

Bay Delta Conservation Plan (BDCP)

Steering Committee (SC) Meeting

February 13, 2009, 9:00 a.m. to 12:00 p.m.

California Farm Bureau Federation Conference Room

2300 River Plaza Ave, Sacramento, CA

Draft Meeting Notes

Associated documents/handouts:

- Agenda
- Draft Examples of Alternatives Table
- Preliminary Draft SAIC “Straw” Proposal for Draft Habitat Restoration Recommendations
- Addendum to Overview of the Draft Conservation Strategy for the Bay Delta Conservation Plan
- BDCP Orientation Webinar
- Summary of Changes and Actions Regarding BDCP Other Stressor Conservation Measures
- BDCP Outreach Meeting Log and Summary Issues
- USFWS Notice of Intent

Action Items and Key Decisions

SC concurs with Addendum to Overview of the Draft Conservation Strategy as providing appropriate direction for the next few months of plan development.

Updates

- Federico Barajas was introduced as the representative for the Bureau of Reclamation.
- The 3rd version of the NEPA Notice of Intent was distributed by the USFWS
- The Contra Costa Water District provided an update regarding current projects including: canal replacement, the alternative intake on Victoria Canal, the fish screen project with Reclamation on the Contra Costa canal, and the Los Vaqueros expansion EIR/EIS, which was provided to EPA today and is likely to be noticed in the Federal Register next week.
- The California Senate Natural Resources Committee is conducting hearings on Delta Vision and the BDCP.
- SWRCB announced that it had scheduled a hearing on February 17 to address a request for proposed amendments to X₂ standards, and that a workshop notice will be forthcoming on the Bay-Delta Plan update
- DWR will announce water allocations at the end of next week
- DWR announced that the Notice of Preparation (NOP) for the BDCP EIR will be released today

Approach to Alternatives Development

Paul Cylinder presented the *Draft Examples of Alternatives Table* (see associated handouts/documents). The document included examples of Alternatives related to the ESA Section 10 process (alternatives to take) and examples of EIS/EIR Alternatives under NEPA/CEQA. The Integration Team will review and update alternatives for a presentation at the February 27 SC meeting.

SC members discussed the timing for the development of NEPA/CEQA alternatives and alternatives for consideration in the CWA section 404 (b)(1) alternatives analysis. SC members also discussed the Rivers and Harbors Act section 408 process as it relates to levees, the potential for reconsidering upstream reservoir operations, and potential for a reinitiation of consultation on OCAP to address upstream effects of BDCP implementation.

BDCP EIR/EIS Status Update

Dave Olsen and Delores Brown presented a *BDCP EIR/EIS Status Update*.

SC discussion following the presentation included: clarification of the focus and content of the first round of scoping meetings vs. the next round of scoping meetings in March; schedule for responsible/cooperating agencies to receive relevant sections of the administrative draft EIR/EIS; use of RMA hydrodynamic model in the evaluation of alternatives; how information gathered by the EIR/EIS team will be integrated into BDCP; involvement of Mirant in the evaluation process; meeting water rights requirements of the State Water Control Board; and the iterative nature of alternatives development.

Working Groups, Technical Teams and Liaisons

Other Stressors Sub Group

Brent Walthall (co-chair) presented handout *Summary of Changes and Actions Regarding BDCP Other Stressor Conservation Measures* (see associated handouts/documents). The subgroup is working to answer key questions regarding each conservation measure as “Yes” or “No” where the answer is currently “Uncertain.”

SC members discussed issues raised by the handout including: considering the adaptive management report produced by the Adaptive Management ISA panel; evaluation of how the other stressors conservation measures will be integrated with other plan elements; addition of a column to the handout table for describing third party participation; evaluation of conservation measures being considered for deletion reiterated concern that some of the conservation measures may not be considered by the Fishery Agencies as addressing take; and urgency of addressing certain other stressors before BDCP approvals.

Biological Goals and Objectives Working Group

Gary Bobker (co-chair) reported the WG had a robust discussion of terrestrial species and habitat goals and objectives at the last meeting. On the aquatic side, Gary stated that the objectives need further refinement. The next meeting of the WG will be next Thursday.

SC members discussed a variety of issues regarding BDCP goals and objectives including: concern about the limited list of covered natural communities and whether terrestrial natural communities should also be covered under the NCCP; whether to involve the Habitat Restoration Program TT in development of conservation measures for terrestrial resources; permitting requirements under the NCCP Act; coordination and synergies with other HCPs sponsored by Delta counties; and permitting strategies for covered terrestrial species.

