

Ecosystem Restoration Subcommittee Meeting
Thursday, October 30, 2003
650 Capitol Mall, 5th Floor, Bay-Delta Room
Sacramento, CA
Draft Meeting Summary

Subcommittee members (or their alternates) and agency liaisons present:

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| Bernice Sullivan (Friant WUA) | Steve Evans (FOTR) |
| Diana Jacobs (CDFG) | Doug Lovell (FFF) |
| Serge Birk (CVPWA) | Dave Harlow (USFWS) |
| Lisa Holm (CCWD) | Patricia Paulick (USBR) |
| Patrick Akers (CDFA) | Mike Aceituno (NOAA Fisheries) |
| Todd Manley (NCWA) | |

Introductions and Subcommittee Status

Neither co-chair was able to attend this meeting; Bernice Sullivan agreed to act as chair for the meeting, which began with introductions. The summary of the previous meeting was approved.

Integration Matrix

After the September 2003 meeting an ad hoc group within the subcommittee formed to develop an ERP Integration Matrix. Members of the ad hoc group are Bernice Sullivan, Todd Manley, Lisa Holm, and Serge Birk. The group developed a first draft of an integration matrix.

Todd Manley led the presentation about the matrix. The matrix uses ERP goals as the basis upon which to determine potential conflicts or integration opportunities with other Bay-Delta Program Elements' goals. The group chose to include only those connections they felt were obvious connections and tried to separate facts from beliefs and what is scenically known or not known. Included in the handout is a summary page of the other Program Elements' goals.

Lisa Holm explained that this matrix is the group's first effort and that the group was still trying to understand the goals of the other Program Elements. She said that the group discussed how performance measures roll into the matrix. She invited comments and conversation with other subcommittee members regarding the matrix.

Doug Lovell expressed his appreciation for the matrix and how it might help in focusing the subcommittee's discussions; Lisa concurred, stating that it was the group's hope that the matrix would help identify topics for joint subcommittee meetings between the ERP subcommittee and other BDPAC subcommittees.

Steve Evans suggested that there were interrelationships between ERP Goal 5 and Water Supply goals 1, 2 and 4 which are not reflected in the matrix. He argued that flows affect habitat and that correlation needs to be looked at. Todd said that Steve's recommendation underscored the need for science to inform the decision making process; Doug suggested that it sounded as if the need for science was an implicit criteria for inclusion on the matrix. Lisa said that the given the group's desire to focus on the obvious and direct connections, she suggested that a revision to the matrix could include a Tier 1 matrix (obvious and direct connections) and a Tier 2 matrix (more subjective, theoretical connections with little scientific study to support the connection). Bernice reiterated that the goal of the group was to stick to the basics.

Diana Jacobs made three points regarding the matrix. First, she cautioned the group from self-editing or self-censoring information in the matrix; rather, she suggested that the group look at this as a yellow-or red-flag exercise in which the subcommittee is altered to potential problems. Second, she reminded the group that ERP's strategic goals overlap within themselves too, just as the goals of the other Program Elements' overlap with each other. Third, she encouraged the group to use concrete examples, such as Clear Creek, and work the project backwards to discover the areas of integration and conflict.

Conversation concluded with the suggestion that the group might consider establishing guidelines for a process in which cross integration of program goals be part of the proposal process (Lisa Holm). Rhonda Reed requested that the group develop and include rationales for including items on the matrix. Eugenia Laychak, the Bay-Delta Program's liaison to the BDPAC, echoed Rhonda's request, and encouraged the group to also be thinking about next steps, such as where there may be opportunities to develop guiding principles for integration, keeping in mind what has been learned.

Todd and the other group members asked for comments and feedback about the matrix, requesting that people include the rationale for the integration they are adding or commenting upon. Comments and feedback ought to be addressed to Todd, Lisa, Bernice and Serge via the Ecosystem Subcommittee reflector (erp_subcommittee@calwater.ca.gov).

The next ad hoc committee meeting is 9 a.m. to noon, Tuesday, November 18 at the CBDA office at 650 Capitol Mall.

Restoration Fund Roundtable meeting

Serge Birk presented a brief reminder to subcommittee members that the Restoration Fund Roundtable was scheduled to meet between 10 a.m. and 2 p.m. on Thursday, November 6 in the U.S. Bureau of Reclamation's Cottage Way

conference rooms. Darrin Thome handed out copies of the agenda for the meeting.

Trends in Spatial Mapping of Public and Conservation Lands

Ray McDowell and Mike Burns of the Resources Agency presented an overview of the trends in spatial mapping. Ray began his presentation by reminding the subcommittee members that the original purpose of the Resources Agency's mapping program was to compile and report historic, existing, and proposed conservation and trust land ownership in the Bay-Delta. Since then, the Resources Agency launched Legacy, which is trying to provide mapping of public land ownership at the statewide level.

