

**CALFED Ecosystem Roundtable  
Meeting Notes for May 18, 1999**

**Roundtable members (or their alternates) and liaisons present:**

Gary Bobker (The Bay Institute)	Steve Macauly (SWC)
Steve Evans (FOR)	John Mills (RCRC)
Dan Fults (Friant Water Users)	Jason Peltier (CVPWA)
Bill Gaines (CWA)	Doug Wallace (EBMUD)
Greg Gartrell (CCWD)	David Yargas (EDF)
Dan Keppen (NCWA)	Tom Zuckerman (CDWA)
Cynthia Koehler (Save the Bay)	

**Announcements**

- 1) There is a June 9 CVPIA Restoration Fund Roundtable Meeting, 9 a.m. - 3 p.m. at ACWA. See Jason Peltier for details if you are interested in attending.
- 2) Copies of a letter sent to Senator Feinstein by the CVP Water Association were distributed by Jason Peltier.

**Restoration Coordinator's Update**

- 1) There are two proposed new members to the Roundtable. Doug Lovell of Streamborn is proposed to replace John Beuttler of United Anglers. Walt Hoyer of Metropolitan Water District is proposed to replace Steve Hirsch as Tim Quinn's alternate.
- 2) Tentative Roundtable meeting dates through October 1999 are included in the meeting packet.
- 3) Review of last month's meeting notes: Tom Zuckerman thought he was to be on the Issues Subcommittee. He will be included on the subcommittee in future meetings.

**Discussion of Conflict of Interest**

Wendy Halverson Martin discussed the Roundtable policy regarding "perceived conflict of interest" (in contrast to legal conflict of interest), with specific reference to a Roundtable decision recorded in the notes of the May 9, 1997, meeting of the Roundtable. The notes indicate that the Roundtable decided that Roundtable member organizations should not apply for funds through the proposal process. The law on conflicts of interest provides public agency representatives, staff of non-profit organizations, and some others, with exceptions to the legal prohibition on self-dealing in the making of contracts. Thus, the issue of whether Roundtable member organizations should be able to apply for funds generally presents a policy issue and not a legal issue. There are concerns related to any "perceived" conflict of interest that could negatively affect the goals and objectives of the CALFED program. Wendy Halverson Martin and Danae Aitchison (Legal Counsel) confirmed that proposals have been received under the 1999 PSP that involve organizations represented on the Roundtable, either as applicants, participants/collaborators, or supporters. Public comment was received regarding a perception that individuals involved in the evaluation process (particularly technical review panels) are also heavily involved in submitting proposals to CALFED.

The Roundtable discussed whether or not Roundtable member organizations should be able to submit proposals. One member said he opposes any funding of Roundtable member organization's proposals for funding in this round. Another member distinguished the technical review input from the type of policy input the Roundtable provides and suggested that barring Roundtable member organizations from competing would eliminate potentially worthy proposals. Public comment was received suggesting that cooperation/collaboration of Roundtable member organizations in a proposal is not the primary issue, but rather the personal conflicts of individuals associated with those organizations.

Wendy Halverson Martin cited that there is no legal basis for excluding proposals that involve some level of participation from Roundtable member organizations in this round. In the future, additional guidance about this issue will be published in the Proposal Solicitation Package.

Danae Aitchison will revisit the issue of Roundtable representation during Integration Panel meetings. The Roundtable recommended, pending Danae's legal review, that the Roundtable co-chairs recruit a Roundtable member to serve as a liaison to the Integration Panel.

At the June meeting, Roundtable members will need to go through declarations of legal conflict of interest prior to the discussion of the recommended proposals.

### **Battle Creek Presentation**

Steve Hirsch gave a presentation on the current status of the Battle Creek Project. During last month's meeting, the Roundtable requested that a public meeting be held to discuss the MOU. The meeting was held on May 11, and was attended by six Roundtable members. The meeting served to: 1) provide background information on the Battle Creek effort; 2) inform Roundtable members of substantive issues which still need to be resolved; and 3) provide Roundtable members with a progress report on the MOU. The Roundtable members provided valuable comments to be addressed in the MOU. Roundtable members also expressed a number of concerns, including: 1) establishing biological objectives for the adaptive management component of the project; and 2) economic assumptions.

At the May 13 Policy Group meeting, a request was granted to extend the deadline for finalizing the MOU. The MOU Parties (PGE, NMFS, USFWS, CDFG, and USBR) have a number of days this week dedicated to reach closure on the MOU. They intend to have the Final MOU available at the June 16 Roundtable meeting, and have formal approval of funding at the June 17 Policy Group meeting.

### **Butte Creek Proposal Update**

The Integration Panel reviewed the proposal again, and did not recommend it for funding. A one page summary of the issue was distributed. There is some disagreement over the level of local support and/or opposition to the project and the representation of the local stakeholders in the process. There is concern among Roundtable members about the degree to which local support (versus more "scientific" criteria) should be considered by the Integration Panel in their evaluation. The Roundtable agreed to support the IP's decision to not fund the current Butte Creek Proposal, but agreed to remain neutral on the "project concept" in the event that acceptable future (or modified) proposals come forward.

### **Environmental Water Acquisition Proposal**

An Environmental Assessment (EA) has been made public regarding the acquisition of 50,000 acre feet on the Stanislaus River (for temperature benefits for steelhead) and 75,000 acre feet on the Yuba River (benefits spring run in the Delta by shifting pumping periods). The total cost would be \$6-7 million. The Stanislaus River water would improve conditions in the Stanislaus and then be used for "make up" water to the State further downstream. To avoid problems with pumping and spring run impacts, the Yuba River water would help protect spring run by reducing pumping in the future in exchange for water already stored in the Stanislaus. [The Yuba River water would be available for export after serving its environmental purpose]. The EA is on the Web, and has a 15 day review period. No workshop is currently planned.

Several Roundtable members had serious concerns about the acquisition, due in part to the potentially inappropriate use of "environmental water."

### **Issues Subcommittee Report**

Gary Bobker, Steve McCauly, CALFED staff, and Wendy Halverson Martin attended the subcommittee meeting. They discussed integration issues between short and long-term programs, and monitoring of funded restoration actions and contracts. They will reconvene at a date when better attendance (including Tom Zuckerman) is possible.

### **Public Comment**

Greg Gartrell thanked staff for quarterly reports that were provided. He raised concerns regarding projects with signed contracts that have had no funds expended. Any project-specific issues regarding this situation should be addressed to Wendy. Tom Zuckerman has concerns regarding the reporting information and format that he will discuss with Wendy and other staff. There are also concerns about the volume of the quarterly reports.

### **Future Meetings**

June 14 (workshop), June 16, July 22, August 26, September 22, October 8 (workshop), October 13.