

Working Group Meeting

May 3, 2006

Purpose Statement and Ground Rules

Reviewed with no comments.

Status Reports

Completed Programs: Reviewed list of completed programs

Matrix: Final revisions to the Matrix are in progress.

Section 3407 Conceptual Approach: The agency team presented some preliminary concepts for the agency approach to 3407 completion. The conceptual approach recognizes that some provisions would have annual or ongoing activities and many provisions have major actions requiring larger expenditures early in program implementation. The team presented a table that showed programs as Annual/Ongoing, Long-term/Time-certain, or Complete/O&M. Program activities in the Annual/Ongoing or Complete/O&M columns would be considered complete for the purposes of Section 3407. The approach would identify criteria to move the program activities in the Long-term/Time-certain column to either Annual/Ongoing or Complete/O&M.

Discussion:

- b(12) Clear Creek is the most reasonable to move to “Annual” when construction actions are complete, which will be soon.
- How do we consider contribution and connection to other programs (e.g. CALFED involvement in Clear Creek.)?
- Look only at actions specified in the Act.
- Need to review program plans to determine if they are the right actions and resources.
- The concept of closing out time certain programs is a concern.
- How do we consider future eligibility for Restoration Fund after 3407 triggers?
- What is the trigger that moves the program into a different category, to indicate that the program has been completed and removed from Restoration Fund responsibility?
- Add b(21) to “Move to Annual when construction actions are complete” column.
- Change the word “construction” to note time certain implementation actions.
- When considering completion, consider: whether other available sources of money have been used to the fullest extent
- For Annual Programs, consider program planning and long-term funding plan
- Challenging issue of linkage between actions and outcomes.
- How do we consider reimbursability in determining completion?
- Pending the definition of complete, the outcome could be that programs are unable to meet the Provisions stated in the Act.
- One stakeholder noted that completion means when the contractors are paid for completing their work (close of construction contract).
- What priorities must be set to move programs into annual/ongoing or complete/O&M?
- Stakeholders expressed interest in focusing on what is being done, end points, and accomplishments during CVPIA PAR. Other stakeholders disagree and believe that

CVPIA Program Activity Review

completion needs to be defined before programs can realistically move into developing performance goals.

- Some stakeholders base CVPIA review on reasonable effort and accomplishments to determine completion.
- Program funding may be coming from other sources than CVPIA.
- Concerns regarding identifying the difference in funding mechanisms: Restoration Fund reimbursability, sources of other funding and CVP user fees.
- Stakeholder expressed concerns about definitions of terms, phrasing and the placement of provisions grouped in the table describing Annual/ongoing, Long-term/Time Certain and Complete / O& M. Wording will be revised.
- In order to apply the funding approach the program plans must be more specific. This is specifically relevant to AFRP where actions are done, is program complete?

Refining Progress and Performance Goals

b(4) Tracy

Discussion:

- One stakeholder disagreed because it appears to reflect an assessment of future actions, instead of past accomplishments.
- What are the boundaries of CALFED actions vs. CVPIA actions?
- Did CVPIA develop a program that was either added on to and/or blended with CALFED program activities that interferes with the identification of completion of this provision?
- What are we making progress toward?
- How is progress defined?
- List of actions looks like the right list.
- Are there activities that were planned and accomplished that can be combined into the goals to show progress in the past and in the future?
- Show linkages to CALFED
- Stakeholders suggested reference to CALFED in Program Summary reports to be moved to linkages, instead of one of the primary agencies for program planning and progress measures.
- Rethink how to present mitigation payments.
 - Pre-dated CVPIA
 - Not paid since 2003
- Are there other performance measures?
- Developing a program including payment for direct loss for impacts does meet the provisions of CVPIA.
- Mitigating fisheries impacts at Tracy is different than restoring fish at other locations.
- Need to focus on on-site impact mitigation for the PAR.
- One stakeholder suggested that Delta Smelt is not part of CVPIA. Others noted other species are not excluded in b(4) or in b.
- Is the mitigation payment dictated by CVPIA?
- Can you mitigate losses and reduce the mitigation payments? Is that a measure of performance?
- Mitigation payments are not effective, since they do not have enough funding.
- Need a take limit for a target to measure reduction of loss

b(10) Red Bluff

Discussion:

