

Bay Delta Conservation Plan (BDCP)

Steering Committee (SC) Meeting

October 22, 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 BDCP Steering Committee Agendas*
- *Draft BDCP Remaining Issues*
- *Draft BDCP Chapter 7 – Implementation Structure*
- *Draft BDCP Implementation Structure Figure 7.1*
- *Draft BDCP Chapter 4 – Covered Activities*
- *Draft BDCP Disposition of Steering Committee Comments on the July 27, 2009 Draft Chapter 3 Conservation Strategy (October 20, 2009)*
- *Draft BDCP Delta Workshop Report*

Action Items and Key Decisions

- Governance WG co-chairs to work with Fishery Agencies, DWR, and USBR and bring back to the SC a proposed approach to governance of real-time operations
- USBR has resolved FACA issue and agrees to include additional experts identified by SC members on the effects analysis technical teams

Updates

- California water package legislation hearings are on hold in both the state senate and assembly.
- Governor Schwarzenegger and Secretary Salazar met last week to sign a MOA on renewable energy; they discussed California water issues during that meeting and agreed to work together to ensure that a plan is completed for the Delta.
- DWR announced a presentation on Delta hydrodynamic modeling for technical staff to be held on October 28 at 10:00 am in Resources room 1131.
- DFG announced Director Don Koch submitted his resignation, which will become effective November 1.
- FWS announced their Bay Delta office has moved to 650 Capitol Mall and is now co-located with NMFS and CALFED offices.
- NMFS announced the draft Salmon Recovery Plan has been released for public review. NMFS has held workshops and offered to provide a briefing to SC.
- Campbell Ingram and John Cain announced that the Central Valley Joint Venture will provide a tutorial on refuge water.
- DWR announced the upcoming release of draft guidelines on special levee projects in the next week or so.

- Contra Costa Water District announced that a CALFED funded project to line the Contra Costa canal will be completed soon and that the new intake project at Victoria Island broke through at its receiving end of a 900-foot tunnel.
- DFG announced that the Northern California Conservation Planning Partnership will host a workshop on Nov 18th in Vacaville on HCPs and NCCPs. The workshop will include a panel to discuss BDCP that consists of several SC members.

Process and Schedule

Presentation and discussion of the *Draft BDCP Steering Committee Agendas Schedule* (see associated handouts/documents) and *Draft BDCP Remaining Issues* (see associated handouts/documents).

NDWA requested that 3rd party assurances be added to remaining issues list. Further discussion of Chapter 3 is on hold until all the parts to the chapter have been assembled. Request that terrestrial goals and objectives be added to a SC agenda on the schedule.

Public Comment:

Ann Spaulding (City of Antioch) asked how public comment will be addressed in Chapter 3.

Public Outreach/Engagement

Karla Nemeth reported on the planning for a tour of Suisun Marsh with anticipated dates of November 6 or December 4. A request was made that county supervisors be invited to participate. Karen Scarborough reported on Secretary Chrisman's monthly meetings with representatives of the Delta counties.

Metrics Subgroup Status Update

John Cain reported on the status of Metrics subgroup. The challenge has been to determine the objectives of the group. They have developed a sample matrix and workplan. The consultants are working on further examples of completed matrices. The group has made good progress. They developed an example logic chain including a flowchart that starts with a problem statement that leads to goals and objectives. They are using conceptual models to help set specific targets. SAIC has developed a set of metrics. Metrics will define expected outcomes of the program. Will Stelle reported on the development of metrics associated with conservation measures that can be used in the adaptive management program.

SC members discussed metrics effort, including such issues as: addressing uncertainty; the need for a science program; whether these metrics will inform the process for goals and objectives; importance of focusing on near term operations.

Draft Chapter 7 Implementation Structure/Governance

Richard Roos-Collins presented the *Draft BDCP Chapter 7 – Implementation Structure* (see associated handouts/documents) and *Draft BDCP Implementation Structure Figure 7.1* (see

associated handouts/documents). The chapter reflects the revised preliminary recommendations for governance structure presented to SC at March 27, 2009, meeting. Consensus within the WG has not yet been reached on all of the remaining policy issues. Mr. Roos-Collins also discussed the co-chair proposal that addresses: who the management entity will be; who will govern real time operations; potential role of the contractor JPA in the management entity.

SC members discussed the handouts including: the role of the JPA, whether the management entity would be a stand-alone, joint DWR and USBR staffed, entity with a program manager selected by the two agencies; management entity would be designated, rather than delegated, authority to implement BDCP (DWR and USBR would not surrender existing authority); importance of collaboration; potential to maintain current structure for operational decisions under biological opinions versus creating a new one; observation that the current structure for operational decisions is too disconnected; PREs do not expect that contractor JPA would be involved in Project operations - they prefer a single fishmaster to make operational decisions rather than a collaborative group (i.e., WOMT); a desire for greater transparency in the water operations decision process; recognition that the responsibility of the management entity and scope of BDCP does not encompass all of CVP/SWP or all of the ecosystem; preferences for a management entity that will partner with other organizations to expedite habitat restoration and other conservation measures; request for clarity on functions of a management entity; request to describe specific activities of the management entity in chapter 7.

Mr. Roos-Collins reiterated five outstanding questions regarding the implementation structure proposal before the SC. How does the proposal relate to?

