

**Bay Delta Conservation Plan (BDCP)
Steering Committee (SC) Meeting**
June 17, 2010, 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 BDCP SC Meeting Notes December 17, 2009*
- *Draft BDCP SC Meeting Notes January 7, 2010*
- *Draft BDCP SC Meeting Notes January 14, 2010*
- *Governance-Implementation Structure Components*
- *Draft Figure 7.1 BDCP Implementation Structure*

Action Items and Key Decisions

- None

Updates

- The Delta Stewardship Council has drafted a letter to the BDCP lead agencies. It is available on their website. Kevin Hunting of the California Department of Fish and Game will be giving a presentation to the Council on natural community conservation planning. The Council has posted a request for qualifications for a consultant to monitor the BDCP Steering Committee for the Council.
- DWR announced that June reservoir inflow has benefited Oroville water storage.
- DWR is conducting survey work on the tunnel option. The 30-day comment period for their CEQA Mitigated Negative Declaration on the survey work began on June 15.
- A request was made for a briefing to the BDCP Steering Committee meeting by the Delta Stewardship Council on the development of the Council's Delta Plan. Keith Coolidge (Delta Stewardship Council) offered that the draft interim plan is currently out for review, the second draft of the interim plan will be released in July 2010, the final draft of the interim plan will be released at the August 2010 meeting, and a final draft of the Delta Plan will be released in November 2010.
- The National Research Council is having their second meeting on Delta science; the public meeting will be held on July 13, 2010. Registration is required for attendance.
- A suggestion was made to note on the Steering Committee agendas when new comment letters have been received.

Process and Schedule

A Steering Committee agenda schedule is in development and will be presented at the next Steering Committee meeting (July 1). The focus of efforts in June is the Effects Analysis. After the Effects Analysis is completed, a roll-up of results will be presented to the Steering Committee. This will help determine whether the water operations parameters or other conservation measures approved for analysis at the January 29, 2010 meeting may require modification. A comment letter was received by the Steering Committee from the Environmental Defense Fund, Defenders of Wildlife, The Bay Institute, Contra Costa Water District, and North Delta Water Agency. Letters have also been received on the BDCP EIR/EIS process and are posted on the BDCP website. An update on the BDCP EIR/EIS process (including scoping and screening alternatives) will be presented at the July 1 Steering Committee meeting. Results of the BDCP separate analyses (e.g., intake size and intake location) are expected to be forthcoming throughout the summer.

Discussion followed on letters sent from Steering Committee members to the Steering Committee. A question was raised about whether this indicates a need for more communication. A suggestion was made that letters from Steering Committee members to the Steering Committee should contain suggested solutions to problems or complaints in order to more quickly reach a resolution.

Discussion: Governance/Implementing Structure

Roger Patterson (Metropolitan Water District) discussed the BDCP governance structure and presented two handouts on this topic - *Governance-Implementation Structure Components* and *Draft Figure 7.1 BDCP Implementation Structure*. These are draft documents; however, they do represent governance topics on which there has been some agreement or convergence of ideas. Mr. Patterson pointed out that BDCP governance is not Delta governance, and that BDCP governance must be compatible with the larger Delta governance of the Delta Stewardship Council. Governance aspects discussed included the BDCP Management Entity, supporting entities, regulatory agencies, science input, and the BDCP Implementation Committee.

A question was raised about whether there has been consideration of making the Department of Water Resources (DWR) and the Bureau of Reclamation (USBR) members of a BDCP joint powers authority. Mr. Patterson responded that the current thinking of the Governance Workgroup is that the BDCP Management Entity is more of a confederation among DWR, USBR, and the water contractors' joint powers authority (JPA), rather than a legal entity. The Management Entity would be accountable to make things happen, but they do so through the statutory authorities of the various members of the Management Entity. There could be a broader JPA that may include water contractors and DWR. DWR and USBR would continue to operate the SWP and CVP. The ultimate goal of the Governance Workgroup is to clearly identify who is responsible for what.

