

Ecosystem Restoration Subcommittee Meeting
Thursday, September 25, 2003
650 Capitol Mall, 5th Floor, Bay-Delta Room
Sacramento, CA
Draft Meeting Summary

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

Gary Bobker (TBI)	Diana Jacobs (CDFG)
Serge Birk (CVPWA)	Darrin Thome (USFWS)
Lisa Holm (CCWD)	Allan Oto (USBR)
Brent Walthall (KCWA)	Patrick Akers (CDFA)
Todd Manley (NCWA)	Mike Aceituno (NOAA Fisheries)
Bernice Sullivan (Friant WUA)	Doug Lovell (FFF)

Introductions and Subcommittee Status

The meeting began with introductions. The summary of the previous meeting was reviewed and approved.

Review of Subcommittee Schedule

Dan Castleberry with the ERP reminded the subcommittee members that the next Authority meeting was scheduled for October 9 and that the ERP did not have any items on the Authority's October 9 agenda. The ERP would be presenting items to the Authority at its December 11 meeting.

The subcommittee was asked to review and discuss whether it wanted to change its meeting schedule to accommodate the meeting schedules of the Authority and BDPAC. Eugenia Laychak developed a master calendar of Authority and BDPAC meetings, which was handed out at the meeting. Dan Castleberry told the subcommittee that ERP staff needs to submit packets to the Authority one month before the meeting date, and he suggested that if the subcommittee wanted a presentation about what staff planned to submit, the subcommittee needed to meet at least six or five weeks in advance of the Authority meeting.

Bernice Sullivan questioned if the subcommittee might need to forward any recommendations to BDPAC before items were taken to the Authority. Dan Castleberry responded that staff wanted to present information to the subcommittee prior to presenting it to the Authority, but did not expect the subcommittee to forward recommendations on all items. Rhonda Reed suggested that staff presentations do not preclude the subcommittee from making a recommendation to the Authority if it felt it needed to; Gary Bobker did not see a conflict as long as what is presented to the Authority is not presented as a BDPAC recommendation.

Diana Jacobs asked if the latest PSP process was ready to be presented to the Authority in December; Bernice Sullivan asked if the PSP would be delayed if it needed to be presented to BDPAC first. Rhonda Reed stated she was not sure it was wise to structure ERP planning or subcommittee work solely around Authority meetings or BDPAC. Diana Jacobs concurred, and said that there are a lot of reasons for the subcommittee to collaborate and meet other than to develop formal recommendations.

Gary formally asked for clarification from the Bay-Delta Program whether subcommittee recommendations can be presented to the Authority without going through BDPAC.

Ecosystem Restoration Program Status Report

Dan Castleberry began this status report by reminding the subcommittee that the next Independent Science Board meeting was scheduled for October 1 and 2 in Tiburon; the public session was scheduled for October 2.

Restoration Fund Roundtable

Dan told the subcommittee that the Restoration Fund Roundtable will meet November 6. Serge Birk said that the Roundtable tries to have a meeting twice a year, and that this meeting was 10 a.m. to 2 p.m. in Conference Rooms A and B of the US Fish and Wildlife Service Office in the federal building at 2800 Cottage Way. Serge explained that past roundtable meetings involved reviewing the list of projects funded by the Restoration Fund, and that some of the original projects are either completed or nearing completion. The Roundtable will be discussing several of the Category A programs, some of which are affiliated with ERP's Year 4 Proposal Solicitation Package (PSP), and will focus on planning and reassessing how the CVPIA has done and where it is headed. If subcommittee members had items for the Roundtable meeting, Serge asked that they contact him.

There is another meeting scheduled for October 31 to present annual work plans for CVPIA programs. This meeting will be noticed in the Federal Register.

Assessing Progress Toward Milestones

Dan told the subcommittee that ERP Authority and Implementing Agency staff were meeting to discuss how to assess progress toward ERP milestones to prepare for the re-initiation of consultation required by the Conservation Agreement and biological opinions for the Bay-Delta Program. This re-initiation of consultation is to occur not later than 180 days prior to September 30, 2004. Patrick Akers asked how similar this was to the Phase II look back exercise ERP

completed, and if the processes were different. Dan explained that while similar, this review will look at different information and use different processes. Dan added that this review will look at the three ways of assessing performance: money, milestones, and objectives; until recently, ERP has looked primarily at grants distributed as a measure of performance. Gary asked Dan to present an overview at the next subcommittee meeting about the meeting and to include a review of the ERP's next PSP process.

In addition, Diana Jacobs said that the Implementing Agencies were preoccupied with the OCAP because by September 2004 the program would need to be in re-consultation for both the ERP and EWA; this re-consultation was a ROD commitment. Serge asked whether the ASIP in the EWA environmental documents did not serve as a functional equivalent of a re-consultation. Diana said it did not.

