Bay Delta Conservation Plan (BDCP)

Steering Committee (SC) Meeting

January 14, 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 Steering Committee Meeting Agendas*
- *Draft BDCP Key Decisions/Products Schedule*
- *BDCP Operational Issues Identified in the Mini-Effects Analysis*
- *Advantages and Disadvantages of Including Specific Habitat Restoration Projects in the BDCP EIR/EIS*
- *Draft SAIC Information Review for Proposed Project Description of Proposed Conservation Measures*
- *Draft BDCP Covered Activities*
- *Proposed Changes to the BDCP Covered Species List*

Action Items and Key Decisions:

- Approved proposed changes to covered species list, including the addition of five species, removal of one species, and decision to further investigate the potential to add one species.

Updates:

- DWR announced that the Modeling for Modelers meeting has been scheduled for January 20, 2010. It will focus on issues relating to water quality, water flows, and water levels.
- DWR will soon release its water delivery reliability report. A request was made for a short briefing on this report at a future Steering Committee meeting.
- Representative Jim Costa and Representative Dennis Cardoza sponsored a workshop in Los Banos today on water supply.
- The joint Federal-State Action Plan is proposed to be released on February 1, 2010; however, it will likely be released shortly after that date.
- USACE met with DHCCP regarding the potential impact of a North Delta Diversion on flood control. USACE is also meeting with DWR, USFWS, USBR, and the EPA. USACE requests that agencies continue to reach out to USACE staff for collaboration on the BDCP.
- State Water Resources Control Board held a pre-proceeding hearing last week to discuss procedures for the Delta bypass flow standards informational hearings that will be held in March, 2010. Fifty-five entities have expressed an interest in

participating in the planned 3-day hearing which will be organized around topic areas requested by interested parties.

- The National Research Council (NRC) of the National Academy of Sciences (NAS) will start its review of water management issues in the Bay Delta on Sunday, January 24th at UC Davis.
- Water allocations will be low this year, regardless of whether the year is at above-average precipitation levels. Allocations will be low because previous years of drought has resulted in low levels of stored water.
- Natural Heritage Institute (NHI) will be represented on the Steering Committee by river scientist Carson Cox for the next three weeks while Greg Thomas is out of town.

Process and Schedule

Karen Scarborough discussed the *Draft Steering Committee Meeting Agendas* and *Draft BDCP Key Decisions/Products Schedule* handouts. The remaining January meetings may be lengthy with many topics of discussion and decisions. One immediate goal is to have a proposed project description that can inform the EIR/EIS and the Full Effects Analysis for the BDCP which will further inform the proposed project description. Other topics (e.g., governance, covered activities, adaptive management, etc…) will be developed over the coming months.

Public Outreach

The Public Outreach workgroup is meeting this afternoon to discuss in detail what the workgroup's recommendations will be for further public outreach efforts. These recommendations will be presented to the Steering Committee during the January 21st meeting. There is a draft schedule of future public meetings that will be augmented with input from the smaller outreach workgroup covering local issues. Metropolitan is also holding public outreach meetings for their customers on water allocation levels.

Public Comments:

Steve Mayo (San Joaquin Council of Governments) requests increased engagement to address concerns in areas of overlap between the San Joaquin County Multi-species Habitat Conservation and Open Space Plan and the BDCP. Ms. Scarborough responds that the engagement with sponsors of surrounding regional conservation plans, which was begun in November 2009, will resume. A comment was made that the terrestrial components of BDCP should be determined before engaging further with the sponsors of regional conservation plans.

Discussion: Review of Habitat Restoration and Other Stressors Conservation Measures

Paul Cylinder presented the *Draft SAIC Information Review for Proposed Description of Proposed Conservation Measures* handout. The goal of this discussion is to help determine which conservation measures will be retained, removed, or modified. Thus

far, general Restoration Opportunity Areas (ROAs) have been identified and minimum target acreages for habitat restoration have been established within those ROAs. More specificity will come as the BDCP is further developed and implemented. Terrestrial measures are in development and will include details regarding which types of habitat are to be preserved and where and when restoration actions will occur.

A request was made for more information on how the sites for habitat restoration will be determined. It was further noted that a regional context is important as there are other ongoing conservation planning efforts that overlap with the BDCP Planning Area. Additionally, a request was made for discussion about the methods that will be used to determine impacts on terrestrial habitat resulting from tidal habitat restoration in the Full Effects Analysis.

Public Comments:

Ann Spaulding (City of Antioch) asked whether the disposition of public comments submitted on Chapter 3 (*Conservation Strategy*) would be discussed some time in the future.

Linda Dorn (Sacramento Regional County Sanitation District) suggested that the cost estimate for OSCM1 (Ammonia Reduction) and OSCM2 (Endocrine Disrupting Compound Reduction) for the Sacramento wastewater treatment facility alone be identified as 1-3 billion dollars. Ms. Dorn also requested that any reference to "tertiary treatment" be removed from OSCM1 and OSCM2 in the table in today's handout. Dr. Cylinder responded that the handout did not recommend tertiary treatment. Rather, it gave tertiary treatment as an example of an action that could reduce ammonia and endocrine disrupting compounds in wastewater discharge if the BDCP intended to fund such an action. Dr. Cylinder agreed, however, to remove the reference.

