

CVPIA ADMINISTRATIVE PROPOSAL  
STAKEHOLDER PROCESS  
DRAFT 9/11/96

I. Introduction

In September 1995, the Department of the Interior (Interior) invited the State of California and the general public to identify any concerns they had regarding implementation of the Central Valley Project Improvement Act (Title XXXIV of Public Law 102-575) ("CVPIA"). To facilitate public input and discussion, representatives of Interior held a series of public meetings between September 1995 and April 1996. During these meetings, twelve major areas of concern were identified, and individuals volunteered to form workteams and discuss the specific issues pertaining to those areas. Interior helped facilitate the teams by keeping a record of team members and letting the general public know when these public teams were meeting to discuss specific issues. Representatives of Interior also attended the meetings with the expressed purpose of listening to the concerns raised by the team members. In some cases, representatives of Interior also reported back at the general public meetings on the status of the progress of the individual teams. This paper is one in a series prepared by Interior as the concluding step in this process.

The twelve areas of concern are the following: conservation, contracting, Anadromous Fish Restoration Plan (AFRP), management of Section 3406 (b2) water, Restoration Fund, urban reliability, transfers, refuge supply, San Joaquin River, Trinity River, Stanislaus River, and the stakeholder process. While a separate workteam was not formed on the stakeholder process, there were numerous discussions of the issue in the course of other workteam meetings. It is clear from these discussions that there is a need for ongoing stakeholder involvement in the areas identified in the Forum process. This proposal describes the need for a stakeholder process, the key elements of such a process for the CVPIA, and Interior's potential solution.

- ◆ a single stakeholder group to recommend goals and priorities, in at least three of the key issue areas of concern--the AFRP, Section 3406 (b2) water, and the Restoration Fund;

- ◆ involvement by representatives of State agencies;
- ◆ coordination with other ongoing activities in the Bay-Delta;
- ◆ policy level representatives capable of setting policy, committing resources, and obligating his or her organization to support consensus recommendations developed by the group;

- ◆ a formal charter under the Federal Advisory Committee Act (FACA) or some other similar method, with a clearly defined role;

- ◆ a clear plan for the group's involvement, including a description of the issues on which the group is to be consulted, a description of the information the group will be provided for review, and a schedule of key actions and recommendations needed from the group--the plan should indicate Interior's intention to provide great weight to consensus recommendations provided by the group;

- ◆ working committees to expedite resolution of specific or recurring issues;

- ◆ a peer review to build confidence in the scientific basis underlying water management and resource allocation decisions; and

- ◆ separate ongoing stakeholder involvement on some of the other key areas of concern, including the San Joaquin River, Stanislaus River, conservation, contracting, refuges, transfers, and possibly Trinity River.

#### IV. Potential Solution

In this section, we describe Interior's proposal for a single, unified stakeholder process dealing primarily with the issues of AFRP, Section 3406

We believe that the Ecosystem Roundtable could provide valuable assistance in the development of CVPIA-related goals, priorities, and objectives. The Ecosystem Roundtable could itself become the forum for stakeholder involvement on CVPIA matters. However, that is unlikely to be practical because the Ecosystem Roundtable will be focused at least initially on Category III matters, will have a more exclusive emphasis on Bay-Delta, and will not include refuge supply matters. Thus, there appears to be a need for a similar, but separate CVPIA stakeholder "Roundtable." We therefore propose to charter through FACA a separate CVPIA Roundtable.

The CVPIA Roundtable would be comprised of representatives of the organizations from the Ecosystem Roundtable having a specific interest in CVPIA implementation. In some cases, the same individual would serve on both bodies; in others, an organization would have separate representatives on each of the bodies. In addition, the CVPIA Roundtable would include representatives from other organizations not on the Ecosystem Roundtable that have a specific interest in the CVPIA. The CVPIA Roundtable would evaluate the biological priorities and goals adopted by the Ecosystem Roundtable to determine their appropriateness for guiding CVPIA programs, and use them to recommend to the Service and Reclamation priorities for implementation of the AFRP, management of the Section 3406 (b2) water, and expenditures from the Restoration Fund.

A number of stakeholders have advocated the use of some sort of independent peer review process to evaluate and lend credibility to the scientific rationale underlying key CVPIA management and Restoration Fund expenditure decisions. One stakeholder group, NCPA, organized its own peer review process by assembling a group of biologists to provide recommendations on priorities for the Restoration Fund. A similar effort was organized by the Category III Steering Committee to provide recommendations on priorities for spring run salmon restoration projects. Interior agrees that some peer review is needed, but stakeholder discussions have not clearly identified where or when in the planning process they believe peer review is needed. We believe

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Interior has established or proposed stakeholder involvement processes for the development of each of these long-term plans.

