

**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION**

**CALIFORNIA BAY-DELTA PUBLIC ADVISORY COMMITTEE**

**CHARTER**

**1. OFFICIAL DESIGNATION**

The Advisory Committee formed by this charter shall be known as the California Bay-Delta Public Advisory Committee (Committee).

**2. OBJECTIVES AND SCOPE**

The purpose of the Committee is to provide recommendations to the Secretary of the Interior (Secretary), other participating Federal agencies, the Governor of California (Governor), and the California Bay-Delta Authority (Authority) on implementation of the CALFED Bay-Delta Programmatic Record of Decision. The Programmatic Record of Decision outlines the long-term comprehensive solution for addressing the problems affecting the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. The Committee will provide recommendations on implementation of each element of the CALFED Program through the completion of Stage 1 (first 7 years).

**3. DURATION NECESSARY FOR THE COMMITTEE AND TERMINATION DATE**

The Committee is expected to exist until the end of Stage 1 of CALFED Program implementation. The Committee is subject to the provisions of the Federal Advisory Committee Act (FACA), 5 USC Appendix 2 and will take no action unless the charter filing requirements of § 9 of 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, other participating Federal agencies, the Governor, and the Authority.

**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 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 Stage 1, 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 Programmatic Record of Decision to the Secretary, the Governor, the Congress, the California Legislature, the Authority, and other interested parties.

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.

## **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. The Department of the 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 USC § 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 USC § 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 and State Officials, who must also approve the agenda. 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

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 office of the Designated Federal and State Officials.

## **9. MEMBERSHIP**

a. Appointed Members. The Committee will consist of 20 to 30 members. The Secretary in consultation with the Governor will appoint 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 assure 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. will serve until the Committee is terminated, or at the pleasure of the Secretary and the Governor.

d. Chairperson(s). The Committee Chairperson(s) will be selected by the Secretary in consultation with the Governor, the Authority, and other participating Federal agencies.

e. Removal of Members. If a member misses without good cause three consecutive, regularly scheduled meetings of the Committee, that member's membership will be terminated, at the discretion of the Secretary in consultation with the Governor and Chairperson(s). The Chairperson(s) will determine good cause. If a membership is terminated in this manner, the Secretary and the Governor will designate another representative in the manner described in Paragraph 9.a. above.

f. Designated Federal Official. The Designated Federal Official will be the Regional Director for the Mid-Pacific Region of the Bureau of Reclamation. The Governor may appoint a Designated State Official.

g. Subcommittees. The Committee may establish such subcommittees as it deems necessary for the purposes of compiling information or conducting research. However, such subcommittees may not conduct business and must report to the full Committee.

## 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 to implement the Fish and Wildlife Coordination Act, 16 USC § 661 et. seq., the Endangered Species Act, 16 USC § 1531 et. seq., and the Reclamation Act of 1902, 43 USC § 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 USC § 3401.

/s/ Gale A. Norton  
Gale A. Norton  
Secretary of the Interior

August 7, 2003  
Date Signed

August 15, 2003  
Date Charter Filed