

- Monitoring and Assessment. As part of CMARP, oversee the monitoring and assessment of the program's implementation and success in meeting targets and objectives.

State and Federal Agency responsibilities.

The responsibilities for existing agencies in managing and implementing the WUE program has not been determined. Agencies expected to participate in management and implementation include Department of Water Resources, Department of Food and Agriculture, Natural Resources Conservation Service, and U.S. Bureau of Reclamation.

Funding

The WUE Program is expected to rely primarily on new funding sources because there is no significant funding source that is an ongoing funding stream for WUE. New funding will likely be from state bonds and annual federal appropriations.

- Proposed Water Bond. Chapter 8, Articles 3 and 6 provide $65 million for WUE to the Department of Water Resources. To the extent legally permissible, these funds should be expended consistent with CALFED objectives and should require approval by the Commission before expenditure.

- Bay Delta Ecosystem and Water Enhancement Security Act. If reauthorized, a portion of the funding could be available for WUE.

- CVPIA Water Conservation. CVPIA Program should be coordinated with the CALFED WUE program. *(Will provide description of how the coordination should be achieved and the relationship between the CVPIA program and CALFED WUE program.)*

3. Water Recycling--Governance Proposal

Program description

The CALFED Water Recycling Program is focused on identifying and removing barriers to water recycling to increase local implementation of recycled water projects. (The CALFED Water Recycling Program is still being developed. Specifically the identification of barriers and the actions needed to remove the barriers has not been defined. Once done the focus and responsibilities of the Program will be refined) .

Commission Responsibilities

- Planning. In coordination with appropriate agencies and with public and technical input, the Commission should prepare an annual workplan and long-term plan, including program priorities which support the water recycling program. Oversee implementation of the annual workplan.

E-024656

E-024656

- Financial Incentive Program. A financial assistance program is a critical component of a water recycling program. There are several existing financial assistance programs for water recycling within state and federal government. Additional evaluation is needed to determine how these program are or should be coordinated, if responsibilities should be expanded or shifted between agencies , and whether the financial requirements for the assistance are appropriate. Currently the SWRCB, DWR, and USBR all have financial assistance programs for water recycling.

- Technical Assistance Program. The Commission should assist DWR, SWRCB, and USBR in providing technical assistance to urban water suppliers in preparing water recycling feasibility plans that meet requirements of the Urban Water Management Planning Act. The Commission should also assist state and federal agencies and private organizations (WateReuse) in removing barriers to the creation of markets for recycled water. Provide support for regional-scale recycling projects in Bay Area and Southern California and identify methods of partnering in regional projects. Coordinate outreach and assistance with SWRCB and other state and federal agencies.

- Interagency Coordination and Public Outreach. Convene forums to maintain water user, environmental and public input into the program.

- Technical and Scientific Review. Manage a scientific and technical review of program plans, priorities, and achievement of targets and objectives.

- Performance Reports. Prepare reports to Commission on progress in meeting targets and objectives, and recommendations for program changes as needed.

- Monitoring and Assessment. As part of CMARP, oversee the monitoring and assessment of the program's implementation and success in meeting targets and objectives.

State and Federal Agency responsibilities.

The SWRCB, USBR and DWR are the three agencies currently responsible for providing technical and financial assistance for water recycling in California. Additional review is needed to determine if these programs need modifying or expanded to better promote recycling, and therefore what the ongoing responsibilities of these agencies and the new Commission should be.

Funding

The Water Recycling Program will rely on existing funding programs (primarily Federal Title XVI and existing State bond funds) and additional funding authorized by new State bond funds.

E-024657

E-024657

- Proposed Water Bond. To the extent legally permissible, the following funds should be required to be expended consistent with CALFED objectives and require Commission approval before expenditure.

  - Chapter 7, Article 3 provides $30.5 million to the State Revolving Fund administered by the SWRCB for water treatment loans. *(determine if there is a recycling component to the funding)*

  - Chapter 7, Article 4 provides $40 million to the SWRCB for water recycling projects.

- Bay Delta Ecosystem and Water Enhancement Security Act. If reauthorized, a portion of the funding could be available for water recycling.

- Title XVI of Public Law 102-575 (The Reclamation Wastewater and Groundwater Study and Facilities Act) administered by the USBR, provides funds for initial project appraisal investigations (full federal funding) and for feasibility studies (50% federal cost share) and for project construction (up to 50% cost share). Title XVI authorizes specific regional projects/studies. The USBR should be required to coordinate with the Commission and SWRCB to develop joint long-term plans and annual workplans for expenditure of state and federal funds for water recycling. *(May require amendment to Title XVI.)*

- Existing bond funds (1984, 1988, 1996). The SWRCB has received funding from water bonds over the last 15 years to fund water recycling projects. Approximately $70 million remains to be committed. To the extent legally permissible, these funds should be coordinated and expended consistent with CALFED objectives, and require Commission approval before expenditure.

