

UNITED STATES DEPARTMENT OF THE INTERIOR CALIFORNIA BAY-DELTA PUBLIC ADVISORY COMMITTEE CHARTER

1. OFFICIAL DESIGNATION

California Bay-Delta Public Advisory Committee.

2. SCOPE AND OBJECTIVES

The purpose of the California Bay-Delta Public Advisory Committee (Committee) is to provide advice and recommendations to the Secretary of the Interior (Secretary) and the United States Department of the Interior (Interior) agency heads participating in the CALFED Bay-Delta Program (Program) on implementation of the CALFED Bay-Delta Programmatic Record of Decision (CALFED ROD), Public Law 108-361, and other applicable law. The CALFED ROD describes and approves a long-term, programmatic plan of action for addressing the problems affecting the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. The Committee will provide advice and recommendations to the Secretary and other Interior agency heads on implementing the CALFED ROD through the fiscal year ending September 30, 2010, subject to the availability of Federal appropriations. After providing such advice and recommendations to the Secretary and other Interior agency heads, the advice and recommendations may be shared with the Governor and other State and Federal entities participating in the Program at the discretion of the Designated Federal Officer.

3. DESCRIPTION OF DUTIES

Duties of the Committee are solely advisory and include:

- a. Make recommendations on annual priorities and coordination of Program actions in furtherance of the CALFED ROD to achieve balanced implementation of the Program elements.
- b. Provide recommendations on effective integration of Program elements to provide continuous, balanced improvement of each of the Program objectives (ecosystem restoration, water quality, levee system integrity, and water supply reliability).
- c. Evaluate implementation of Program actions in furtherance of the CALFED ROD, including assessment of Program area performance.
- d. Review and make recommendations on Program Plans and Annual Reports describing implementation of Program elements as set forth in the CALFED ROD to the Secretary and Interior agency heads participating in the Program.
- e. Recommend Program actions, taking into account recommendations from the Committee's subcommittees.

f. Liaison between the Committee's subcommittees, the State and Federal agencies, the Secretary, and the Governor on matters pertaining to implementation of the CALFED ROD.

4. DURATION

The Committee is expected to exist with respect to the implementation of the CALFED ROD through the fiscal year ending September 30, 2010, or as determined by Congressional reauthorization of the Program.

5. OFFICIAL TO WHOM THE ADVISORY COMMITTEE REPORTS

The Committee reports to the Secretary. Determination of action to be taken and policy to be expressed, if any, with respect to matters upon which the Committee reports or makes recommendations will be made solely by the Secretary or the appropriate officer of the Federal Government.

6. BUREAU RESPONSIBLE FOR PROVIDING NECESSARY SUPPORT

The support services for the activities of the Committee will be provided by the Bureau of Reclamation.

7. ESTIMATED ANNUAL OPERATING COSTS, CONTINGENCY OF APPROPRIATION, OR ALLOTMENT OF FUNDS

The Bureau of Reclamation will provide funding for administrative and logistical support for the Committee. Annual operating costs of the Committee are estimated to be approximately \$250,000, which includes about 2 person years of staff support contributed by Federal agencies. Interior will seek funding for the Committee through Federal appropriations.

The expenditure or advance of any money or the performance of any obligation of the United States under this Charter will be contingent upon appropriation or allotment of funds in accordance with 31 U.S.C. § 1341. No liability will accrue to the United States for failure to perform any obligation under this Charter in the event that funds are not appropriated or allotted.

8. ALLOWANCES FOR COMMITTEE MEMBERS (COMPENSATION, TRAVEL, PER DIEM, ETC.)

Members will serve without compensation for their services on the Committee. Non-Federal employee members may be reimbursed for travel, subsistence, and other necessary expenses incurred by them in performing duties, in accordance with 5 U.S.C. § 5703.

9. ESTIMATED NUMBER AND FREQUENCY OF MEETINGS

The Committee will meet semi-annually, or more frequently, as needed. Meetings will be held at the call of the Chairperson with the advance approval of the Designated Federal Officer described in Paragraph 13. below. Prior to any Committee meeting, the proposed meeting agenda will be

provided to the Designated Federal Officer for his or her advance approval. Meetings of the Committee will be open to the public and will be announced in the Federal Register at least 15 days prior to each meeting. A simple majority of the membership of the Committee will constitute a quorum for the transaction of business.

