



NORTH DELTA WATER AGENCY



June 4, 2010

Bay-Delta Conservation Plan Steering Committee
c/o Hon. Karen Scarborough, Undersecretary of Resources
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Subject: Recent BDCP Accomplishments and Remaining Tasks

Dear Members of the Steering Committee:

Our five organizations, all members of the Bay-Delta Conservation Plan (BDCP) Steering Committee, are writing to reiterate what we have stated consistently in meetings and in writing about a number of important unresolved issues, and the progress that must be made in resolving them over a very short period of time in order to develop a draft Plan acceptable to the entire Steering Committee. While progress has been made on some of these issues recently, most of the key decisions necessary to complete a credible draft Plan – and much of the analytical work associated with making these decisions – have been deferred until near the end. We raise these issues again in order to facilitate timely and constructive resolution of these issues and avoid or minimize impacts to the schedule.

BDCP technical teams have recently made significant progress in some key areas, including the development and peer review of the “Logic Chain” approach to linking Recovery Goals with BDCP actions, as well as the development and integration of new modeling tools. The “Logic Chain” presents a framework for linking Recovery Goals for species with BDCP goals, objectives, conservation measures, monitoring, and adaptive management, while the new modeling tools provide the basis for analyzing the effects of the Plan. Together, the “Logic Chain” and effects analysis form the foundation of a successful conservation plan.

These recent steps mark critical progress for the BDCP and were only possible due to the efforts of numerous individuals and organizations who have devoted a substantial amount of time to these efforts. The next major undertaking will be to integrate the “Logic Chain” framework into the effects analysis thereby allowing a measure by measure analysis of projected outcomes as called for in the “Logic Chain”. This will be a significant undertaking, and we look forward to helping with this integration.

Given the ambitious schedule, it is critical that the Steering Committee receive complete and timely information and early drafts to make an informed evaluation before considering approval of a draft Plan in November. This is especially important because the draft EIS/EIR that should accompany a draft HCP/NCCP will come later and not be available until much later in 2011, presumably after the draft Plan is already approved. The following actions summarize the most essential elements required under these unique circumstances before a draft Plan could be considered ready for a discussion that could lead to approval:

- Implement recommendations of the Delta Science Program Review Panel concerning the “Logic Chain” framework, including, but not limited to:
 - Defining clear problem statements, species goals and objectives and BDCP goals and objectives;
 - Reconvening an independent science review and advisory process, including additional workshops, to focus on conservation measures, anticipated outcomes, monitoring, metrics, and adaptive management;
 - Exploring potential consequences and cost-effectiveness of conservation measures using simulation models in the effects analysis;
 - Establishing priorities among conservation measures with the help of cost-benefit analysis, return-on-investment, ecological risk analysis, and other tools; and
 - Considering constraints to implementation of each conservation measure;
- Determine and document how the effects analysis will integrate the “Logic Chain” framework. In addition, determine how necessary iterations of the analysis will be conducted based on new information (e.g. SWRCB flow criteria; findings in the EIR/EIS of significant impacts; the Delta Stewardship Council’s Delta Plan);
- Provide documentation of the new modeling tools to allow for adequate review of the assumptions, methods, and calibration (note: unlike the “Logic Chain” approach, the new modeling tools have not been released for review; they incorporate an assumed new configuration of the Delta that has never existed and as such require careful scrutiny to ensure they are performing adequately and their results can be trusted and validated);
- Release results from the physical modeling (water level, flow, and salinity) such that Steering Committee members can assess the effect of the mid-point of proposed operations on existing in-Delta beneficial uses. This is especially important because a draft EIS/EIR will not be available before the Steering

Committee is scheduled to consider a Plan and it is the only way those who would be affected by the implementation of any Plan can assess the impacts to their interests and whether the Plan will require further consideration and additions or changes when mitigation measures are proposed in the draft EIS/EIR;

- Conduct an equal level of analysis on proposed operations in Ranges A and B and apply the same models as are applied to the mid-point of proposed operations;
- Evaluate a full range of alternatives for the BDCP (“alternatives to take”), including a range of operations, tunnel capacities, etc (per the Delta legislation requirements);
- Determine how the new Delta flow criteria, currently under development by the State Water Resources Control Board (decision expected in August), will be considered and incorporated by a proposed Plan;
- Integrate the new biological objectives, currently under development by the Department of Fish and Game (decision expected in November, at the same time as a draft Plan is to be considered);
- Complete the essential components of the conservation strategy for terrestrial species, including developing biological goals and objectives, conservation measures, and metrics consistent with the “Logic Chain” Framework, and resolve outstanding issues regarding whether conservation measures may occur and how the BDCP will integrate with other conservation plans;
- Integrate flood management into the plan;
- Ensure impacts to third parties are accurately evaluated and mitigated;
- Complete a financial plan for the near and long term that includes permanent financing mechanisms (endowment, annuity) for maintenance of habitat and third party impacts; and
- Provide clearer definition as to how the BDCP will be implemented with particular emphasis on the governance structure.

The above list is illustrative of the remaining tasks that must be accomplished to create a draft Plan that merits consideration. We understand incorporating this needed work into all of the other activities will be challenging and to date the track record of meeting milestones has been less than optimal. For instance, of the sixteen items listed on the April 22, 2010, agenda topics for May and June, we covered one item in May, leaving fifteen items to be covered during the two meetings scheduled in June. Nevertheless, it is still possible that if the lead agencies take quick and serious action while using a

transparent process with avenues for scientific peer review, as appropriate, these issues can be resolved and adjustments to the scheduled November milestone can be avoided or minimized.

Our organizations have dedicated thousands of hours to the development of the BDCP, and we remain committed to the development of a comprehensive, science-based and credible conservation plan. We look forward to working with all of you to help facilitate the review and completion of the outstanding items necessary to make that effort a success.

Sincerely,



Melinda Terry
North Delta Water Agency



Kim Delfino
Defenders of Wildlife



Gary Bobker
The Bay Institute



Greg Gartrell
Contra Costa Water District



Ann Hayden
Environmental Defense Fund