4. Storage--Governance Proposal

Program Description

The storage element of the Water Management Strategy is supported by an Integrated Storage Investigation (ISI). The ISI provides a comprehensive framework for evaluation of storage implementation and management opportunities through Stage 1 and beyond. The ISI includes evaluations of:

- North of Delta offstream surface storage
- In-Delta, adjacent to Delta, and off-aqueduct storage
- Onstream storage enlargement
- Surface and Ground water conjunctive management

E-024658

E-024658

- Hydroelectic facilities reoperation
- Fish migration barrier removal

Commission Responsibilities

- ISI Planning. Prepare long-term plan and oversee preparation of the annual workplan by DWR and USBR. Plans should be prepared in coordination with appropriate agencies and with public and technical input. The plans should include program priorities which support the ISI. Oversee implementation of the annual and long- term plans.

- Conjunctive Use /Ground Water Storage Projects.

  --Evaluate Conjunctive Use Opportunities. Participate in cooperative studies of conjunctive use opportunities with local agencies and interested members of the public. Provide program direction and coordination for the state and federal conjunctive use programs.

  --Financial Incentive Program. The Commission should provide program direction and coordinate the CALFED financial incentive programs managed by DWR and USBR. The Commission may also assume program management responsibilities for portions of the financial incentive program.

- Interagency Coordination and Public Outreach. Convene forums to maintain water user, environmental and public input into the program.

- Performance Reports. Prepare reports to Commission on progress in meeting targets and objectives, and recommendations for program changes as needed.

- Monitoring and Assessment. As part of CMARP, oversee the monitoring and assessment of the program's implementation and success in meeting targets and objectives. This will a be a critical component of the conjunctive use /groundwater actions.

State and Federal Agency responsibilities.

Surface Storage-DWR/USBR. Provide program management of the ISI-- including the reoperation and fish barrier studies and surface storage planning (feasibility studies, environmental documentation/permitting). If the WMS includes construction of surface storage projects, construction management should be performed by DWR and/or USBR but the Commission should maintain oversight and project approval responsibility. All activities and workplans should require Commission approval at major milestones and be consistent with CALFED objectives and priorities.

Conjunctive Use-- DWR/USBR. DWR and USBR should provide program management of state and federal conjunctive use programs. All activities and workplans should require Commission approval at major milestones and be consistent with CALFED objectives and priorities.

Funding

Initially the Storage/ISI Program will rely primarily on new State or Federal funding for planning and feasibility work.

Bay Delta Ecosystem and Water Enhancement Security Act. If reauthorized, a portion of the funding could be available for groundwater storage and possibly surface storage.

Annual State General Fund appropriations. Funding has been included in recent years in the State budget for implementation of the ISI. This funding should continue to be appropriated to DWR but should have control language requiring consistency with CALFED objectives and approval by the Commission.

Proposed Water Bond. To the extent legally permissible, the following funds included in proposed water bond should be expended consistent with CALFED objectives and be subject to the approval of the Commission.

- Chapter 8, Article 4, Groundwater recharge facilities $30 million continuously appropriated to DWR for groundwater recharge loans and grants.
- Chapter 9, Article 2, Groundwater Storage Program, $200 million appropriated to DWR for grants for conjunctive use projects.
- Chapter 9, Article 4 provides $180 million to DWR to provide loans/grants for programs and projects to increase water supplies, enhance reliability, and improve water quality.

5. Conveyance-- Governance Proposal

Program Description

The CALFED Program proposes a staged through-Delta approach to conveyance. Modifications in Delta conveyance should result in improved water supply reliability, water quality, ecosystem health, and reduced risk of water supply disruption due to catastrophic breaching of Delta levees.

E-024660

E-024660

Commission Responsibilities

- Planning. In coordination with appropriate agencies and with technical and public input, prepare an annual workplan and long-term plan, including program priorities which support the conveyance objectives. Oversee implementation of the annual workplan.

- South Delta Improvements. The Commission should manage the South Delta Program because the program requires significant interagency coordination and facilitation wich can be provided by the Commission. Management of individual projects should be performed by state and federal agencies.

