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State Of California

Concerning CALFED Bay-Delta Governance
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Introduction

Chairman Alpert and members of the Commission, thank you for inviting me to participate in this panel to discuss the current implementation of the CALFED Bay/Delta program. Deputy Assistant Secretary of the Interior, Jason Peltier, has addressed the broader governance issues of interest to the Department of the Interior in his written statement. My comments will emphasize the Fish and Wildlife Service's (Service) view of the habitat benefits CALFED has provided, discuss concerns regarding the efficiency of the program and offer some models for affecting change.

I want to reiterate that the Service is firmly committed to the goals of the CALFED Record of Decision as reflected in our current participation in a multitude of program elements and implementation processes set forth in the ROD and our implementation MOU.

The Benefits of CALFED

CALFED has provided many benefits. It is clear that between 1995 and 2005 cooperation on resource protection among and within State and Federal agencies has vastly improved and continued through a change in both State and Federal Administrations.

For example, water operations to benefit water users and provide for fishery protection has been greatly improved through the efforts of the inter-agency Water Operations Management Team and several supporting technical groups that include agency and stakeholder scientists. These groups work effectively together to improve the integration of State and Federal water operations, water management programs such as B(2) and Environmental Water Account, and fishery protection needs. The outcome has been improved fishery protection, improved water supply to State and Federal wildlife refuges, and improved water supply reliability.

CALFED has also provided great benefits to trust resources. For example, more than \$500 million has been invested in 415 ecosystem restoration projects; 100,000 acres of habitat have been protected or restored, including more than 50,000 acres that

remain in wildlife-friendly agriculture; more than 100 miles of riparian habitat protected or restored; and 68 new or improved fish screens constructed.

Of the more than 100 milestones identified for the ecosystem restoration program in CALFED's first seven years, 80% are on or ahead of schedule.

Specifically, the Butte Creek restoration has improved fish passage and flows allowing thousands of threatened spring-run Chinook salmon to return and spawn where only hundreds or less returned in the preceding decades.

In addition, restoration of Clear Creek has improved fish passage, flows and spawning gravel. With stream channel and floodplain restoration, spawning runs of fall-run Chinook salmon have increased four fold, and the California endangered western yellow-billed cuckoo was sighted for the first time ever in Shasta County.

On the main stem Sacramento and San Joaquin rivers, floodplain habitat has been restored and protected, enhancing the ability of the national wildlife refuges on those rivers to provide habitat for a host of water and riparian habitat dependent species. This spring, a pair of endangered least Bell's vireo was discovered nesting in a recently restored portion of the San Joaquin River National Wildlife Refuge, the first time in 85 years that this once common song bird has nested in the Central Valley.

These achievements would not have happened without CALFED. More needs to be done to achieve CALFED's ecosystem restoration objectives, both to recover listed species and the habitats on which they depend, and to provide the flexibility to more efficiently meet California's water needs. In short, we need the conservation efforts initiated by the CALFED Bay-Delta Program to continue.

Bumps in the Road

Not all has run smoothly however. Federal agencies cannot and will not give up their authorities. The establishment of the Bay-Delta Authority (CBDA) has lead to confusion as to the independent authorities of State and Federal agencies and the oversight responsibilities of the CBDA.

For example, Federal decisions require extensive public process and input, including public notice, meetings and comment, before they can be put into place. It is frustrating to complete that process only to go through it again when it reaches the CBDA.

In addition, the CBDA has often become an inappropriate platform for criticism of Federal regulatory actions. For example, CBDA has spent considerable time discussing the findings the Service made in our Endangered Species Act Biological Opinion on the Bureau of Reclamation's Operating Criteria and Plan. CBDA does not, in our view, have a role in regulatory decisions that do not fall under implementation commitments contained in the ROD or the implementation MOU. There has also been confusion as to

the role of the Bay-Delta Authority and the California Bay-Delta Public Advisory Committee.

Further, the Service believes that progress in many areas has been hindered by a science program with limited funding, communications failures between managers and the scientists, and a process that seems never ending. The goals of the science program, as recently articulated by Dr. Johnnie Moore, should be three-fold. 1) Identify and resolve the science behind key management decisions and policy issues. 2) Ensure that the science is objective, timely and rigorous, and 3) Support good management and policy decisions.

The implementers and the stakeholders must believe that the science program is helping us make better, more informed policy and operational choices. It is vital to get back to science that is unbiased and seen as an authoritative source for other scientists, agency managers, stakeholders and the public.

Models for improvement.

We can always do better. As a regional manager I have the opportunity to participate in other large conservation efforts in California and Nevada. I have also observed some state boards that are small, effective and have legislative oversight. All have their upsides and downsides but may prove useful as models for improving the function of CALFED. Two examples I'd like to share with you are the Southern Nevada Public Lands Management Act executive board, of which I am a member, and the California Wildlife Conservation Board.

Southern Nevada Public Lands Management Act

Signed into law in 1998, The Southern Nevada Public Lands Management Act (SNPLMA) provides that revenues from the sale of certain public lands go to conservation. Since much of the land sold or pending sale is now within the city limits of Las Vegas, 100s of millions of dollars will become available for conservation efforts in Nevada over the next decade. The executive committee is made up of State and Federal Land managers. Our role as decision makers is simple. We have an 80 page manual of operating procedures. The Committee selects the projects and Federal members vote to approve project and budgets. Importantly, there are regular audits to ensure accountability.

Wildlife Conservation Board

The Wildlife Conservation Board is an example of a state board that has a less cumbersome structure than the CBDA, yet manages to effectively weigh in on important issues and retain public confidence. The Wildlife Conservation Board has a three-member board that approves funding for land acquisition, habitat restoration, and development of wildlife oriented public access facilities. Propositions 40 and 50 made

more than one billion dollars available to the WCB for these purposes. This board is relatively small and has legislative oversight.

Both the SNPLMA and WCB have substantial resources, deal with important and often controversial issues, and seem to function adequately with a less cumbersome structure than the CALFED Bay-Delta Program and the CBDA.

Summary

In closing, I would reiterate that CALFED could provide a highly effective framework for agencies and stakeholders to work together in achieving resource protection. Like all programs, some parts work better than others. Specifically, I believe the roles of the many CALFED committees should be clarified and focused. Further, it is critical that process time is reduced and that more effort is spent on real time results.

I appreciate the Commission taking the time and effort to review this important program. Thank you for the opportunity to speak with you today, and I am happy to take any questions.