

## CALIFORNIA BAY-DELTA PUBLIC ADVISORY COMMITTEE

July 8, 2004  
650 Capitol Mall, Fifth Floor  
Bay-Delta Room  
Sacramento, California

### MEETING ACTION ITEMS

Note: In the absence of a quorum, as required by the BDPAC Charter, the Committee discussed, but did not take formal action on the following major items:

#### Program Plans

BDPAC discussed recommending approval of the Program Plans, with the recommendation that the following key issues be addressed prior to the Program Plans being considered for approval by the Authority:

- The Watershed Subcommittee requested that Watershed Program Plan be revised to include information on whether the Department of Water Resources or the State Water Resources Control Board would administer the watershed grant program over the next few years, and which fund sources it would be linked with;
- The Levee Subcommittee requested that the Levee Program Plan be modified to show linkage with the Delta Improvements Plan, and include additional information on: (1) an Emergency Response Plan; (2) a statewide planning effort to address emergency water supply; and (3) committed finances for emergencies;
- The Drinking Water Subcommittee raised concern regarding the lack of information in the Drinking Water Quality Program Plan on funding targeted towards CALFED Program objectives to support water quality actions and requested additional clarification be provided;
- The Water Supply Subcommittee requested that the Storage Program Plan be revised to include priority criteria supported by the subcommittee;
- All Program Plans needed to be revised to include additional information on how performance measures will be developed and used.

#### Criteria for Approving Program Plans

Wendy Halverson Martin will follow up with Paula Daniels and Dennis O'Connor on the specific wording for the Criteria for approving Program Plans.

Delta Improvements Package

BDPAC discussed recommending adoption of the draft Action Plan pursuant to all of the comments discussed. Gary Hunt assured the members that staff would resolve any conflicts prior to the Authority meeting in August.

# CALIFORNIA BAY-DELTA PUBLIC ADVISORY COMMITTEE

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## MEETING SUMMARY

**Committee members in attendance:** Gary Hunt, Chairman of BDPAC; Gary Bobker, The Bay Institute; Tom Clark, Kern County Water Agency; Marci Coglianese, City of Rio Vista; Gregory Gartrell, Contra Costa Water District; Joe Grindstaff, Santa Ana Watershed Project Authority; Robert Meacher, Plumas County; Mike Rippey, Napa County; Frances Spivy-Weber, Mono Lake Committee; O. L. "Van" Tenney, Glenn-Colusa Irrigation District; Maureen Stapleton, San Diego County Water Authority and Tom Zuckerman, Central Delta Water Agency. Becky Sheehan attended for Bill Pauli, Farm Bureau and Todd Manley attended for David Guy, Northern California Water Association. Others in attendance included Lester Snow, Director of Department of Water Resources; Perry Hergesell, Department of Fish and Game; Susan Ramos, Assistant Regional Director, Mid-Pacific Region, U.S. Bureau of Reclamation and Wayne White, U.S. Fish and Wildlife.

### 1. WELCOME AND OPENING REMARKS

Chairman Gary Hunt called the meeting to order at 9:15 a.m.

A quorum of 14 members, the majority of the 25 BDPAC members, was not present as required by the BDPAC Charter in order to transact business as a Federal Advisory Committee (only 12 members were in attendance). The BDPAC Charter does not provide for alternates to serve or represent BDPAC members, so the two alternates did not contribute to the quorum. As a result, the meeting did not conform to the Federal Advisory Committee Act (FACA). Therefore, the Committee discussed items on the agenda, but did not take formal action.

### 2. DIRECTOR'S REPORT

Director Wright provided a brief overview of the day's program.

### 3. SUBCOMMITTEE REPORTS

Subcommittee reports were given by each of the subcommittee co-chairs under the discussion of the Program Plans.

### 4. PROGRAM PLANS

Authority Director Patrick Wright introduced the Program Plans agenda item with an overview of the annual planning and budget cycle.

Chief Deputy Director Wendy Halverson Martin stated that the Criteria are still under development; and she will follow up with Authority Member Paula Daniels and Authority Member Designee Dennis O'Connor on the specific wording for the Criteria for approving Program Plans.

Each subcommittee co-chair discussed any outstanding issues and stated whether or not they recommended approval of the plans:

### Ecosystem Restoration Program

Gary Bobker, Co-Chair of the Ecosystem Restoration Subcommittee, supported the Ecosystem Restoration Program (ERP) Plan and made suggestions regarding future Program Plans. He said that there needs to be policy review of the Environmental Water Account (EWA), long-term funding of the ERP, and the resulting regulatory and permitting issues if the ERP is inadequately funded. In addition, the subcommittee needs to spend time on multi-year strategic planning.