Environmental Water Program (EWP)

The subcommittee requested a status report about the EWP and if it will be able to meet its targets and goal to have personnel in place by September. Dan said that EWP was on track, but that Campbell Ingram was discovering obstacles, especially in terms of water rights issues.

Discussion next focused on the importance of making the appropriate investment of time to ensure EWP's success, and that the public meetings so far have been helpful in uncovering issues and concerns that the program will need to address. To Serge's question about process for EWP, Dan stated that EWP has a process separate from PSP, and this process will include independent review. At Serge's and Gary's request, there will be an EWP update at the next subcommittee meeting.

Battle Creek Update

Dan told the subcommittee that the Battle Creek technical review panel met in July and there was support from project management for the panel's review. The panel looked at two fundamental questions: (1) are the cost features reasonable and justified and (2) are designs cost-effective? Dan expected that the review panel will answer "yes" for both comments, although there may be additional specific questions. There will likely be many comments about monitoring as well. Dan told the subcommittee that the panel's report has been submitted and handed over to the ERP's Selection Panel and that the Selection Panel's recommendations would be announced soon; both the technical panel's report and the Selection Panel's recommendations will be posted on the ERP web site in early October 2003. ERP staff hopes to take the Selection Panel's recommendations to the Authority in December 2003.

Serge raised the concern that the Selection Panel may make it's recommendations without the full benefit of other processes, specifically the NEPA/CEQA and FERC relicensing processes. He noted that only two of the 11 groups commenting on the Battle Creek environmental documents had unqualified support for the draft environmental documents and that how public comments are addressed may be significant to the Selection Panel's decision making. Dan responded that the Selection Panel's recommendations are subject to public review and comment; he also mentioned that the Battle Creek science Workshop panel reviewing the role and impacts of Coleman National Fish Hatchery on the potential of habitat restoration efforts will have the report and recommendation as well prior to the October 7 and 8 workshop.

Serge suggested that the Selection Panel incorporate the workshop findings into their recommendation. It was his belief that it was premature for the ERP to make a decision until the technical experts looked at all the information. Serge stated that among the things that needed to be reconsidered is why a strategy for repatriating winter run salmon is not in the EIS/EIR. Serge explained that the process had implications not only for this project, but for restoration projects Central Valley-wide.

Discussion continued about the process of public comment and review and incorporating information from the Battle Creek Science Workshop information into the Selection Panel's recommendation. The workshop findings will not be available until after the Authority's December 11th meeting; Serge questioned how a decision could be made to fund or not fund the project prior to the workshop. Serge expressed concern that with so many different processes happening simultaneously, the project could be a good one and not get recommended for funding or conversely, it could be funded and in the end not achieve anything. Dan suggested that there really was not a conflict, because the October 7th and 8th workshop will be focused on hatchery facilities and operations and not on the restoration project. Furthermore, the Selection Panel's recommendation is an initial recommendation. The final recommendation will not be made until after the workshop and public comment, leaving opportunity to modify the recommendation if necessary.

Gary noted Serge's concern that the project not be jammed through the process, but at the same time he noted that the project needed to move forward. Gary suggested that the subcommittee revisit this topic at its next meeting to discuss if the process appropriately addresses the concerns and provides adequate time for good decisions to be made.

Pacific Gas and Electric (PG&E) Review of Options and Processes for Battle Creek

Randy Livingston from PG&E gave a brief presentation about PG&E's continuing support of the Battle Creek EIS/EIR process. He said that Secretary Nichols

requested that PG&E look at three items: (1) review the \$62 million cost, (2) investigate if phasing the project makes sense, and (3) look at the alternative of full decommissioning of PG&E's Battle Creek hydroelectric project.

In August PG&E completed its review of costs and determined that the cost estimates were in line with current practice. PG&E suggested that there could be some cost savings if different approaches were used, and until the project goes to bid, it seems that the cost estimates are reasonable. PG&E observed that the high degree of input contributes to design and construction costs.

PG&E also completed its review of phasing, which is a way of managing cash flow, but determined that phasing is likely to cost more in the long-term because it increases the possibility for timing conflicts for resources (people or machines). Ultimately phasing the Battle Creek project is a judgment call.

PG&E is completing its review of decommissioning of dams in the Battle Creek watershed. PG&E is talking with non-governmental organizations and looking at the costs of full decommission with an "apples to apples" approach. Issues include water use, electricity, water supply, and identifying a series of alternatives. PG&E anticipates having this review completed by the end of September, after which it will take this information and during October review the economics and compare with the draft EIS/EIR.

To a question as to whether this analysis can be used as another alternative in the EIS/EIR (Serge), Randy replied that it was part of the intent of this review to include this as part of the EIS/EIR while acknowledging that PG&E is not the only one involved in the EIS/EIR preparation.