Discussion: Review of Covered Activities

Paul Cylinder discussed the *Draft BDCP Covered Activities* handout. The handout includes a list of proposed BDCP covered activities, and is being presented for discussion purposes; no decision on the proposed covered activities is scheduled to occur until February 25, 2010. On January 29, a decision is needed on proposed water operations conservation measures, which will be used as the basis for the hydrodynamic modeling in the Effects Analysis; February 25 is the date for decisions needed on draft covered activities and terrestrial conservation measures for evaluation in the Full Effects Analysis.

A point was made that attention should be paid to other SWP and CVP activities (e.g., relocation of SWP's Barker Slough intake) and their potential relation to the BDCP. For example, it was suggested that the BDCP might consider consolidating a proposed new North Bay Aqueduct intake with one of the proposed new BDCP intakes on the Sacramento River.

Discussion: Mini-Effects Analysis: Initial Results and Recommendations

Paul Cylinder discussed the outcomes of the Mini-Effects Analysis which looked at the draft BDCP conservation measures and focused on identifying key issues related to

proposed draft near-term and early long-term water operations and how they might affect 9 of the 11 proposed BDCP covered fish species. Four salmon runs, steelhead, two smelt species, and two sturgeon species were the subjects of the Mini-Effects Analysis. This effort is intended to help further inform decisions to refine proposed water operations prior to initiating the full Effects Analysis on the BDCP conservation measures.

Chuck Hanson discussed the approach undertaken by the Mini-Effects Analysis workgroups and presented the *BDCP Operational Issues Identified in the Mini-Effects Analysis* handout. Mr. Hanson reported that no fatal flaws were identified by the Mini-Effects Analysis workgroups regarding the proposed conservation measures, including proposed near-term and early long-term water operations. However, some areas were identified as needing further investigation and refinements, including Hood Bypass seasonal pulse flows that could affect juvenile salmon survival; the effects of outflow and X2 criteria on reservoir cold water pools and how upstream cold water storage may affect fish egg viability. Dr. Hanson discussed predation risks associated with in-channel structures at the proposed North Delta intakes and the possible location of two intakes south of Sutter and Steamboat sloughs. The location of intakes south of Sutter and Steamboat sloughs could be beneficial to salmon in terms of decreased predation, but could be detrimental to smelt in terms of increased entrainment. A request was made for clarification on how Yolo Bypass flows resulting from the proposed Fremont Weir gate would relate to Hood bypass flow requirements on the Sacramento River. Some of the water contractors expressed concern that these bypass flows not create additional export contraints. The consultant team will work with the Fishery Agencies and PREs to address these and other issues raised by the Mini-Effects Analysis in the effort to refine proposed water operations conservation measures to be used in the Full Effects Analysis.

It was requested that the topic of San Joaquin River inflows be brought back to the Steering Committee for discussion and to include in that discussion the statutory guidance given to the State Water Quality Control Board regarding San Joaquin River flows. The scope of the BDCP does not include San Joaquin River flows, but the Mini-Effects Analysis tech groups considered Vernalis flows as they are important to overall Delta operations in relation to San Joaquin River salmon and steelhead.

Public Comments:

Patricia Clark (Office of Sacramento City Councilman Robbie Waters) asked when there would be an analysis of the flood control aspect of proposed Yolo Bypass operations. Paul Cylinder responded that the flood control aspects would be addressed in the BDCP NEPA/CEQA document.

Jonas Minton (Planning and Conservation League) offered that from his understanding, analyses such as these look at operations not only during critically dry years, but how operations from preceding years affect carryover storage. Mr. Minton then offered that even though some tributaries and reservoirs have acceptable water temperature, some systems, such as Lower American River, are already temperature stressed and have flow needs. He recommended that these should be examined to avoid potential difficulty in those systems.

Osha Meserve (Reclamation District 999 and Stone Lakes NWR Association) agreed that San Joaquin River flows warrant further discussion; additionally, Ms. Meserve

emphasized that the water that the PREs want to export does return with contamination to the Delta via the San Joaquin River.

Osha Meserve (Reclamation District 999 and Stone Lakes NWR Association) asked if predation is the only biological issue associated with the proposed North Delta intakes. Ms. Meserve also asked if the Mini-Effects Analysis assumed that upstream intakes would be screened for smelt. Dr. Hanson responded that the engineers have been looking at design features of the intakes such as mesh screen size, anticipated sweeping velocities, and approach velocities. Issues such as entrainment and impingement are being addressed through the engineering design and proposed operations of the structure. Results thus far indicate that predation stands out as more of an issue than does entrainment or impingement.

Ann Spaulding (City of Antioch) asked if the Mini-Effects Analysis used a new proposed range of operations, or if they used the same range already seen and reviewed in Chapter 3. Ms. Scarborough responded that it is the same range already seen and reviewed from Chapter 3.