- Measure of success is time of unimpeded passage.
- Stakeholders suggested set a date for the status of assessment.
- How do you deal with the instance of creating a new requirement, such as with green sturgeon? Without this new requirement, the provision should be considered complete.
- Do CVPIA and Restoration Fund apply if conditions change?
- Have we met the provisions of the CVPIA?
 - CVP still needs to meet requirements of ESA and green sturgeon.
- The current Red Bluff passage figures show substantial improvement:
 - 100 percent for winter run
 - 90 percent for fall run
 - Some for spring run
 - Haven't done anything for steelhead.
- Need criteria to decide if this provision is complete.
- Is there a program plan and has the program criteria been met?
- Agency decision is needed, stakeholders are uncertain if the decision resolves the situation of completeness.

b(12) Clear Creek

Discussion:

- What is definition of sufficient restoration?
 - Dam removed
 - Habitat opened up
 - Construction completed next year.
- Flows
 - Flows set in 1995 and delivered
- Temperature targets
- Measure returning fish
- Flows help move rock
- New flow studies look at water needs in revised channel
- Performance goals
 - Fish populations
 - Habitat

b(14) Delta Cross Channel

- Is there enough information on situation with striped bass to be an area of high priority?
- Genesis of project was to address how to convey water to the pumps with the least impact on fish?
- Major question is whether this action should be closed.
- What would be a process for determining whether to close?
- Suspend until other species that are higher priority are healthy enough that something can be done about striped bass.
- Shana will work with Dave Zezulak to develop status language.

Restoration Fund Roundtable May Meeting

- May 18, 10 am to noon Cafeteria Conference Rooms 1&2
- Working Group will present progress report since last Roundtable meeting to explain the CVPIA PAR.
- Suggestion to add questions and answer session to engage meeting participants.
- Working Group members are encouraged to share the invitation so agencies, environmental interests and others can participate

Program Activity Linkages

Introduced draft concepts for explaining the bigger picture of the purposes of the CVPIA. In order to see the broad goals of CVPIA and accomplishments of the provisions more clearly, provisions with similar goals will be grouped together in narratives and expressed as “linkages.”

- Remove the word “barriers” from “Remove fish barriers to fish passage” and insert “impediments” under Structural Actions, to distinguish from the physical barriers.

Meeting Schedule

- May 16, 10 am – 4 pm
- May 18, Restoration Fund Roundtable, 10 to noon
- May 18, Working Group, 1 – 4 pm

CVPIA Program Activity Review

Participants

Michael Aceituno — NMFS
Ara Azhderian — SLDMWA
~~John Beam — CDFG~~
Serge Birk — CVPWA
Gary Bobker — Bay Institute
Frances Brewster — SCVWD
~~Paul Forsberg — CDFG~~
~~Zeke Grader — PCFEA~~
Ann Hayden — ED
~~Tim Hayden — Yurok Tribe~~
~~Heather Hostler — Hoopa Valley Tribe~~
~~Campbell Ingram — Nature Conservancy~~
Danny Jordan — Hoopa Valley Tribe
~~Joseph Jarnaghan — Hoopa Valley Tribe~~
Don Marciochi — Grassland WD
~~Clifford Lyle Marshall — Hoopa Valley Tribe~~

Jacolyn Martins — Hoopa Valley Tribe
Barry Nelson — NRDC
Paul Olmstead — SMUD
Jeff Phipps — NCPA
Dennis Puz — Yurok Tribe
Jeff Quimby — CCWD
Spreck Rosekrans — ED
Bob Stackhouse — CVPWA
Tom Stokeley — Trinity Co.
Bernice Sullivan — FWA
Jerry Toenyes — NCPA
David Widell — Ducks Unlimited
Alan Zepp — NCPA
Dave Zezulak — CDFG

Agency Team

~~John Engbring — FWS~~
~~Dale Garrison — FWS~~
Roger Guinee — FWS
~~Susan Hoffman — Reclamation~~
Shana Kaplan — Reclamation
~~Allan Oto — Reclamation~~
~~Susan Ramos — Reclamation~~
Patricia Rivera — Reclamation
Charles Gardiner — Consultant
Janice Kelley — Consultant