  --Screening at State and Federal Projects. Oversee and direct screening program, but delegate implementation and management (feasibility studies/ environmental documentation/permitting/construction) of individual projects to DWR or USBR.

  --Agricultural Diversion Extension/Consolidation. Oversee implementation of agricultural screens program. Coordinate agency and local involvement. DWR responsible for project management and implementation.

  --Barriers. Oversee implementation of barriers program. Coordinate agency and local involvement. DWR responsible for project management implementation.

  --Dredging. Oversee implementation of dredging program. Coordinate agency and local involvement. DWR responsible for project management implementation.

  --Joint Point of Diversion. Coordinate state and federal agencies annual requests to SWRCB for a joint point of diversion.

  --Operational Changes. When this comprehensive suite of South Delta improvements and South Delta ERP actions have been completed, oversee and coordinate agency involvement in changing SWP operating rules to allow export pumping up to the current physical capacity of the SWP pumps.

- North Delta Improvements. Manage and oversee North Delta improvement actions including modified operational criteria for the Delta Cross Channel, study of a screened diversion structure on the Sacramento River and flood management and habitat improvements on the lower Mokelumne.

- Interagency Coordination and Public Outreach. Convene forums to maintain water user, environmental and public input into the program. Coordinate state and federal agencies participating in the program

E-024661

E-024661

- Scientific and Technical Review. Manage the scientific and technical review process for conveyance improvements.

- Performance Reports. Prepare reports to Commission on progress in meeting targets and objectives, and recommendations for program changes as needed. Includes an evaluation of whether additional conveyance facilities and/or other water management actions should be taken in the future..

- Monitoring and Assessment. In coordination with CMARP, oversee the monitoring and assessment of the program's implementation and success in meeting targets and objectives.

State and Federal Agency responsibilities

DWR, USBR, and other existing agencies should perform the responsibility for project management and implementation for South Delta and North Delta conveyance improvements.

Funding

The Conveyance program will rely primarily on new State or Federal funding.

- Bay Delta Ecosystem and Water Enhancement Security Act. If reauthorized, a portion of the funding could be available for conveyance improvements.

- Proposed Water Bond. To the extent legally permissible, the following funds included in proposed water bond should be required to be expended consistent with CALFED objectives and should require Commission review and approval prior to expenditure. Language in the proposed bond requires funds not be expended until certification of the EIR/S and after consultation with CALFED agencies.

    - Chapter 9, Article 3, Bay Delta Multi-purpose Water Management Program, includes funding to be used by DWR in consultation with CALFED agencies for:
        --South Delta fish facilities/screens for SWP and CVP ($120 million)
        --Permanent barrier at head of Old River ($40 million).
        --Permanent barrier at Grantline Canal ($16 million)

Water Operations --Governance Proposal

Program Description

CALFED proposes continuation of a process and structure to coordinate operations of the water projects to resolve conflicts and maximize benefits to water supply reliability, ecosystem restoration, water quality objectives. Currently, the CALFED Operations Group (Ops Group) is

E-024662

E-024662

the coordination group for Delta water operations and includes state and federal agencies with an interest in the water operations. The Ops Group, or a similar body, should continue in the long-term as the public forum for discussing water operations. The group should include state and federal agency representatives at the highest levels which have an interest in water project operations. Those operational agencies should include DWR and USBR which operate the projects; DFG, NMFS and USFWS which regulate the projects under the ESA requirements; and the SWRCB and EPA which regulate water quality in the Delta, and the EWA manager responsible for environmental water operations and management. Resolution of operational issues/conflicts should be resolved at the lowest level of the operational agencies but elevated quickly if the issues can not be resolved.

4.5.5 CALFED Science Program

Program Description
The CALFED Science Program is intended to provide new facts and scientific interpretations necessary to implement and determine the success of the CALFED Program. The Science Program is structured to incorporate scientific and technical information and review at several levels in the program (at the individual programs and actions level and at the broad CALFED program level). Science review and analysis of the Program should be conducted both externally as an independent review, and internally, through the Comprehensive Monitoring Assessment and Research Program (CMARP).

CMARP

The Commission should carry out a Comprehensive Monitoring, Assessment and Research Program (CMARP). The purpose of the CMARP is to provide a comprehensive framework for science in the CALFED program. CMARP will provide the scientific information, interpretations and advice necessary to fully implement the CALFED Program, and provide the forum and process for public, agency, and independent scientific review to evaluate the success of the CALFED Program. The science program should provide scientific objectivity, timely availability of data and findings, and adaptive management implementation

Commission Responsibilities
A Chief Scientist should be appointed, which reports to the Executive Director, to carry out the following responsibilities:

- Planning. In coordination, with appropriate agencies, and with scientific and public input, the Commission should develop annual workplans and long-term plans which include program priorities and actions. Oversee the implementation of the plans.

