

From: David Yargas@EDF on 12/07/99 10:45 AM PST

Subject: 12/8 EcoRT Issues Subcommittee mtg

December 7, 1999

Ms. Wendy Halverson Martin

CALFED Restoration Coordination Program

Re: 12/8 EcoRT Issues Subcommittee Meeting

Dear Wendy:

I'm sorry that I won't be able to attend tomorrow's Issues Subcommittee meeting due to a day-long conflict with the Bay-Delta Modeling Forum's hydropower issues workshop (which EDF both proposed and organized). In reviewing the proposed Issues agenda, received last week, I see that the main (only) agenda item involves "Revisions to 2000 Proposal Solicitation Package" (PSP), with specific reference to the following:

- Local notification
- Access to private land
- Land and water acquisitions
- Minimum requirements

I will defer to others who attend tomorrow's meeting to respond in detail to the 2-page "minimum requirements" attachment (draft dated 8/10/99), which generally looks OK (and which also appears to include the other items listed above insofar as they relate to what the PSP will say/require, is that right?).

But if I understand matters correctly, the 2000 PSP also will serve as the 3rd (or 4th?) such public solicitation, and is targeted for release as early as possible next year in an ongoing push to "get ahead" of the FY 2001 federal appropriations process in particular. In addition, based on your 11/1/99 memo (FY2001 Priority Setting Process), the 2000 PSP will play a major part in "completing the transition" to long-term implementation of CALFED's Restoration Coordination Program (RCP). It thus seems to EDF that the issues that now need attention, in addition to the specific PSP changes noted above, include the following:

- Status of Annual Implementation Plan: while described in your 11/1/99 memo as "the foundation and first step in the annual ecosystem restoration implementation process," CALFED was at that time only "in the process of developing a panel of scientists to develop the FY 2001 Implementation Plan" upon which the 2000 PSP will be based -- where do matters stand today, and how does the timeline look?
- Improved notice/disclosure of rejected applications: this was very poorly handled as part of the 1999 PSP, including both the initial round and the so-called "99B" round of

funding recently concluded;

- Mechanisms for facilitating improved applications: is there any way to refine the process and/or revise the authority to enable work directly with applicants to improve their initial submissions? (More generally, CALFED should explore alternatives like the NSF grants process for ideas about how to improve the entire PSP process.)
- Resolution of conflict of interest policies for Roundtable members, affiliates, and liasons: did this get resolved last meeting? I think so, but wanted to make sure;
- Relationship to/interface with CALFED governance discussions: how will what we are trying to do here be supported, or not, by what is being proposed and discussed more broadly?
- Coordination/integration issues: this was recently identified by staff as a matter of great concern to the CALFED Policy Group -- where do these discussions stand? why not a jointly-funded 2000 PSP using some dedicated portion of the CVPIA Restoration Fund? What about WRR appropriations? 4 Pumps/Tracy? etc.;
- Cost-sharing policies/requirements: existing federal law (e.g., CVPIA) generally limits the federal contribution to capital costs for fish screening projects to "not more than 50%" (and zero for annual O&M), with the balance typically split between state and agency/user sources -- there is, however, no comparable CALFED capital cost-sharing policy, nor even a firm policy commitment, and there should be -- ditto for water quality, watershed, and other "non-ecosystem" projects and programs;
- Policy Group discretionary reserve: in response to the Policy Group's recent unilateral decision to re-submit for Roundtable review some \$2 million in so-called "watershed" proposals that were initially rejected for funding through the Roundtable's pre-established scientific vetting process, I thought we should consider an annual "discretionary reserve" of ~\$2 million right up front so that, in future such episodes, how the process really works will be clear to all;
- Ecosystem water acquisition program: I have previously urged immediate re-instatement of the "independent review" of the CVPIA water acquisition program that was recommended and approved by the Roundtable in 1999, but canceled w/o notice by CALFED (?) later that year for as-yet unknown reasons...we also need an update on Dick Daniel's "comprehensive water acquisition program," initiated with haste earlier this year but nowhere to be seen since then...plus the need for PSP and/or directed funding to address and resolve 3rd party and other "externality" issues/concerns related to a wide range of ecosystem water acquisition approaches...

- Available Funds: what does CALFED intend to tell prospective PSP applicants as to the source and amount of ecosystem (or other) funds expected to be available in FY01? Uncertainties regarding the targeted completion of a final Record of Decision prior to the onset of FY01, plus the concurrent expiration of appropriations authority under the federal Bay-Delta Act, suggest that some form of full disclosure is needed. Do you have draft language to share?

I'm sure that I've left some major gaps, and I'm confident that others can, and will, add to this list (e.g., the issues raised by NCWA et. al. in their letter of 10/28/99) -- but the bottom line remains: a large number of "issues" need attention -- indeed, they have for quite some time -- and the current PSP list is only a very modest start. When, and how, will we get to all the rest?

- Please share this note with other members and attendees on 12/8. Also, could you kindly mail me a set of any/all documents distributed at the meeting? Again, sorry to miss it.

Thank you very much,

David Yaras

Environmental Defense Fund