

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

1. OFFICIAL DESIGNATION

California Bay-Delta Public Advisory Committee.

2. OBJECTIVES AND SCOPE

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) and as members in the California Bay-Delta Authority (CBDA) 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 on implementing the CALFED ROD through the fiscal year ending September 30, 2010, subject to the availability of Federal appropriations. The Committee's advice and recommendations to the Secretary and other Interior agency heads may be forwarded thereafter to, or at the discretion of the Designated Federal Officer, shared contemporaneously with, the Governor, CBDA and other state and Federal entities participating in the Program.

3. DURATION NECESSARY FOR THE COMMITTEE AND TERMINATION DATE

The Committee is expected to exist with respect to the implementation of the CALFED ROD through the fiscal year ending September 30, 2010. 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.

4. 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 shall be made solely by the Secretary or the appropriate officer of the Federal Government.

5. DUTIES OF THE COMMITTEE

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 and as members in the CBDA. The Committee's advice and recommendations to the Secretary and other Interior agency heads may be forwarded thereafter to, or at the discretion of the Designated Federal Officer, shared contemporaneously with, the Governor, CBDA and other state and Federal entities 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.

6. ESTIMATED ANNUAL OPERATIONS COSTS, CONTINGENCY OF APPROPRIATION OR ALLOTMENT OF FUNDS, AND ADMINISTRATIVE SUPPORT

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

7. ALLOWANCES

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

8. 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 9.g. below. Prior to any Committee meeting, the proposed meeting agenda shall 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 CBDA.

9. 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 9.a. above.

c. Terms of Office. Members appointed under Paragraph 9.a. above will serve for a period of 3 years, or at the pleasure of the Secretary.

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(s). The Committee Chairperson(s) will be selected by the Secretary, in consultation with the Governor.

f. Removal of Members. 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(s) 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 9.a. above.

g. Designated Federal Officer. The Designated Federal Officer (DFO) will be the Regional Director for the Mid-Pacific Region of the Bureau of Reclamation (Regional Director) or, in the Regional Director's absence, an Interior officer or employee authorized or designated to act on behalf of the Regional Director. The DFO is authorized, whenever he or she determines it to be in the public interest, to adjourn any Committee meeting. No meeting of the Committee shall be conducted in the absence of the DFO.

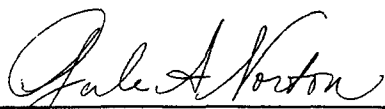
h. Subcommittees. The Committee may establish such subcommittees as it deems necessary for the purposes of compiling information, conducting research, and providing reports and recommendations. All reports or recommendations by a subcommittee shall be made directly and only to the Committee. Such subcommittees may not conduct Committee business. Any subcommittee established by the Committee shall be chaired by at least one BDPAC member appointed by the BDPAC Chairperson, for the duration of that subcommittee. The Committee or, secondarily, the Secretary may suspend any subcommittee of the Committee, at the Committee's or the Secretary's discretion.

10. ETHICS RESPONSIBILITIES OF MEMBERS

A member may not participate in matters that will directly affect, or appear to affect, the financial interests of the member or the member's spouse or minor children, unless authorized by the DFO. Compensation from employment does not constitute a financial interest of the member so long as the matter before the Committee will not have a special or distinct effect on the member or the member's employer, other than as part of a class. The provisions of this paragraph do not affect any other statutory or regulatory ethical obligations to which a member may be subject.

11. 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, and in particular, the Central Valley Project Improvement Act, 34 U.S.C. § 3401.



Gale A. Norton
Secretary of the Interior

JUN 27 2005

Date Signed

JUL 18 2005

Date Charter Filed