1. Operations status quo
2. Delta as a whole
3. Full system of CVP/SWP operations
4. Designation versus delegation of authorities
5. Other authorizations

SC members discussed the challenges of real time operations including: the need to determine the role of a fishmaster; fishmaster may be a group and not one individual; difference between real time operations and adaptive management; how near term operations will be determined; routine and non-routine changes in the adaptive management process; the need to create a governance structure with adequate transparency in its decision-making; a need for partnerships to ensure BDCP is implemented rapidly and efficiently; concern that the fishmaster could be too closely connected to the management entity.

DFG noted that the current structure for decision-making regarding routine operations works well for the Fishery Agencies and that transparency and accountability are critical components. DFG identified the need to integrate flood control activities with BDCP. DFG also stated that the BDCP document should be clear as to responsibilities of the management entity though not prescriptive and that all details cannot be in the plan as many details need to be worked out over time within the bounds of the permits.

Public Comment:

Ann Spaulding (City of Antioch) asked for a copy of the JPA agreement. Karen Scarborough indicated it will be posted.

Jonas Minton (PCL) requested that adequate resources be ensured for BDCP implementation. Mr. Minton announced that David Moray was replacing Barbara Byrne.

Linda Dorn (Sacramento County Regional Sanitation District) asked to whom comments should be sent and when are they due.

Climate Change Methodology Presentation

Armin Munevar presented an “Overview of Methodology for Incorporating Climate Change in BDCP Impacts Assessments” SAIC’s proposed approach (see presentation materials).

SC members discussed the presentation, raising such issues as: a request for clarification and validation of models; how sea level rise will affect salinity levels; clarification that the proposed approach is for the purpose of the effects analysis for the purpose of determining likely biological outcomes and not to inform the design of infrastructure; request for clarification about general biological responses especially terrestrial species range shifts; how physical modeling analysis will be used; request for inclusion of experts from non-governmental organizations on effects analysis technical subgroups; USBR resolution of FACA issues and decision to allow participation by experts from other groups in the effects analysis effort; how resource agencies are currently incorporating climate change issues into their regulatory programs; how BDCP will mitigate for climate change (clarification that the purpose of BDCP is not to mitigate for the effects of climate change); how sea level rise affects delta bathymetry; what actions BDCP should take to address levee failures (noted that levee failures are addressed in the changed circumstances section of chapter 6; request for more discussion on levee failure and the BDCP.

Public comment:

Jonas Minton (PCL) stated that he gained useful information from Mr. Munevar’s presentation. He suggested that, with the high uncertainty as to sea level rise in the long term and resulting risk to an open canal conveyance structure, BDCP SC might want to look at a phased subsurface (tunnel) approach to isolated conveyance.

Draft Chapter 4 Covered Activities

Paul Cylinder presented and discussed *Draft BDCP Chapter 4 – Covered Activities* (see associated handouts/documents).

SC members discussed the handout including questions regarding: a request to include 3rd party protections; DWR noted that an all-tunnel conveyance option was being evaluated and was ready for presentation by DWR engineers to SC in November; request more information be provided to the SC regarding the EIR/EIS process; clarification on relationship of BDCP and USBR biological

assessment; question regarding how upstream actions would be addressed; Friant suggested adding the recapture of San Joaquin River restoration flows into Chapter 4 as a covered activity.

Public Comment:

Linda Dorn (Sacramento County Regional Sanitation District) asked for clarification regarding BDCP intentions for endangered species compliance related to waste water discharge. She wants the SC to understand that the District has its own separate regulatory authorizations as needed.

Draft Chapter 3 Conservation Strategy Handouts - Review

Draft BDCP Disposition of Steering Committee Comments on the July 27, 2009 Draft Chapter 3 Conservation Strategy (October 20, 2009) (see associated handouts/documents).

Karla Nemeth presented *Draft BDCP Delta Workshop Report* (see associated handouts/documents). It is a summary of the four workshops conducted in the Delta communities and the comments collected. Ms. Nemeth has also created a listserv that includes all of the workshop participants.

Public Comment:

Ann Spaulding (City of Antioch) thanked Ms. Nemeth for the good comprehensive report and bringing all of the issues forward. Ms. Spaulding also asked how comments from interested parties will be addressed. Karen Scarborough responded that the City's letters will be part of the record of today's SC meeting and posted on the BDCP website. For now, comments from interested parties will be addressed in this manner. Final disposition of comments is still to be determined.

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 (CBDA)
- Cindy Tejada (USACE)
- Jerry Johns (DWR)
- Federico Barajas (USBR)
- Randall Neudeck (Metropolitan Water District)
- Jason Peltier (Westlands)
- Kurt Arends (Zone 7)
- Kim Delfino (Defenders of Wildlife)
- John Cain (American Rivers)
- Campbell Ingram (The Nature Conservancy)
- Kenny Watkins (CFBF)
- Greg Gartrell (CCWD)
- Melinda Terry (North Delta Water Agency)

Carl Wilcox (DFG)
Dan Castleberry (FWS)
Maria Rea (NMFS)
Paul Cylinder (SAIC)

On phone

Cindy Kao (Santa Clara Valley)
Ann Hayden (EDF)
Steve Ottemoeller (Friant Water Authority)
Will Stelle (The Natural Resources Agency)
Gary Bobker (TBI)

Other attendees

See sign-in sheets