Discussion: Phase 1 Restoration Projects List – Pro's and Con's

Paul Cylinder discussed the *Advantages and Disadvantages of Including Specific Habitat Restoration Projects in the BDCP EIR/EIS* handout which sets out the pro's and con's of including site-specific habitat restoration projects in the BDCP EIR/EIS. Advantages of including site-specific habitat restoration projects in the BDCP EIR/EIS include projects being "shovel ready" (i.e., all major permits approved) at completion of the BDCP EIR/EIS process which would allow a quick start toward achieving tidal habitat restoration goals and the projects could include aspects of mitigation for conveyance facilities construction.

Disadvantages of including site-specific habitat restoration projects in the BDCP EIR/EIS include the challenge of developing detailed design criteria, layouts, and construction sequencing under the BDCP plan development timeframe; further investigation may be necessary to ensure that projects will not adversely affect ongoing projects or require agreements to avoid future conflicts; field surveys related to biological, historical/cultural, and other resources would need to be completed over the next several months; and the effort required to adequately analyze the cumulative effects related to these specific projects may adversely affect the schedule for the BDCP environmental review (see handout for additional disadvantages).

An alternative to adding these site-specific habitat restoration projects to the BDCP EIR/EIS would be to provide in the BDCP conservation measures a list of potential projects that may be implemented in the early near term period. These individual projects would not be evaluated on a site-specific basis in the BDCP EIR/EIS, but would be analyzed in individual environmental review documents separate from the BDCP EIS/EIR. Restoration projects such as Dutch Slough and McCormick/Williamson Tract are already on such a track and have been subject to nearly-completed environmental

review. This approach would allow for accelerated implementation of these restoration projects without putting at risk the schedule for the public draft of the BDCP EIR/EIS.

A suggestion was made for the "updates" portion of BDCP Steering Committee meetings to include an update on EIR/EIS and permit topics, such as Clean Water Act section 404 permitting. A suggestion was made that some projects, not all, could be included in the EIR/EIS.

Public Comments:

Steve Mayo (San Joaquin Council of Governments and San Joaquin County Multi-species Habitat Conservation and Open Space Plan) offered that because the BDCP overlaps geographically with existing authorized endangered species permits within San Joaquin County, it may have to look at site specific projects to determine if the BDCP may have an impact on the San Joaquin plan and otherese overlapping conservation plans. Mr. Mayo also stated that San Joaquin County is seeing a large rise in land cost as landowners are expecting to be able to sell land to highest bidder for purposes of restoration and conservation; this cost increase would have a financial impact on all overlapping conservation plans. Marc Ebbin responded that these issues, including those related to the effect of the BDCP on the human environment, will need to be thoroughly analyzed in the BDCP EIR/EIS, but that this analysis will not be at a level of detail for specific sites if these site-specific projects are not analyzed in the BDCP EIR/EIS.

Discussion: Decision on Proposed Changes to Covered Species List

Paul Cylinder presented the *Proposed Changes to the BDCP Covered Species List* handout. The handout includes recommendations for the addition of five species to the BDCP covered species list (western yellow-billed cuckoo, least Bell's vireo, California linderiella, dwarf downingia, and California least tern), deletion of lesser saltscale from the BDCP covered species list, and further investigation of side-flowering skullcap. The BDCP Steering Committee agreed to the suggested changes to the BDCP covered species list. Dr. Cylinder discussed the side-flowering skullcap in detail to further inform the Steering Committee about this species as it is still under consideration for addition to the BDCP covered species list. In addition to further investigation of the side-flowering skullcap, the BDCP Steering Committee agreed to further discuss impacts to Southern Resident Killer Whale and the Western Red Bat. The point is made that if fall-run Chinook salmon (food for killer whale) is sufficiently addressed in BDCP conservation measures, that adverse effects on Southern Resident Killer Whale could be avoided.

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)
Tom Howard (State Water Resources Control Board)

Keith Coolidge (California Bay-Delta Authority)
Jerry Johns (DWR)
Paul Robershotte (USACE)
Jason Peltier (Westlands)
Brent Walthall (Kern County)
Roger Patterson (Metropolitan Water District)
Greg Zlotnick (Santa Clara Valley)
Campbell Ingram (The Nature Conservancy)
Richard Roos-Collins (American Rivers)
Kim Delfino (Defenders of Wildlife)
Steve Ottemoeller (Friant Water Authority)
Melinda Terry (North Delta Water Agency)
Carl Wilcox (DFG)
Kurt Arends (Zone 7)
Federico Barajas (USBR)
Chris Scheuring (CA Farm Bureau)
Dan Castleberry (USFWS)
Michael Tucker (NOAA/NMFS)
Paul Cylinder (SAIC)

On phone
Ann Hayden (Environmental Defense Fund)
Greg Gartrell (Contra Costa Water)
Greg Thomas (Natural Heritage Institute)
Randall Neudeck (Metropolitan Water District)

Other attendees
See sign-in sheets