The discussion about decommissioning focused on two topics: whether PG&E was looking only at full decommissioning of all dams, or if partial decommissioning was also on the radar screen, specifically Eagle Canyon Dam and other facilities below the natural barriers. Randy replied that he believed partial decommissioning was part of the mix; Gary asked if the information could be broken out as a range of costs depending upon what is decommissioned. Randy explained that the EIS/EIR has a five dam alternative, a six dam alternative, and is now adding a full decommissioning alternative in an effort to present a balance of options. Doug Lovell asked if the emphasis on full decommissioning shows a bias, especially as it relates to the electricity issue. Randy replied that the current project looks at a 30 percent reduction of electricity; removal of barriers below natural barriers is about a 60 percent reduction. Changes in electricity costs and project costs will come up during the review period.

Serge asked if PG&E will reassess its contribution related to the MOU project/cost-share agreement as it relates to how energy costs have affected PG&E. Randy replied that PG&E's obligations remain the same as under the

MOU: 2.8 or 2.9 cents per kilowatt hour, and PG&E is going forward now even though electricity now costs 6 cents per kilowatt hour, basically doubling the costs.

At this time PG&E is working with the MOU signatories to determine how to make this information available. Gary invited PG&E to return to the next meeting to update the subcommittee about its progress and encouraged PG&E to continue working with stakeholders and agencies.

Upper Yuba River Studies update

Rebecca Fris of ERP began the presentation by stating that the Upper Yuba River studies amendment for additional funding was approved. She introduced Dave Christophel from CH2MHill, the lead consultant for the project. Other presenters included Dave Monroe, Ted Frink, and John Regan, who are leaders for the work group teams.

Ted Frink, the lead for the agency team, spoke about the study area and Program commitments such as the fish passage program. Among the topics being studied are the function of Englebright Dam and the ecosystem below and above the dam, entire upper watershed habitat, and collecting field data.

Dave Monroe, the lead for the lake team, gave a brief overview of the history of the work group and the program. He outlined the rough start and difficulties of initial meetings and how the nearly 60 people involved have grown to respect each other even if their opinions differ.

John Regan, the lead for the river team, said that the work group is a success facilitated by the Program and told of how everyone on the work group is committed to see the process through. He told the subcommittee about how group members were agreeing more and more and that the investment keeps stakeholders at the table, even during disagreements. This is a successful model for the collaborative process, he said, adding that the work group will make its recommendation in about one year.

Essential to the success so far is the purpose statement for the work group; it helped to keep people on track, even when funding problems almost paralyzed the process. Another element of success, said the presenters, was the agreement to not have a preconceived idea of what the outcome would be and to wait until the studies are finished; all participants have agreed to stick to the process and allow science to inform the ultimate decision.

Subcommittee members asked specific questions regarding the public nature of the work group meetings and the process by which problems and solutions have been identified. All work group meetings are publicly noticed, and the work group has produced an interim report focusing on six study areas: feasibility, field

studies, habitat evaluation, water temperature, fish passage, and alternative scenarios. The work group still wants to develop a common set of assumptions for its final decision making process.

Cross Program Integration Matrix

Dan Castleberry submitted a revised matrix to the subcommittee. Subcommittee members expressed disappointment that the approach still was not what they were anticipating, and discussion ensued as to whether or not the matrix was something that needed to be pursued. The subcommittee agreed that they wanted to pursue the matrix, but needed to further define their expectations.

Gary stated his expectation that the matrix would only identify areas and issues for which there is not already a process where these issues can be addressed. Gary suggested that the subcommittee initially focus on three priorities: water supply infrastructure, levees, and drinking water quality. For example, what are the conflicts of site specific diversion impacts on the larger scale objectives for ERP in restoring natural patterns of runoff? Do we understand what the impacts of increasing capacity may be on ecosystem processes such as “mimicking” natural water flow? Gary specified that he did not expect an inventory of issues, but an identification of potential issues that may impact the ability to integrate with other program elements.

The subcommittee concurred that a cross program integration matrix was desirable, and a subgroup will meet to further refine the expectations and questions to guide its development. This topic will be readdressed at the January 2004 subcommittee meeting.

Next Meetings

The next meeting for the Ecosystem Restoration Subcommittee is 9 a.m. to 1 p.m. on Thursday, October 30. Agenda items include updates on the Restoration Fund Roundtable meeting, the Selection Panel’s initial recommendation for Battle Creek and PG&E’s completed analysis, Upper Yuba River Studies, the Environmental Water Program, the PSP process and directed actions. The subcommittee also scheduled a meeting for Thursday, January 15 from 9 a.m. to 1 p.m.