Implementing Structure/Governance Working Group

Roger Patterson (co-chair) reported the WG is meeting today and the discussion will focus on the challenging topic of “assurances.” Richard Roos-Collins (co chair) reported the WG has had good discussions of adaptive management governance, process for decision making for routine and non-routine adaptive management changes under the plan and permit, and how to distinguish non-routine changes from major modifications that would require permit amendment.

Science Liaisons

Kim Delfino (co-chair) reported on the last meeting of the Science Liaisons, including Wayne Spencer’s presentation of the ISA’s adaptive management report. She indicated that the report is helpful. Wayne Spencer will formally present the report to the SC at the February 27 meeting.

Habitat Restoration Program TT

John Cain (co-chair) presented *Preliminary Draft SAIC “Straw” Proposal for Draft Habitat Restoration Recommendations* (see associated handouts/documents). Dave Harlow (co-chair) suggested that there will be some level of habitat restoration proposed for all the restoration opportunity areas.

SC members discussed several issues raised by the handout including: how DRERIP evaluation results will inform habitat restoration targets; the need for further discussions of the TT to determine “minimum” and “maximum” habitat restoration targets; clarification about measures that would only go forward if they were integrated with future flood control projects; objective of focusing on willing sellers; clarification concerning enhanced vs. restored habitats; question of whether proposed acreage targets include mitigation requirements or are in addition to numbers presented; and constraints associated with restoring vegetation on levees.

Public Comment:

Maria Wong (Yolo NHP) asked for clarification regarding habitat enhancements that DFG has not credited to any HCP/NCCPs to date and the implication that BDCP may get credit for such enhancements. She wants to know if this indicates a policy shift within the Fishery Agencies. Carl Wilcox responded that BDCP is considering improvements to habitat and populations of aquatic species and that terrestrial species are not the focus of the plan, but would be addressed.

Integration Team

John Cain (co-chair) presented handout *Addendum to Overview of the Draft Conservation Strategy for the Bay Delta Conservation Plan* (see associated handouts/documents).

SC members discussed a number of issues raised by the document including: how the process will be further informed by the independent science report and DRERIP evaluations; how climate change will be addressed. It was requested that that the word *final* be taken out of the documents.

Public Outreach Liaisons

Karla Nemeth (co-chair) presented and discussed the *BDCP Outreach Meeting Log and Summary Issues* and *BDCP Orientation Webinar* (see associated handouts/documents).

Public Comment

Mark Wilson (Clarksburg) requested that more complete write-ups of the meetings listed in outreach log be made available. He asked about the comments and concerns raised at public outreach meetings, and where those comments can be found. He also requested that more detailed reports to be made available online and that these public concerns and issues be presented and discussed at WGs and TTs.

SC members requested that comments that pertain to BDCP decisions be disseminated to SC members along with adding a column to the *BDCP Outreach Meeting Log and Summary Issues* to identify which concerns/issues have gone to WGs and TTs.

Justin Frederickson (CFBF) asked that detailed outreach meeting notes be made available.

Attendees

Management and Representatives

Karen Scarborough (Chair, The Resources Agency)
Laura King Moon (State Water Contractors)
Marc Ebbin (The Resources Agency/DWR)
Karla Nemeth (The Resources Agency)
Joe Grindstaff (California Bay-Delta Authority)
Jerry Johns (DWR)
Federico Barajas (USBR)
Paul Robershotte (USACE)
Brent Walthall (Kern County Water District)
Roger Patterson (Metropolitan)
Jason Peltier (Westlands)
Kurt Arends (Zone 7)
Melinda Terry (North Delta Water Authority)
Richard Roos-Collins (American Rivers/Natural Heritage Institute)
Kim Delfino (Defenders of Wildlife)
Ann Hayden (Environmental Defense)
John Cain (Natural Heritage Institute)
Anthony Saracino (The Nature Conservancy)
Greg Gartrell (Contra Costa Water District)
John McCamman (DFG)
Carl Wilcox (DFG)
Ren Loehefner (USFWS)
John Engbring (USFWS)
Russ Strach (NMFS)
Paul Cylinder (SAIC)
Pete Rawlings (SAIC)

On phone

Tom Howard (SWRCB)
Will Stelle (The Resources Agency)

Ron Kino (Mirant)
Gary Bobker (The Bay Institute)
Wayne Spencer

Other attendees
See sign-in sheets