Some of the basic problems in fulfilling the purpose of the mapping project is that few of the maps are digital, paper maps are not always accurate, and there is the potential to double count parcels because of the inaccurate or incomplete paper files.

The mapping project is intended to be a dynamic project that shows trends and changes in conversation lands and to be used as a regional planning tool. It is not intended to be a definitive accounting, a parcel level survey, detailed habitat mapping, or modeling of habitat suitable for species.

Mike Burns highlighted the status of four major projects associated with the mapping effort. As of October 2003, there has been a draft land cover report (May 2002), a draft statewide map (dataset) (July 2003), a conservation and agricultural easements report that is in progress, and the land use section of the Delta Regional Ecosystem Restoration Implementation Plan (December 2002). Bay-Delta Program money was used to fund the agricultural easements project, which updates the information from 2000.

There is a collaborative working group that works to ensure the data quality, data standardization, data distribution, and data integration methods. There are 20 state and federal agencies associated with the group, and significant improvement has been made in peer review of GIS integration method for fee/title and easements information.

Mike explained that about 50 percent of the state, more than 51 million acres are in conservation or fee/title. Almost 1 million acres are in conservation easements. Diana noted that most of the land in the Central Valley is privately owned, and therefore not subject to these mapping efforts.

Other Legacy work includes:

- Draft general plan data layers and seamless integration; target date December 2003. The biggest problem is that there are more than 3,000

land use descriptions (types) used by all the counties that needed to be standardized. Bob Johnson of UCD completed this task. The Bay-Delta Program provided the seed money for this effort.

- Draft urbanization projections; target date February 2004. Prof. Landis from UCB is working on this task.
- National Wetlands Inventory update; target is June 2005 or 2006.

Mike concluded his presentation by listing the areas in which Legacy work needs to continue:

- GIS and land cover and use mapping, need staff support
- Sources of digital ownership maps
- Trends in agricultural and urban land uses
- Technical staff to review mapping and database products

After the presentation the questions focused on three areas: whether or not this presentation had been made to other BDPAC subcommittees (Eugenia Laychak), if the public had access to the easement database (Serge Birk), and accountability regarding easement status (Steve Evans). The answer to all questions is no. As to the other BDPAC subcommittees, both Ray and Mike said they would be available for a presentation if asked.

Regarding public access, Mike said that it was a policy call whether to distribute the information publicly; Diana Jacobs stated that terms and conditions of easement agreements may prohibit agencies from making that information public. Serge suggested that the Bay-Delta Program consider making a policy decision that would make awarding grants contingent on the information becoming public; awareness needs to be raised for some policy to address this concern.

Connected to the issue of making the database information public is the issue of accountability regarding whether easements are being maintained as established to in the easement agreements. Tim Ramirez stated the big question was "Where is everything?" and that the information gathered so far has the potential to help determine what land may be under threat. Eventually, he said, these questions must go back to individual agencies with core programs that are better set up to answer the questions.

Information that can be distributed publicly is on two websites: gis.ca.gov and legacy.ca.gov. Ray McDowell can be reached at 916-653-7142, and Mike Burns can be reached at 916-651-7592.

Ecosystem Restoration Program Status Report

Chief's Report

Dan Castleberry began his status report by informing the subcommittee members that Nancy Ullrey is now assigned to work with the subcommittee and has primary responsibility for distributing the subcommittee agendas and meeting summaries.

Upper Yuba River Studies

The panel review for the Upper Yuba River Studies program occurred and it went well; the verbal suggestion to the work groups was that they needed to prioritize their efforts. The work groups are awaiting the panel's written comments, and plan on moving forward. Rebecca Fris said that the panel looked at the six different study areas and suggested that the process needed to be more focused on sequencing, habitat, and whether or not temperature could be a limiting factor. The panel suggested that the work groups answer the most important questions first before completing all of the studies at the same time.

Mercury Stories

The Sacramento Bee ran two articles about the California Bay-Delta Program and mercury contamination associated with ecosystem restoration. The Program believes the articles misrepresented information, and Patrick Wright stated as much in a letter to the editor of the Sacramento Bee. The articles, for example, did not state that CALFED had identified mercury contamination issues early in its process and has committed substantial amounts of money to the issue. The articles neglected to state that CALFED spent about \$19 million in developing its mercury strategy; the articles never mentioned that there was a mercury strategy report.

Tim Ramirez stated that the articles bordered on irresponsibility and it was untrue that the government ignores the public health risk posed by mercury. The articles are not an accurate reflection of what the program has done regarding mercury.

Donna Podger, who is the staff assigned to the mercury strategy, will present an update at a forthcoming Ecosystem Restoration Subcommittee meeting.

