



**CALFED
BAY-DELTA
PROGRAM**

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December 3, 1996

Michael Spear, Regional Director
U.S. Fish and Wildlife Service
Eastside Federal Complex
911 N.E. 11th Avenue
Portland, OR 97232-4181

Dear Mike:

Since our last meeting in July, the CALFED Bay-Delta Program has made considerable progress. We are well into Phase II of the Program and are actively refining the individual Program components that will be integrated into the Alternatives. With the recent passage of Proposition 204 in California allocating approximately \$390 million to the Ecosystem Restoration component of our Program and the Federal legislation authorizing \$143 million per year for three years for Ecosystem Restoration, it is becoming critical that we address many of the issues central to the development of this Program. Involvement by Fish and Wildlife Service (FWS) management and staff is becoming essential in addressing issues, especially those related to ecosystem restoration.

In addition to the FWS involvement in the CALFED Bay-Delta Program (Program), there are several issues about which I continue to have great concern and which we discussed at our last meeting. These issues include: 1) the need for a nationally recognized expert(s) in ecosystem restoration and management to assist us in the development and refinement of our Program; 2) the need to ensure that the Fish and Wildlife Service regulatory authority is preserved and that ESA compliance is initiated before the public draft of the EIS/EIR is released; and 3) the need to develop assurances or "shelf life" for the Program relative to endangered species issues.

At meetings of the CALFED Management Team (which includes Wayne White), issues relative to the final Phase II decision and decision making process have been discussed. Relative to these issues, the State Water Quality Control Board is considering a parallel process to ensure that when the draft EIS/EIR is released, they have a process established to carry out their own responsibilities consistent with that decision. Along those same lines, I feel it is important that the FWS begin considering how ESA compliance will be achieved within the current timeline. The public draft is scheduled for release in the fall of 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
Department of Commerce
National Marine Fisheries Service

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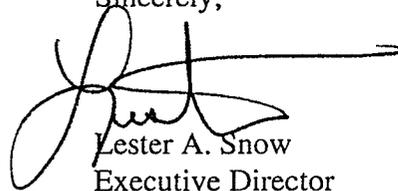
Another issue has also been raised regarding "shelf life" for ESA concerns. Many stakeholders have been pressing for a process to provide the guarantees or assurances that they believe will be necessary to ensure "shelf life" for the final decision. I believe that we must initiate a process now through a parallel means to develop the nature and extent of these assurances. I am concerned that if we delay, the stakeholders will attempt to define it for us and we may have some trouble convincing them to accept a process which we develop at a later point in time.

This is an issue that reaches well beyond the Sacramento Bay-Delta System and may have precedential or other implications within California and nationwide. While we need a process to provide for those assurances in our Program, we do not want to set a precedent that may be limiting for ecosystem restoration efforts elsewhere in the country. I would like to meet with you and Dale Hall to discuss these issues and develop a plan of action to address the needs of the CALFED Program relating to guarantees and assurances for endangered species.

In regard to the other issue, I am also still interested in trying to identify individuals with expertise in ecosystem restoration to assist us in developing, refining or simply reviewing our ecosystem restoration program. While we have many individuals who can provide technical expertise at a local level, we still have a critical need for an ecosystem restoration expert who can provide insight into issues at the scale being undertaken by the Program.

I have set up a meeting on December 16 at your office to discuss these issues. I look forward to meeting with you then.

Sincerely,



Lester A. Snow
Executive Director

cc: Wayne White
Dale Hall