



## Memorandum

Date: February 11, 1998  
 To: CALFED Management Team  
 From: Lester A. Snow *SNOW* *cross*  
 Executive Director *to*  
 Subject: Oversight of Program Activities

At the CALFED Policy Group meeting on January 26, we discussed the attached memo regarding ongoing CALFED oversight of Program activities. Four options were presented for initial consideration (Attachment 1). After discussion at the Policy Group, direction was given to address the issue with emphasis that this issue should not demand a large degree of discussion or debate at time when significant policy issues need attention relative to the selection of a preferred alternative. This will be on the Policy Group agenda again in February.

With that direction in mind, CALFED Management Team will discuss a two-part proposal which can address the short-term need for greater certainty following May 1999 and provides the opportunity for further discussions regarding institutions which will be needed to bring closure to the assurance discussions.

### Post May 1999 Strategy for CALFED Oversight

Currently the Program's operations rest on a contract between the state and federal governments.<sup>1</sup> In order for Program activities to continue past May 1999, an amendment is needed to the contract which both extends the time period of the agreement and formalizes the funding commitment of the state and federal governments for that period. Staff is preparing estimates of Program operation costs, post EIR/S, for your consideration as part of these discussions.

<sup>1</sup>Contract B-59953 signed May 17, 1995; total Program cost amended 1997.

#### CALFED Agencies

**California**  
 The Resources Agency  
 Department of Fish and Game  
 Department of Water Resources  
 California Environmental Protection Agency  
 State Water Resources Control Board

**Federal**  
 Environmental Protection Agency  
 Department of the Interior  
 Fish and Wildlife Service  
 Bureau of Reclamation  
 U.S. Army Corps of Engineers

Department of Agriculture  
 Natural Resources Conservation Service  
 Department of Commerce  
 National Marine Fisheries Service

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At the same time, for the Program to operate effectively in its role of facilitator and administrative coordinator of all Program actions contemplated under the final approval alternative, certain functions should be streamlined. Personnel, finance and budget, and general operations of the Program are more complicated now because the Program has no authority of its own but rather must rely on the contract administrators (DWR and USBR) for many of these essential services. If the Program were operating under a Joint Powers Authority (JPA), for example, many of these issues would be resolved.

While the California statute authorizing a JPA may allow a federal agency to join, federal law does not allow a federal agency to join such an authority. Federal law requires specific legislation for any federal agency to acquire a corporation such as joining a JPA, to act on its behalf. While an obstacle to such an effort, I believe such legislation is achievable and in the long-term interest of CALFED. A review of these issues will be provided at the Management Team meeting.

#### Recommendation

I suggest the Management Team recommend a two-part effort relative to the Program's institutional issues: (1) direct staff to draft an amendment to the existing state/federal contract which would extend the time frame and funding commitment of the state and federal governments through October 2000; and (2) direct staff to define the actions needed to allow the CALFED agencies to enter into a more formal agreement, such as a JPA, in order to carry out the long-term objectives of the CALFED agencies and facilitate implementation of the actions in the preferred alternative.

Attachments