San Joaquin Dissolved Oxygen

Dan mentioned to the subcommittee members that a copy of a letter from Lowell Ploss, chair of the San Joaquin Dissolved Oxygen TMDL Steering Committee, was included in the handouts. The letter was about creating a special work group to address the environmental water quality issues associated with the Stockton

Deep Water Ship Channel. Mr. Ploss addressed the subcommittee in the public comment portion of the meeting about this letter.

Ecosystem Restoration Program Science Board (ERPSB)

The next public meeting of the ERPSB is November 20 at 650 Capitol Mall in the first floor conference room; ERPSB is also scheduled to meet January 14, 2004, which is the day before the next Ecosystem Restoration Subcommittee meeting. The agenda is posted on the ERP website (http://calwater.ca.gov/Programs/EcosystemRestoration/InterimScienceBoard/ERP_Science_Board_11-20-03.pdf). The November meeting will focus on the vetting process for the Delta Regional Ecosystem Restoration Implementation Plan targets and actions. There will also be discussion about the Suisun Marsh project and simulation modeling.

Dan also noted that the name has been changed on the advice of CBDA counsel because the Authority has an Independent Science Board now.

Battle Creek Update

Carl Werder, USBR project manager for the Battle Creek Project, presented an update to the subcommittee about Battle Creek. The technical review panel looked at the latest cost estimates and found them to be within industry standard. A Battle Creek science workshop is expected sometime in mid-January 2004, but no date is selected yet.

Alan Soneda, PG&E, stated that all decommissioning alternatives are being reviewed, and specifically review is taking place on sub-alternatives for decommissioning of dams below the natural barriers. The timeline has slipped, but PG&E is committee to a collaborative review of the cost and economics of all decommissioning alternatives. Currently PG&E is working on developing a common understanding of the decommissioning alternatives which ought to be ready by January 2004.

After Alan's statement, Carl handed out a schedule of the Battle Creek Project. As illustrated by the schedule, the earliest the project could be started would be early 2004; currently the anticipated state date is early 2005. Project budget is at \$62 million, but that was before additional monitoring was included; anticipated cost is now \$70 million. This increase accounts for revised construction costs and reevaluation of mitigation costs, which are in the area of \$4-5 million.

The handout, which summarized the activities for the Battle Creek Project, indicates the critical path regarding decisions in order to meet the construction dates. The early/late start dates are color coded green and orange, respectively. The following discussion refers to highlights listed on the handout.

October 16 was the closing date for comments to the Battle Creek EIS/EIR. About 270 letters were received, and more than 200 of those were form letters supporting total decommissioning below natural barriers. In general, the comments have been constructive and favorable. The Environmental Team are reviewing the comment letters, and it may take two to three months to complete this process.

A critical part in getting to the Record of Decision is the Action Specific Implementation Plan (ASIP). Consultation is an important part of the ASIP process, and under the ASIP schedule, an implementation agreement needs to be signed simultaneously with the biological opinion. Carl said this is the first ASIP done for a project, and stated that CALFED has not provided any guidance regarding how to develop the ASIP.

Discussion continued regarding the adaptive management plan, and how the technical review panel suggested that the first plan was too narrow by only looking at fish, and recommend that the adaptive management plan be more inclusive. Among the topics included by the panel was sedimentation. The Battle Creek workgroup is considering reforming teams to address the technical review panel's recommendations; this review would need to take place before the EIS/EIR was completed.

FERC relicensing is tied to decisions by the Authority to fund this project. The first opportunity to address this issue will be in June 2004, and if it does not go forward at that meeting, then the next opportunity would be in August 2004. Once the Authority decides to fund the project, then PG&E and the USBR could move forward on relicensing and permits and they would need the funds quickly in order to issue contracts to start the projects on time. This is a critical time, which is coded in red on the project schedule.

The USBR is holding off on the Request for Proposals until the comments for the EIS/EIR have been processed. The goal for file a Notice to Proceed is in April or June 2005. This date could be later, depending upon whether or not the Authority decides to fund the project at its August 2004 meeting; if the approval date is beyond August 2004, it may not be until 2006 before the project implementation can begin.

After Carl's presentation, discussion opened up with a question from Serge regarding public review of the ASIP. Mike Acetituno said that if the ASIP were open to public review and were changed, that would restart the biological opinion consultation process. Diana suggested that there ought not to be a lot of "new stuff" in the ASIP, and suggested that perhaps the goal ought to be public disclosure but not necessarily public review. Carl said there is no requirement from the federal government for public review, that public review tends to be a state requirement, and that the USBR is trying to accommodate public disclosure needs as much as possible; there is no attempt to keep anything secret. Carl

cautioned that since the ASIP is a new document, regardless of how it is handled, there will be criticism.