Interior believes that the long-term plans for the AFRP, management of the Section 3406 (b2) water, and the Restoration Fund are essential to establish the broad scientific goals and the policy parameters for these programs. At the same time, however, Interior understands that all of these programs will need ongoing review and revision in response to changing conditions and changing priorities. Interior believes that the annual planning cycle is the appropriate timeframe for this ongoing review. We also believe that it is essential that these programs be considered together in a single process. As an initial step towards that goal, we propose the preparation of a single annual implementation plan that will articulate the objectives and criteria that will be used to implement the AFRP, manage the Section 3406 (b2) water, set priorities for refuge supplies, and set Restoration Fund target levels. The plan will be developed with the involvement of the CVPIA Roundtable or a designated working subcommittee, and the scientific basis for the plan will be subject to peer review. The plan will clearly articulate the CVPIA's programmatic priorities and their biological basis, will display the linkage between these initiatives and other related State and Federal programs (especially Category III and the CALFED Bay-Delta Program), and will provide specific information on prior year plans and accomplishments. Preparation of the annual implementation plan should commence as soon as possible for the 1998 water year.

**Interim process for AFRP implementation and management of Section 3406 (b2) water.** Interior efforts to implement the AFRP and manage the Section 3406 (b2) water were highly controversial in 1996, and it is essential that a stakeholder process be established this fall to ensure that 1997 management activities are based on stakeholder consensus as much as possible. Toward that end, we will issue in late September 1996 a proposed set of fishery flow and habitat objectives for the Delta and each CVP controlled river and stream for the 1997 water year. In October, we will convene a

Most of the Restoration Fund priority setting and project selection issues that have thus far been discussed in the Restoration Fund Roundtable will be handled by the CVPIA Roundtable under the scheme described above, and we would thus envision that the Restoration Fund Roundtable would be replaced by the CVPIA Roundtable. However, it is unlikely that the CVPIA Roundtable as a whole will be interested in dealing with the financial issues that the Restoration Fund Roundtable has addressed, such as accounting for project expenditures or establishment of an acquisition reserve. We therefore propose to designate a separate working subcommittee of the CVPIA Roundtable that will continue to meet and advise Interior on these and other financial issues.

#### **B. Stakeholder Process for Other CVPIA Issues**

Interior believes that it would be valuable to provide for ongoing stakeholder involvement in a number of other areas where there has been controversy or concern over implementation of the CVPIA. We believe that continued stakeholder involvement would be valuable in the following areas: San Joaquin River, Stanislaus River, Water Conservation, Water Transfers, Refuges and possibly, Trinity River. Each of these is discussed below:

##### **1. San Joaquin River**

As is described in the San Joaquin River Administrative Proposal, considerable progress has been made by stakeholders in developing areas of consensus regarding groundwater impacts of the Friant surcharge, use of the Friant surcharge in the San Joaquin Basin, and direction of future studies for restoration in the San Joaquin Basin. We believe that continued stakeholder involvement is warranted to allow further progress on these issues and propose the establishment of an advisory committee to the CVPIA Roundtable for that purpose.

##### **2. Stanislaus River**

The Stanislaus Workgroup formed during the Forum process is continuing to meet in an attempt to develop consensus on the competing priorities for New Melones Reservoir and to develop a preferred long-term

develop recommended strategies for mitigating third party impacts. The Advisory Committee could be a stand-alone committee chartered under FACA, or a subcommittee, or an advisory committee to the CVPIA Roundtable.

#### 5. Refuges

Stakeholder involvement in priority setting for refuge conveyance construction and refuge supply acquisitions should be provided by the CVPIA Roundtable as part of its overall priority setting and planning efforts. However, we believe that it would be desirable for the CVPIA Roundtable to have a refuges subcommittee that would review and provide comments on the evaluation of refuge best management practices, scheduled to begin in September, as described in the Refuge Supply Administrative Proposal.

#### 6. Trinity River

It does not appear to us that a separate stakeholder process is warranted on the Trinity River, as most of the specific issues relating to Trinity River flows are being addressed in the Trinity River Flow Evaluation Study and Trinity River EIS/EIR, which have their own public involvement processes. However, we believe that it would be valuable for the CVPIA Roundtable to receive periodic briefings regarding key Trinity River developments, so that the CVP and CVPIA implications of Trinity River actions can be considered and addressed.

#### V. NEXT STEPS

This proposal represents Interior's initial concepts for an ongoing CVPIA stakeholder process. We are very interested in stakeholders' reactions to the proposal. If the reactions are generally favorable, we will immediately initiate establishment of a FACA charter for the CVPIA Roundtable, and will develop a specific plan for operation of the CVPIA Roundtable. We are also open to evaluating other stakeholder process proposals. We ask that written comments on this proposal be provided no later than October 14, 1996.