



## Memorandum

Date: May 5, 1999  
To: BDAC Members  
From: Lester A. Snow  
Executive Director  
Subject: Governance

### Summary

CALFED is in the process of developing a long-term governance structure for the Bay-Delta Program. CALFED is working with agencies and the Governance Workgroup to develop the long term governance structure. The final proposal for long term governance is not expected to be adopted until the ROD, and implementation will likely take up to 2-3 years if legislation is required.

In order to begin implementation of the Program at the time of the ROD, CALFED has recognized the need to establish an interim process and governance structure to last until the long term structure is in place. CALFED is proposing an interim structure which relies on existing laws and authorities. At the BDAC meeting, staff will provide a more detailed interim proposal on the interim structure. Following the presentation, BDAC members will have the opportunity to discuss the following issues with CALFED Policy Group members.

### Discussion questions:

1. What is the most effective way for stakeholders and the public to participate in CALFED implementation and assessment?
2. How often should Policy Group hold public meetings?
3. Given 4 years of BDAC experience, what should be the role of a FACA charter group during implementation? BDAC will be asked to provide comments at the meeting on functions, schedule and process for meetings, membership, size, location.
4. Should public workgroups be formed to advise CALFED on specific programs during implementation? Should the existing Workgroups, Technical Teams, and Ecosystem Roundtable be continued or restructured?

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### 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

## Detailed Description

**Functions for Oversight and Program Implementation.** CALFED is in the process of identifying and evaluating the functions needed to effectively implement the CALFED Program. *Attachment 1* provides a general summary of those functions in three categories. The list of functions applies to both interim and long term governance structures. The Governance Workgroup reviewed these functions and expressed general support. (Save the Bay Association had some concerns to discuss with their board of directors, and withheld support of the functions)

**Long term Governance.** Recommendations for long term governance are not ready and will not be included in the June EIS/R draft. CALFED expects to continue discussions on long term governance issues at Policy Group meetings this summer. Although final recommendations are not ready, much work has occurred on long term governance of the CALFED program. Much of the framework for developing long term structures is occurring in the development of the authorities and program element functions for the interim structures.

Regarding ecosystem governance, the Governance Workgroup and CALFED have refined the principles and functions for ecosystem governance, and developed six long term governing options for the ecosystem program. An expert panel is being convened in mid-June to provide information on ecosystem governance of other programs across the nation. Once the information is available from the expert panel, the Governance Workgroup expects to be able to recommend a long term ecosystem governance structure to BDAC at their July meeting.

**Interim Governance.** At the BDAC meeting staff will propose a basic structure for interim governance. CALFED is proposing an interim structure which relies on existing laws and authorities. To transition into the implementation phase it is important that the interim structure be in place by the time of the ROD, which includes finalizing any charters, agreements or contracts. Listed below are the basic components for the interim structure:

### Stakeholder advisory group

- Either continue BDAC or establish a new advisory body focused on implementation and assessment of CALFED performance.
- Membership should be evaluated to ensure it is suited to the task for program implementation.
- Annual meetings with Policy Group to assess program performances and identify future priorities
- New or amended FACA charter.

### Policy Group -- Oversight and Coordination

- Continue the CALFED Policy Group to serve as the forum for setting CALFED policy and program priorities, coordination and conflict resolution within and between programs, funding priorities, and assessing overall program performance.

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- Policy Group procedures should be modified to establish voting and other decision making protocols. The protocols need to provide for formalized participation and accountability for each member agency. Policy Group will continue to recommend actions to agencies with primary authority.
- Amend the Framework Agreement

Program Coordination and Management (levees, water quality, water use efficiency, storage, conveyance, transfers watershed management, ecosystem, and CMARP)

For the interim, CALFED should serve as the lead entity for overseeing CALFED program implementation and coordination. Direct implementation of program actions will remain with the appropriate state, federal, local or private entity. CALFED staff will work with agencies and stakeholders on a policy and technical basis in directing the program. The process adopted for stakeholder and agency coordination will likely vary between program elements depending on the program scope and needs in the first few years. CALFED will work with state and federal agencies and stakeholders on:

- Identifying program priorities
- Selecting actions/ projects
- Developing program funding needs
- Monitoring and assessing program performance

**BDAC Governance Workgroup.** At the BDAC Workgroup meeting in April, the Workgroup discussed the proposed interim structure. A strong concern was expressed that the interim structure did not provide adequate involvement by the stakeholders in Policy Group meetings and overall decision making. Options proposed for increasing stakeholder involvement included (1) inviting stakeholders to attend and observe Policy Group meetings and , (2) holding public Policy Group meetings.