In response to a question, Kate Hansel, Authority Assistant Director for Policy and Finance, clarified that: (1) the 10-year Finance Plan outlines possible means to achieving the target funding goals; (2) Federal funding is not included as either an available or projected funding source in the Finance Plan; and (3) the Program Plan focuses on a 3-4 year time frame for funding, whereas the 10-year Finance Plan focuses on a 10-year time frame.

### Watershed Program

Bob Meacher, Co-Chair for the Watershed Subcommittee, said that he recommended approval of the Program Plan and spending plan; however, he did have a concern regarding the funding agencies. He said that although the Proposal Solicitation Packages are administered by both the Department of Water Resources (DWR) and the State Water Resources Control Board (SWRCB), all of the functions of the Watershed Program fit best with DWR and the subcommittee wanted to move all of the funding responsibility to DWR. He sought and received support from BDPAC to address and resolve this issue with DWR and SWRCB.

### Storage, Conveyance, Environmental Water Account and Water Transfers Programs

Van Tenny, member of the Water Supply Subcommittee, said that he was filling in for the Subcommittee Co-Chairs in their absence. He said that the Co-Chairs wanted to neither recommend approval nor disapproval of the Program Plans for Conveyance, EWA, and Water Transfers but did recommend approval the Storage Program Plan with conditions, including that additional progress be made on the criteria for prioritizing the proposed storage projects.

### Water Use Efficiency Program

Francis Spivy-Weber, Co-Chair for the Water Use Efficiency Subcommittee, said that the subcommittee recommended approval of the Program Plan and is looking forward to seeing more fiscal integration with the Water Supply Reliability Program. They will be focusing on the Year 4 Plan, the Common Assumptions effort and greater integration with the Drinking Water Quality Subcommittee.

### Levee Program

Tom Zuckerman, Co-Chair for the Levees and Habitat Subcommittee, said that the Subcommittee was not recommending approval at this time and will review revisions to the Plan to ensure that they meet the needs of the Program. In light of the June 3 break in the Jones Tract levee, a plan for emergency response is needed that would include

committed finances to make repairs. Also, a commitment to maintenance is needed to keep equipment available for a quick response in the event of an emergency. In addition, there needs to be a statewide water planning effort to ensure that there is an emergency water supply dedicated to alleviate water quality problems in the event of a levee break. A discussion followed regarding the appropriate performance measure for the Levee Program and what local entities are doing to maintain the levees.

### Drinking Water Quality

Greg Gartrell, Co-Chair of the Drinking Water Quality Subcommittee, explained that the Plan does not adequately estimate expected future funding because there is a difference in how the stakeholders and the implementing agencies interpret the Proposition 50 grant funding language. Therefore, it is difficult to estimate the degree to which the Program Plan actions might be funded. The implementing agencies agreed to work out the issues and include a solution in the Program Plan, including funding scenarios, before it goes to the Authority in August.

The following members of the public made comments:

1) Mark Franco of the Winnemem Wintu Tribe commented on the proposal in the Storage Program Plan to consider raising Shasta Dam by between 6 and 100 feet. The Winnemem Wintu Tribe is concerned about flooding impacts to the McCloud River and their cultural and spiritual sites that would result from raising Shasta Dam even 6 feet. When Shasta Dam was built, the waters backed up and flooded 95 percent of their land and spiritual sites, and any raising of the Dam would destroy the remaining 5 percent of their sites.

Tom Clark suggested to Susan Ramos (USBR) that Mark Franco be included in any USBR discussions with the tribes about the possibility of raising Shasta Dam.

2) Dennis O'Connor, Consultant to the Agriculture and Water Resources Committee chaired by Senator Machado, commented that the Criteria for approving the Program Plans need to include measurability and specific objectives. Wendy Halverson Martin asked for specific language and said that she would follow-up with Paula Daniels and Dennis O'Connor.

In addition, Dennis O'Connor noted that there are two goals for the Program Plans:

- 1) To address the issues of balance, whether the schedule is consistent with the Record of Decision and balance across programs; and
- 2) To inform the 10-year Finance Plan (in which the Plans assess the future funding needs).

Gary Bobker asked if BDPAC was being asked to approve the Criteria for the Program Plans and suggested that they need to provide greater guidance for approval of the Program Plans. There was no need to approve the Criteria as BDPAC had already approved in May that a small committee would be formed to develop the Criteria.

Gary Hunt said that BPDAC and the Authority need to approve the Program Plans and then the Program Plans become the benchmark for Programs to be discussed in the 10-year Finance Plan.

BDPAC discussed recommending approval of the Program Plans with the understanding that the identified issues would be resolved prior to the August Authority meeting.

## **5. DELTA IMPROVEMENT PACKAGE**

Patrick Wright said that the Delta Improvements Package Memorandum of Understanding (MOU) will be finalized by the end of the month so that it can be considered for approval at the August Authority meeting.

DWR Deputy Director Jerry Johns reviewed the key South Delta Improvement Project Linkages and said that the EWA is a key issue.