There were several outstanding issues in the last iteration of the governance chapter, and these will be addressed in the next draft of the governance chapter submitted to the Steering Committee. However, one component that requires further development is the Authorized Entities/Permittees (Item #10 in handout). A question was raised about where the Delta Water Master, a new position created by recently passed water legislation, would fit into the BDCP real-time operations response team. Mr. Patterson responded that the Delta Water Master will operate on behalf of the State Water Resources Control Board to make sure that everyone is following the rules in the Delta; therefore, they will not be a part of the BDCP real-time operations response team. Additional items discussed included the fiduciary responsibilities of managing the BDCP and management of third-party supporting entities; both of which are proposed to be the responsibility of the Management Entity. A question was raised regarding whether EIR/S mitigation for impacts on various resources would be implemented by Management Entity. Some agreed that the Management Entity should do so.

A question was raised about how BDCP governance will work with the new Delta Stewardship Council. Mr. Patterson responded that this is an important question, and his opinion is that the success of the BDCP will depend on the success of the Delta Stewardship Council, and vice-versa. Good communication between both will help ensure success of both. Keith Coolidge (Delta Stewardship Council) added that the BDCP and the Delta Stewardship Council need to have a dialogue about how the two will interface.

Issues still not resolved include the roles of DWR, USBR, and the water contractors' joint powers authority (JPA) in BDCP implementation, and who all of the permit applicants will be.

It was noted that input from the Fishery Agencies in the development of the Annual Operations Plans would be helpful. USFWS sees an annual review of the BDCP that is used to develop the subsequent annual plan as important in the adaptive management decision loop during implementation.

A suggestion was made to include a policy whereby Central Valley Project Improvement Act restoration funds go directly to supporting entities that are implementing restoration projects, as opposed to moving the funds through the Bureau of Reclamation and USFWS. Dan Castleberry (USFWS) echoed the need for clarity of responsibilities and offered the USFWS perspective on operations.

Public Comments:

Tina Cannon Leahy (consultant to California Assembly Water, Parks and Wildlife Committee) stated that one of the governance issues related to the water contractors' JPA is how the public trust resource is managed by DWR and the Bureau of Reclamation in light of their relationship with the JPA as part of the BDCP Management Entity. Ms. Cannon Leahy asked what the procedure and forum will be for resolving issues between the JPA and DWR and Reclamation in the BDCP Management Entity. Mr. Patterson responded that the JPA does not operate the SWP and CVP, and that the JPA goal is success of the BDCP. In making a substantial investment in the BDCP, the JPA is not seeking greater influence over water operations, but rather to ensure the success of the BDCP as their future water supplies are directly tied to it. Ms. Cannon Leahy pointed out that the JPA would have a contractual relationship with DWR; and that such a governance proposal changes that relationship and elevates the JPA above other BDCP participants. Ms. Cannon Leahy asked what is gained by elevating the JPA. Mr. Patterson responded that these are fair questions. Karen Scarborough (chair) added that the operations criteria that the Management Entity would be following during implementation of the BDCP are currently being developed by the BDCP Steering Committee.

Mark Rockwell (Endangered Species Coalition) asked how the fishing industry (recreational and commercial) will fit into the BDCP process. Mr. Patterson responded that, in his view, they could be part of the BDCP Implementing Committee. Dr. Rockwell agreed with Mr. Patterson and asked how to get the fishing industry engaged. Karen Scarborough (chair) responded that this issue will be considered from both a governance and public outreach perspective. Dr. Rockwell then commented on real-time operations roles and suggested the creation of an advisory committee that would provide outside input on real-time operations; not necessarily a decision-making role. Karen Scarborough thanked Dr. Rockwell for the suggestion; it will be considered further. Greg Thomas (Natural Heritage Institute) offered that the entry point for the fishing industry could be to comment on the Annual Operations Plan as opposed to the day-to-day operations.

Ann Spaulding (City of Antioch) would like more information to be made available on the water contractors' JPA. Mr. Patterson offered to email and/or post information about the JPA and the legal document that formed it.

Jonas Minton (Planning and Conservation League) offered that Fishery Agency involvement in the Annual Operations Plans should include being a part of the decision-making process in addition to providing input; an appropriate example being the American River Operations Group.

