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Agenda Item: 3
Meeting Date: October 9, 2003

MEETING SUMMARY

August 14, 2003

Note: Copies of the motions and resolutions mentioned in this summary can be found on the California Bay-Delta Authority website at: www.calwater.ca.gov. Questions should be directed to Heidi Rooks, California Bay-Delta Authority, 650 Capitol Mall, 5th Floor, Sacramento, California, 95814; or call (916) 445-0533; or email hrooks@calwater.ca.gov.

1. CALL TO ORDER

The meeting was called to order by the Acting Chair, Mary Nichols, Secretary of the California Resources Agency, at 9:08 a.m., Thursday, August 14, 2003, in Room 4202 of the State Capitol in Sacramento, California. Secretary Nichols, without objection, then appointed Gary Hunt, representative of the Bay-Delta Public Advisory Committee, as temporary chair to preside over the meeting.

2. SWEARING-IN

Secretary Nichols administered the Oath of Office to the Public Members, Bay-Delta Public Advisory Committee Representative Member, and the State Agency Members. The Federal Members are not yet authorized to participate as voting members.

3. ROLL CALL/ESTABLISHMENT OF QUORUM

A quorum was established with the following members present:

Public – Jim Costa, Paula Daniels, Marc Holmes, Patrick Johnston, Susan Kennedy, Alfred Montna, and Daniel Wheeler

Bay-Delta Public Advisory Committee Representative – Gary Hunt

State – Mary Nichols, Secretary of the California Resources Agency; Winston Hickox, Secretary of the Environmental Protection Agency; William Lyons, Jr., Secretary of the Department of Food and Agriculture; Robert C. Hight, Director of Department of Fish and Game; Michael Spear, Interim Director of Department of Water Resources; and Kevin Riley, Department of Health Services

Federal – Jason Peltier, Special Assistant to the Assistant Secretary for Water and Science, Department of the Interior; Steve Thompson, Manager, California/Nevada Operations Office, U.S. Fish and Wildlife Service; Kirk Rodgers, Regional Director, Mid-Pacific Region, Bureau of Reclamation; Rodney McInnis, Acting Regional Administrator, Southwest Region, National Marine Fisheries Service; Mark Charlton, Sacramento District Engineer, U.S. Army Corps of Engineers; and Thomas Hagler, Assistant Regional Counsel, U.S. Environmental Protection Agency

Ex-Officio – Michael Machado, chair of the Senate Agriculture and Water Resources Committee; Charles Poochigian, vice-chair of the Senate Agriculture and Water Resources Committee; and Joseph Canciamilla, chair of the Assembly Water, Parks and Wildlife Committee

BOARD MEMBERS ABSENT

Ex-Officio – Rick Keene, vice-chair of the Assembly Water, Parks and Wildlife Committee

4. OPENING REMARKS

Members Hunt, Costa, Canciamilla, Poochigian, and Machado made opening remarks.

5. DIRECTOR'S REPORT

Director Patrick Wright introduced key staff members.

6. AUTHORITY FUNCTION AND OPERATIONS

Chief Deputy Director Wendy Halverson Martin reviewed the California Bay-Delta Program Structure, proposed meeting schedules for the Authority and the Bay-Delta Public Advisory Committee, as well as program-wide priorities and upcoming major milestones.

7. DELEGATION OF AUTHORITY TO THE DIRECTOR

Chief Counsel Chris Stevens presented a staff report. Following discussion among the members, the Authority adopted the following on a 14-0 vote:

Resolution 03-08-01, Delegating Authority to the Director to carry out administrative activities, to appoint and hire staff, to execute certain contracts and agreements subject to a spending cap of \$500,000 without specific Authority approval, and to perform other activities as provided, and to permit the Director to delegate some functions to other staff members when appropriate.

8. LEAD SCIENTIST'S REPORT

Secretary Nichols and Dr. Samuel Luoma presented a staff report. Following discussion among the members, the Authority adopted the following on a 13-0 vote:

Resolution 03-08-02, Appointing Dr. Samuel Luoma as Lead Scientist for the California Bay-Delta Program.

Dr. Luoma presented a report about the role, responsibilities, and nominees to the Independent Science Board. Following discussion among the members and adoption of an amendment to state that the members of the Independent Science Board serve at the pleasure of the Authority, the Authority adopted the following on a 13-0 vote:

Resolution 03-08-03, Establishing an Independent Science Board and Confirming 15 Nominees as Members.

Dr. Luoma presented a report about the role, responsibilities, history, and membership of the Bay-Delta Science Consortium. Following discussion among the members, the Authority adopted the following on a 14-0 vote:

Resolution 03-08-04, Authorizing the Director, or Designee, to Execute, on Behalf of the Authority, a Memorandum of Understanding with Regards to the Bay-Delta Science Consortium.

9. ECOSYSTEM RESTORATION PROGRAM GRANTS

Deputy Director Dan Castleberry presented a report about the history, review and selection process, and implementation of nine grants in an ongoing series of grants related to the Ecosystem Restoration Program. Following discussion among the members, the Authority adopted the following on a 13-0 vote (Member Lyons excused himself from the meeting during discussion of this item and abstained from voting):

Resolution 03-08-05, Approving Ecosystem Restoration Grants and Authorizing the Director, or Designee, to Process the Approved Grants. (Grants listed in Attachment 1.)