The issues raised were whether the long-term EWA was a prerequisite for the increase in South Delta Pumping to 8,500 cfs or not. Even though it may not be, EWA is part of the CALFED Program package and is included in all of the South Delta Improvement Project (SDIP) modeling and is included in the Central Valley Project/State Water Project-Operations Criteria and Plan (CVP/SWP-OCAP) proposed operations. The issues regarding the challenges of funding the long-term EWA were also raised.

Tom Zuckerman said that levee system integrity should have greater recognition in the MOU. The discussion led to the issue of form of the MOU and the fact that it would require signatories. There was a preference to have the Delta Improvement Package evolve into an Action Plan that could be reviewed annually and included in the Multi-Year Program Plan.

Gary Bobker said that the draft MOU (now Action Plan) is improved; however, there are still three areas that need to be addressed:

- 1) Interim implementation of 8500 cfs;
- 2) Recirculation; and
- 3) Additional extraction of water from the Delta that is deleterious to the Delta.

Lester Snow reiterated the character of the Action Plan. The SDIP Draft Environmental Impact Report/Statement will be available this fall, and the details and potential impacts of the South Delta Improvement Project and related actions will be included in that document. The details of these are not included in the Action Plan and projects, such as recirculation, even though they will require a great deal more study, should be included in the Action Plan.

BDPAC discussed recommending adoption of the draft Action Plan pursuant to all of the comments discussed. Gary Hunt assured the members that staff would resolve any conflicts.

BDPAC moved to Agenda Item 8.

## **8. 10-YEAR FINANCE PLAN**

Kate Hansel presented the 10-Year Finance Plan schedule and process and explained how the analysis and summaries were conducted. The beginning date for the 10-year period begins on July 1, 2004. The questions for BDPAC members were whether or not the analysis used the correct funding categories and the correct funding targets. She asked for feedback on these and related topics. There is a possibility of legislative hearings on the subject this summer or fall and the goal is to bring the 10-year Finance Plan to the Authority for approval in October. The question of unmet needs will need to be addressed through an ad-hoc public process that is under development.

After determining how much money is needed for the programs, it is necessary to determine how they will be funded. The funding may come from a variety of sources including user fees and/or public funding depending on the program and how benefits are properly apportioned.

Gary Hunt recommended that the Finance Plan tables should include what has been spent (2000-2004) on the programs.

## **9. PROPOSAL SOLICITATION PROCESS:**

### **9.A. Ecosystem Restoration Program**

Dan Ray, Environmental Scientist in ERP, presented the Monitoring Proposal Solicitation Package (PSP). Dan Ray explained the need to monitor and analyze the results of earlier ERP grants and determine whether or not the actions had been successful.

Gary Hunt asked Mike Aceituno of NOAA Fisheries to explain the evaluation of the CVP/SWP-OCAP and its possible implications. Mike Aceituno said that the preliminary analysis by staff indicates that there could be a draft Jeopardy Opinion for spring-run Chinook and steelhead (and that there would be Reasonable and Prudent Measures proposed for the protection of winter-run Chinook salmon in the upper Sacramento River).

Questions arose as to how, in light of all the ERP funded projects, these species could be at risk of extinction. Gary Bobker explained that water project operations and not just habitat can contribute to a jeopardy decision. He added that the proposed ERP PSP effort was certainly needed.

BDPAC discussed recommending approval of the ERP PSP.

### **9.B. Science Program**

Kim Taylor, Deputy Director of the Science Program, briefly described the Science PSP, after which BDPAC discussed recommending its approval.

**6. UPDATE ON BATTLE CREEK RESTORATION** (Informational Item)

Rebecca Fris, of the ERP, described Battle Creek, why it was important for restoration, what the issues were and the potential costs of restoration. To date, \$28 million has been approved, and an additional estimated \$44 million will be needed for dam removal for a total of \$72 million.

**7. CALFED BAY-DELTA PROGRAM MULTI-SPECIES CONSERVATION**

(Informational Item)

Dan Castleberry, Deputy Director for the Ecosystem Restoration Program (ERP), gave a brief overview of the process and issues and said that the Milestones Assessment Package would be posted on the Authority web site on July 9. There will be a 30-day public input period and the ERP Science Board and Science Program will be involved in the process as well.

**PUBLIC COMMENT PERIOD**

Dr. Henry Clark, representing the West County Toxics Coalition, commented on various issues: (1) the plight of the undocumented farm workers that were affected by the Jones Tract levee break; (2) a scholarship program for Environmental Justice (EJ) community persons is needed for the October CALFED Science Program, where there will be a special session on EJ; and (3) issues raised by the Winnemem Wintu need to be resolved, as that is included in the Record of Decision commitments.

The next BDPAC meeting is scheduled for September 9.

**Adjournment**

Chairman Hunt adjourned the meeting at 3 pm.