Presentation: Update on Effects Analysis - Hydrodynamic Modeling Results

Armin Munevar (CH2M Hill) gave a status update and presented select summary results of the BDCP hydrodynamic modeling for the Full Effects Analysis. A modeling-for-modelers meeting will be held tomorrow morning at 9am at CH2M Hill's offices in Natomas Park to provide greater technical detail for those who desire it. Today's presentation topics include water quality, flow and stage results, and next steps. Modeling efforts to date have included climate-driven hydrology, sea level rise effects, tidal marsh effects, flow-salinity responses, and particle tracking, among others.

The assumptions used in climate change and sea level rise analyses were discussed. A request was made for information detailing the assumptions used in these analyses. Mr. Munevar responded that a paper has been drafted which provides those details, and it will be released for review after DWR has conducted their review. A point was made that modeling for climate change is helpful, but that what is needed is a responsive plan of action to accommodate for sea level rise; much infrastructure is at risk. Assumptions regarding levees and their potential failures were also discussed. Mr. Munevar clarified that the separate analysis of levee failure, not included in the Effects Analysis modeling, is focused on the investments of the BDCP (habitat restoration and intake and conveyance investments) and much broader levels of uncertainty than the biological Effects Analysis. A suggestion was made to conduct an analysis of the biological effects of levee failures. Paul Cylinder (SAIC) responded that the biological Effects Analysis is examining the potential effects of the BDCP, including changes in water operations and 65,000 acres of tidal restoration; and the plan and the analysis incorporate the effects of climate change and the resulting sea level rise. In terms of specifically what might happen, such as which levees may break and their potential effects, is subject matter for the separate analysis of levee failure. Given that the biological Effects Analysis does not include assumptions about specific levee failure, a suggestion was made that the BDCP contain a strategy for reducing the probability of levee failure.

Mr. Munevar discussed the modeling results for seasonal changes in flow, which include increased Yolo flows, increased Montezuma Slough flows, and reduced Three Mile Slough flows towards the San Joaquin River. Additional modeling results discussed included probability of reverse flows on the Sacramento River, Sutter Slough, Steamboat Slough, and

Miner Slough; and predicted water level changes around the Delta. In the presentation graphs available on the BDCP website, the acronym NAA represents no action (existing operating criteria), NAA ELT is no action with early long-term climate change (about 2020), NAA LLT is no action with late long-term climate change (about 2060), PP is the proposed project, PP ELT is the proposed project with early long-term climate change, and PP LLT is the proposed project with late long-term climate change. BDCP proposed water operations are predicted to reduce reverse flows in the Sacramento River upstream of Sutter and Steamboat sloughs; in Sutter Slough from Miner Slough to the Sacramento River; and in Miner Slough from the Miner Slough Bend to Sutter Slough. BDCP proposed water operations are predicted to increase reverse flows in the Sacramento River downstream of Sutter and Steamboat sloughs; in Sutter Slough from Miner Slough to Steamboat Slough; in Steamboat Slough from the Sacramento River to Cache Slough; and in Miner Slough from the Miner Slough Bend to Cache Slough. BDCP restoration of tidal habitat will increase the capacity of the Delta to reduce the effects of sea level rise; higher high waters will be diminished.

Changes in Delta salinity were discussed. The north Delta is predicted to have no change in salinity, with the exception of the Cache Slough area. The south Delta is predicted to have no change in salinity. Increases in salinity are predicted for the Old and Middle river corridors as less Sacramento River water enters that corridor and it is replaced seasonally with San Joaquin water or Martinez water. Similarly, in the west Delta, Sacramento River water is replaced seasonally by San Joaquin water or Martinez water. The west Delta is also predicted to experience increased salinity due to tidal influences. It was noted that higher salinity levels in the late long-term with the proposed project in Cache Slough at Ryer Island and in the Sacramento River at Rio Vista must be a function of sea level rise and the increased acreage of tidal habitat restoration. Mr. Munevar responded in the affirmative.

Mr. Munevar summarized the key findings and went over the next steps for the modeling team.

Public Comments:

Mark Rockwell (Endangered Species Coalition) offered that there is scientific support for certain levee failures to be more likely than others and suggested that modeling be conducted with those failures as assumptions. Mr. Munevar responded that these are the assumptions used in the separate analysis of levee failure.

Mark Rockwell asked what level of Sacramento River diversions is assumed in this modeling analysis. Mr. Munevar responded that it would be the proposed operations that were approved for analysis by the Steering Committee. Karen Scarborough (chair) offered to provide the proposed operations to Dr. Rockwell.