Bernice questioned the timing of the adaptive management plan and its relationship to the EIS/EIR. Since the draft adaptive management plan is in the EIS/EIR, she asked whether or not this did not give the impression that a final decision has already been made regarding the preferred alternative. Steve questioned if the adaptive management plan only focused on the preferred alternative, and asked what the adaptive management plan for alternative six would be. He asked what kind of adaptive management could be done if there are no facilities to adaptively manage. Disagreement was expressed by many that dams are the only things that need to be adaptively managed. Dan said that CALFED used adaptive management not as a course correction, but as experiment to adjust subsequent actions.

Serge commended the ERP staff—especially Rebecca Fris—for their work on the Battle Creek workshop. He said the workshop was an outstanding experience, and that the feedback he has heard from the ERPSB echoes what the local voices are saying. ERP has raised the bar on what the public expects from these type of forums.

Serge next asked Carl what kind of contingency is in place regarding the construction costs for the Battle Creek project; he noted that the initial costs already seem about twice as much as originally estimated. He asked if there are still more cost surprises. Carl said that most of the increases are in the mitigation and monitoring areas of the project and that the construction cost figures are as good an estimate as can be made; PG&E also looked at the construction costs and found that the estimates are in line with current practices. In response to Serge's question about contingency, Dan said that the usual contingency will be built-in the contracts, and there is also an amendments process if more funding is needed. Serge suggested that as a matter of prudent public policy, given how much the cost has increased, maybe the contingency ought to be greater than the standard.

Steve asked about how costs are updated on both the structural and non-structural elements of the project, specifically, about future water purchases. Carl said that the cost for water purchases has not changed and that some of the numbers are fixed by agreement and cannot be changed. If additional water is needed, the project may need to go to organizations such as the Packard Foundation for financing.

Project Solicitation Proposal (PSP) Update

Dan Ray handed out a list of the ERP grants awarded by directed action in 2002-2003 as well as a list of directed actions under consideration as of October 2003. The first list has 22 projects that come to approximately \$78 million; most of the

funding is from Proposition 204 and some from the Central Valley Project Improvement Act (CVPIA).

The second list has 10 projects, four of which will be presented to the Authority at its December meeting for approval to fund. Of these four, two are evaluations of mercury issues, one is about dissolved oxygen issues, and one is about Sacramento River flows and ecosystem. Of the six outstanding proposals, three are regarding non-native invasive species, one is for the Battle Creek project, and the remaining one is for Sacramento River habitat restoration near Chico. The last proposal to go before the Authority will likely be the one for Battle Creek, after which the 2002 PSP will be closed.

A PSP work group was formed to prepare the next PSP. The work group needed to work through three interrelated areas: (1) previously funded projects that needed next phase funding or completed projects that needed monitoring funds; (2) careful assessment of what has been completed as part of a "look back" exercise; and (3) how to develop a PSP that accommodated the working landscapes process.

After presenting their information to the ERPSB, it became evident that the PSP work group needed to have more discussion with the science board before releasing the next round of solicitations. Dan Castleberry said that originally the plan was to have multiple solicitations throughout the year, but that the ERPSB had concerns about integration and the scientific process if things were broken out. Discussions are continuing in how to address workload, integration, and science issues. At this point, it appears that the earliest the new PSP will be presented to the subcommittee will be at the January 15, 2004, meeting.

Patrick Akers asked if the ERPSB submitted written comments, and Dan Castleberry said yes, they had. Dan also said that ERP is looking at modifying or revising the course of action regarding multiple solicitations based upon those comments. Both the draft and final PSP will be available on the website when they are completed.

Environmental Water Program (EWP)

Campbell Ingram gave a brief update of the EWP. The core team contracts are in place, and public workshops in three watersheds are scheduled for November to discuss the biological objectives of the program. In response to Doug Lovell's question about water alliances, Campbell said that contacts have been made with those who can provide water to the stream. Campbell also stated that at the public meetings people are encouraged to work with their local teams to address the EWP objectives. Some of the other issues that still need to be resolved, and may not be until actual transactions take place, is who will hold the water rights for the water purchased under EWP.

Public Comments

Lowell Ploss presented his letter to the subcommittee as background information about the dissolved oxygen/total maximum daily load (DO/TMDL) on the lower San Joaquin River. This letter was to make the subcommittee aware that the San Joaquin River DO/TMDL steering committee was prepared to move into the implementation phase. Lowell would like to make a full presentation to the subcommittee at its January meeting with the intention to discuss the best mechanism for the steering committee to work with the subcommittee.

Next Meetings

The next meeting for the Ecosystem Restoration Subcommittee is 9 a.m. to 1 p.m. on Thursday, January 15 from 9 a.m. to 1 p.m. Agenda items include updates on the Battle Creek, the PSP process and the Environmental Water Program, San Joaquin River DO/TMDL studies, the Integration Matrix, and upcoming program plans. The subcommittee also scheduled a meeting for Thursday, February 19 from 9 am. to 1 p .m.