A summary report of each meeting of the Committee will be prepared for distribution to the membership and to others upon request. Detailed minutes of each meeting of the Committee as well as recommendations made and copies of all studies and reports received, issued, or approved in conjunction with the activities of the Committee will be available for public inspection and copying at the offices of the Designated Federal Officer and the California Resources Agency.

10. TERMINATION DATE

The Committee is subject to the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix 2, and will take no action unless the Charter filing requirements of section 9 of the FACA have been complied with. The Committee is subject to biennial review and will terminate 2 years from the date the Charter is filed, unless prior to that time, the Charter is renewed in accordance with section 14 of the FACA.

11. COMMITTEE MEMBERSHIP

a. Appointed Members. The Committee will consist of 20 to 30 members. The Secretary, in consultation with the Governor, will appoint Committee members. Membership will be made up of qualified representatives of Indian tribes and stakeholder groups, including environmental justice representatives. The Committee members will be selected based on experience and expertise in relevant fields, such as ecosystem restoration, agriculture, hydrology, urban water management, fishery biology, water quality, flood management, water conservation and recycling, and economics. Members will also be selected to reflect the geographic diversity of interests affected by the health of the Bay-Delta. Appointments will be made to ensure that the Committee as a whole is both balanced and diverse.

b. Vacancy. Whenever a vacancy occurs among Committee members, it will be filled in the same manner as the original appointments as described in Paragraph 11.a. above.

c. Terms of Office. Members appointed under Paragraph 11.a. above will serve for a period of 3 years, or at the pleasure of the Secretary. Members may be reappointed to a second term.

d. Alternates. For the purpose of this Committee, Committee members may not designate an alternate representative to serve on their behalf in their absence or to sit at the table on their behalf.

e. Chairperson. The Committee Chairperson will be selected by the Secretary, in consultation with the Governor.

f. Removal of Members. The members serve at the pleasure of the Secretary. If a member misses without good cause three (3) consecutive, regularly scheduled meetings of the

Committee, that Committee member's membership will be terminated at the discretion of the Secretary, in consultation with the Governor and the Chairperson(s). The Chairperson will determine good cause. If a Committee membership is terminated in this manner, the Secretary, in consultation with the Governor, will designate another representative in the manner described in Paragraph 11.a. above.

12. ETHICS RESPONSIBILITIES OF MEMBERS

No Committee or Subcommittee member will participate in any specific party matter, including a lease, license, permit, contract, claim, agreement, or related litigation with the Department, in which the member has a direct financial interest.

13. DESIGNATED FEDERAL OFFICER

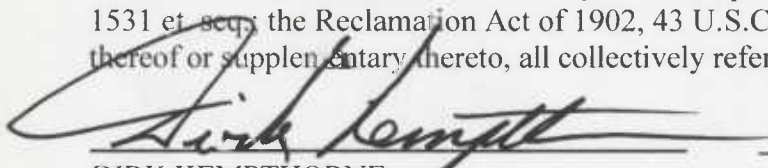
The Designated Federal Officer will be the Regional Director for the Mid-Pacific Region of the Bureau of Reclamation. In his or her absence, the Regional Director will designate a senior Interior official to act on his or her behalf. The Designated Federal Officer is authorized, whenever he or she determines it to be in the public interest, to adjourn any Committee meeting. No meeting of the Committee will be conducted in the absence of the Designated Federal Officer.

14. SUBCOMMITTEES

The Committee, in consultation with the Designated Federal Officer, may establish such subcommittees as it deems necessary for the purposes of compiling information, conducting research, and providing reports and recommendations for the Committee and the Designated Federal Officer. All reports or recommendations by a subcommittee will be made directly and only to the Committee.

15. AUTHORITY

The Committee is established pursuant to the Department of the Interior's authority under the Water Supply, Reliability, and Environmental Improvement Act, P.L. 108-361; the Fish and Wildlife Coordination Act, 16 U.S.C. § 661 et. seq.; the Endangered Species Act, 16 U.S.C. § 1531 et. seq.; the Reclamation Act of 1902, 43 U.S.C. § 391 et. seq.; and the acts amendatory thereof or supplementary thereto, all collectively referred to as the Federal Reclamation laws.



DIRK KEMPTHORNE
Secretary of the Interior

NOV 06 2008

Date Signed

NOV 24 2008

Date Charter Filed