Ann Spaulding (City of Antioch) asked if the modeling is based on dual conveyance operations. Mr. Munevar responded in the affirmative.

Ann Spaulding asked for a clear phone line to be open for the Modeling-for-Modelers meeting tomorrow.

Ann Spaulding noted that the predicted salinity for Antioch appears to be greater than 20‰ for all months except January and March. This is different from what they heard several months ago. Ms. Spaulding asked if the X2 location has moved. Mr. Munevar responded that it has moved slightly, by 1 or 2 kilometers.

Dan Kelly (Sacramento County) asked Mr. Munevar if he knew what the project yield would be. Mr. Munevar responded in the affirmative; it was presented at the BDCP Steering Committee meeting of April 22, 2010 (presentation accessible via the BDCP website).

Erin Foresman (U.S. Environmental Protection Agency) asked what annual exports resulted from operations modeling. Mr. Munevar responded that it was 6.1 to 6.2 million acre feet under current climate, with future sea level it's below 6 million acre feet, and by 2060 it's around 5.5 million acre feet.

Linda Dorn (Sacramento Regional County Sanitation District) asked about the biological models. Paul Cylinder (SAIC) responded that the biological results of the Effects Analysis, including biological modeling, will be presented at a future meeting.

Erik Ringelberg (Reclamation District 999) said that he would like to see an analysis with an east-side isolated conveyance facility. Jerry Johns (DWR) responded that alternatives will be analyzed in the EIR/EIS document. Dr. Cylinder added that the operations results discussed today are independent of the type of isolated conveyance used.

General Public Comments:

Jonas Minton (Planning and Conservation League) announced that the Planning and Conservation League has worked with professional modelers to complete a first-cut comparison analysis of a 3,000 cfs north Delta diversion as part of dual conveyance, as opposed to a 15,000 cfs diversion. Mr. Minton pointed out that the analysis uses assumptions parallel to what the BDCP analyses have used; noting in the summary that based on these similar assumptions, that about 70% of the water yield attained with 15,000 cfs conveyance can be achieved with a 3,000 cfs conveyance. The cost of a 3,000 cfs conveyance was estimated to be about \$3 to 5 billion, compared to the \$10-12 billion cost of the 15,000 cfs conveyance. The Planning and Conservation League requested that this report be posted on the BDCP website, and that time be set aside at a future meeting for a presentation on the report. Anthony Saracino (The Nature Conservancy) asked if the Planning and Conservation League also did an analysis on the biological impacts of the smaller conveyance in terms of entrainment and reverse flow issues and the potential benefit for the environment. Mr. Minton responded that they looked at the bypass requirements for the north Delta.

Osha Meserve (Reclamation District 999 and Stone Lakes NWR Association) notes that given the complexity of the analyses and concepts related to the BDCP, putting comments in writing is a good way to document things. Ms. Meserve also offered that entities outside of the Steering Committee should receive written dispositions to their written comments as part of the collaborative process.

Attendees

Management and Representatives

Karen Scarborough (Chair, The Natural Resources Agency)
Marc Ebbin (DWR, The Natural Resources Agency)
Laura King Moon (State Water Contractors)
Karla Nemeth (The Natural Resources Agency)
Keith Coolidge (Delta Stewardship Council)
Jerry Johns (DWR)
Paul Robershotte (USACE)
Jason Peltier (Westlands Water District)
Brent Walthall (Kern County Water Agency)
Roger Patterson (Metropolitan Water District)
Anthony Saracino (The Nature Conservancy)
Cindy Kao (Santa Clara Valley Water District)
Greg Thomas (Natural Heritage Institute)
Greg Gartrell (Contra Costa Water District)
Steve Ottemoeller (Friant Water Authority)
John Cain (American Rivers)
Carl Wilcox (DFG)
Melinda Terry (North Delta Water Agency)
Federico Barajas (USBR)
Patti Idlof (USBR)
Kari Fisher (California Farm Bureau Federation)
Dan Castleberry (USFWS)
Michael Tucker (NOAA/NMFS)
Paul Cylinder (SAIC)

On phone

Peter Landreth (Mirant)
Randall Neudeck

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