10. CONSENT CALENDAR

Director Wright, Chief Deputy Director Halverson Martin, and Chief Counsel Stevens presented a staff report. After Resolutions 03-08-27 (Implementation Memorandum of Understanding), 03-08-38 through 03-08-49 (work assignments under a Jones & Stokes contract), and 03-08-50 through 03-08-55 (work

assignments under a CH2M Hill contract) were pulled from the Consent Calendar for individual discussion, the Authority adopted the following on a 12-0 vote:

Resolutions 03-08-06 through 03-08-26, and 03-08-28 through 03-08-37. These items include assignments of interagency agreements and contracts including the master “capacity-type” architectural and engineering contracts with Jones & Stokes Associates and CH2M Hill, Inc., and administrative matters related to the establishment of the California Bay-Delta Authority. (See Attachment 2.)

The Authority then took up the items listed above that had been pulled from the Consent Calendar. Following questions of staff and discussion among the members, and with the understanding that any task order or work assignment under the Jones & Stokes contract for more than \$500,000 would be submitted to the Authority for approval, the Authority adopted the following on a 12-0 vote:

Resolutions 03-08-38 through 03-08-49, authorizing the Director, or Designee, to execute various work assignments under the Jones & Stokes contract for planning, environmental analysis, scientific, and technical services.

Following questions of staff and discussion among the members, and with the understanding that any task order or work assignment under the CH2M Hill contract for more than \$500,000 would be submitted to the Authority for approval, the Authority adopted the following on a 12-0 vote:

Resolutions 03-08-50 through 03-08-55, authorizing the Director, or Designee, to execute various work assignments under the CH2M Hill contract for engineering, scientific, and technical services.

Following questions of staff and discussion among the members, the Authority adopted the following on a 12-0 vote:

Resolution 03-08-27, authorizing the Director, or Designee, to sign the amended and restated CALFED Bay-Delta Program Implementation Memorandum of Understanding.

11. Lunch, Roll-Call

The Authority recessed for lunch at 12:10 p.m. and reconvened at 1:04 p.m. A quorum was reestablished.

12. Multi-Year Program Plans

Representatives of implementing agencies, California Bay-Delta Program managers, and representatives from the relevant subcommittees of the Bay-Delta Public Advisory Committee presented multi-year program and long-term expenditure plans for individual Program Elements within the broad categories of Water Quality, Levees, Ecosystem Restoration, Water Supply and Watershed Management, Environmental Justice, and Tribal Coordination.

Following discussion among the members, and with the understanding that specific actions and timelines contemplated in the plans could change depending on circumstances affecting the resources and capabilities of individual implementing agencies, the Authority adopted the following on a 13-0 vote:

Resolution 03-08-56, consideration of a resolution approving the implementing agencies' multi-year program plans and expenditure plans as meeting the criteria that they are (1) consistent with the California Bay-Delta Program, and (2) represent balanced achievement of the Program goals and objectives.

Following discussion among the members, the Authority adopted a motion on a 12-0 vote to clarify that the Director shall be required to bring to the Authority, for its prior approval, any proposed expenditure or encumbrance of Authority funds by contract, grant, interagency agreement, task order, work assignment, or otherwise, in excess of \$500,000.

13. PUBLIC FORUM

Michael Warburton expressed his views about the obligation of the State and the Authority to protect the Public Trust.

14. ADJOURNMENT

The Chair adjourned the meeting at 4:29 p.m.

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Attachment 1

**List of Grants Approved in Resolution 03-08-05
at the California Bay-Delta Authority Meeting
on August 14, 2003**

- \$357,146 to the California State Coastal Conservancy for its project *Big Break and Marsh Creek Water Quality and Habitat Restoration Program*
- \$1,519,200 to the Deer Creek Watershed Conservancy for its project *Lower Deer Creek Restoration and Flood Management: Feasibility Study and Conceptual Design*
- \$1,563,506 to the Solano Land Trust for its project *Restoring Ecosystem Integrity in the Northwest Delta: PHASE II*
- \$2,488,003 to Stillwater Sciences for its project *Physical Modeling Experiments to Guide River Restoration Projects*
- \$478,395 to the University of California Sea Grant Extension Program for its *West Coast Ballast Outreach Project*
- \$998,222 to the University of California, Davis for its project *Biological Assessment of Green Sturgeon in the Sacramento-San Joaquin Watershed*
- \$178,701 to the University of California, Davis for its project *Invasion Dynamics of Perennial Pepperweed, Lepidium Latifolium, and their Consequences for Protection of Natural and Restored Wetlands in the San Francisco Estuary*
- \$6,427,131 to the U.S. Fish and Wildlife Service for its project *Recovery Implementation for Riparian Brush Rabbit and Riparian Woodrat on the Lower Stanislaus River*
- Up to \$334,021 to the Yolo Basin Foundation for its project *Pacific Flyway Center Initial Planning*