- Monitoring, assessment and research program. Design, direct and coordinate a monitoring, assessment and research program for all aspects of the CALFED program.

E-024663

E-024663

Work with Commission staff and agencies responsible for oversight and management of Program Elements. Coordinate with related programs.

- Data Management. Data management is a critical component of an science and adaptive management program. The Commission should collect, manage, and distribute data. The Commission should assist in guidelines for data management, quality assurance, standards and reporting requirements.

- Data analysis and reporting. The Commission should oversee and coordinate the analysis and interpretation of the data into useful information for use by policy level decision-makers. An annual science conference is one method that could be used to report on findings from CALFED related projects.

- Independent Scientific Review. The Commission should facilitate and coordinate external scientific review of the CALFED science program. Review is needed at three points in the development and implementation of the CMARP; review of the overall direction of CMARP; review of the research proposals and monitoring program; and review of the CMARP products.

- Adaptive Management. Recognizing the level of uncertainty about the elements of the CALFED Program, an adaptive management approach will be adopted by the Commission. The Commission will facilitate communication between scientists and policy level decision makers in order to support an active adaptive management approach that allows for risks and experiments to address the areas of scientific uncertainty.

State and Federal Agency Responsibilities for CMARP

Numerous State and Federal resources agencies (for example USGS, USFWS, NMFS, NRCS, DFG, DWR and SWRCB) will have a role in implementing the CMARP. Many of the agencies have existing responsibilities, programs and funding that will be incorporated into or coordinated with the CMARP. A specific implementation plan which identifies agency roles and responsibilities for the CMARP needs to be done.

Funding

The CMARP is expected to rely on existing and new sources of funding to implement the CALFED science program. There are numerous existing monitoring and research programs that are contributing to the CALFED and CMARP objectives. Additional review is needed to determine what CALFED needs are being addressed, how the programs should be coordinated with CALFED, what authority the Commission should have over existing programs to ensure program objectives are addressed, and what the additional funding needs are for the program. Several of the programs related to CALFED are listed below.

- Interagency Ecological Program (IEP). An interagency program to provide information on the factors that affect ecological resources in the Bay Delta Estuary. Approximately $13 million annually.
- San Francisco Estuary Institute (SFEI). SFEI is a nonprofit organization established to develop the scientific understanding needed to protect the estuary. Approximately $4.5 million annually.
- Comprehensive Assessment and Monitoring Program (CAMP). A program to monitor and assess the success of restoration efforts associated with the CVPIA. Approximately $2 million annually.

Scientific Review Board.

The Commission should appoint a Scientific Review Board (SRB) to assure the appropriate use of science in the Commission's decisions. The SRB should be directed to make independent assessments and offer recommendations based on its best judgment including, where necessary, analyses of disagreements among members of the panel. However, final responsibility for the annual performance assessment report and for all adaptive management decisions should remain with the Commission. In appointing members to the SRB, the Commission should seek the help of national scientific organizations and SRB members. Duties should include assisting the Commission in:

- Understanding the quality and usefulness of available technical and scientific information;
- Applying scientific and technical information in the adaptive management decision-making process;
- Evaluating the quality and effectiveness of CMARP; and
- Reviewing the annual performance assessment for the CALFED program.

Scientific Review of Programs.

Based on the advice and review of the SRB, the Commission should establish processes to review the scientific and technical aspects for each of the program elements. For example, Program Elements should be reviewed for soundness of design to meet program objectives, techniques used in program execution, data analyses, application of project results to overall program objectives, and priority setting and project selection.

4.5.6 Annual Report to Congress and Legislature

Principle 15: *Legislative Reporting. Commission should serve as focal point for contact with Congress and the Legislature and should provide annual status reports on the Program.*

4.5.7 Open Issues

CALFED will continue to work with agencies, interested members of the public, stakeholder groups, BDAC, and the Legislature and Congress to refine and finalize the CALFED long-term governance proposal. While significant progress and agreement has been reached on the basic functions and structure of a new Commission, several key governance issues remain open. These are:

- Commission size and membership
- Legal structure of the Commission
- Program management for WUE, Recycling, and Watershed programs
- Structure for public involvement
- Management of the Environmental Water Account
- Finalizing the program and authorities under the Commission authority

E-024666

E-024666