

# Bay Delta Conservation Plan (BDCP)

## Steering Committee (SC) Meeting

February 4, 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*
- *Checklist of Action Items from January 29, 2010 SC Meeting*
- *Draft Proposal – BDCP Local Issues Group(s)*
- *Draft BDCP Conservation Land Targets (Preliminary)*
- *Preliminary Draft BDCP Covered Species Habitat Conservation Targets*
- *Example Summary Descriptions of Four Covered Species Conservation Strategies*

#### Action Items and Key Decisions

- None

#### Updates

- Delta Science Program will hold a workshop on smelt management tools on February 17, 2010 at the Federal Building, 650 Capitol Mall. It is open to the public, and information on the workshop is provided on the Delta Science Program website.
- Releases of water from Friant Dam to the San Joaquin River began on February 1, 2010. Flows for March have been set at about 350 cfs. These flow levels are for an interim period until such time as fish are reintroduced. These interim flows are not likely to reach the Delta, but starting in March the flow releases will increase and subsequent March flows may reach the Delta.
- A request was made for DWR to make BDCP modeling information available in pieces as it is produced as opposed to releasing it all at once at a later date.

#### Process and Schedule

Karen Scarborough discussed the schedule for Steering Committee (SC) meeting agenda's through September 2010 in the handout *Draft Steering Committee Meeting Agendas* and action items in the handout *Checklist of Action Items from January 29, 2010 SC Meeting*. A question was raised about what documents were approved at the January 29, 2010 SC meeting. All documents presented at that January 29, 2010 SC meeting, as modified, were approved and will be revised to reflect the agreed-upon modifications for the SC meeting the week of February 12. The Mini-Effects Analysis summary tables will be made

available to the SC on February 5 and the detailed tables will be available the week of February 12.

### **Presentation: Conveyance Option Comparisons**

Mike Cherry and Mark Benson (both of DHCCP) presented three proposed conveyance options (West Canal, East Canal, and All Tunnel), including facility details, footprints, and energy requirements for construction and operation. Mr. Cherry also discussed the engineering and construction pros and cons of each option. The presentation is a reprise of the presentation given to the SC on December 3, 2010. A question was raised about dual operations and the operation of south delta pumps during wet years to save energy costs. Operation of intakes in the north and south Delta will be determined by the conservation measures of the BDCP for covered fish species, as opposed to energy cost savings. Future evaluations will look into energy costs based upon different wet/dry conditions.

A question was raised about how much total water would be diverted in a wet year from the north and south Delta intakes assuming that the combined Delta exports have an average annual yield of 5.7 million acre-feet of water. On average, the water diverted from the south Delta would be one-third of the total water diverted; however, the total exports and proportions between north and south intakes would change based on water year type. DWR will bring back to the Steering Committee charts that illustrate these totals and proportions.

Paul Cylinder continued the presentation describing projected costs of land acquisition (prepared by David Mitchell of M-Cubed) for the three conveyance options, the terrestrial impacts of the three options, and the potential mitigation costs of each. This presentation on land costs, impacts, and mitigation costs is a reprise of the presentation given to the SC on December 3, 2010. Dr. Cylinder cautioned that the methods used to estimate mitigation needs and costs are very general in nature and produce very rough estimates. A question was raised about whether using the material excavated for tunnel construction for raising surface elevations at habitat restoration sites was figured into these costs. Dr. Cylinder responded that they were not yet included, but could be included once the volume of excavated material is calculated. A request was made to see the acreage numbers for state and federal land in the footprints of the restoration opportunity areas.

The point was made that knowing the exact area of impacts of the conveyance project would assist in determining conservation measure targets for individual BDCP covered species. The cost of land acquisition related to mitigation would be much lower for the tunnel option than the canal options. Terrestrial impacts would also be lower with the tunnel option compared to the east and west canal options. A request was made for more analysis of subsurface impacts before a final decision is made on the conveyance option. Discussion followed about the surface width of the proposed canals relative to the width of the Sacramento River. A request was made to provide the SC with the specific GIS construction footprints of the conveyance options.

Mike Cherry continued the presentation with the total ranges of cost estimates for the three options. The presentation on conveyance costs was similar to the presentation to the SC on December 3, 2010. Discussion followed about potential locations of the new proposed

forebays for the All Tunnel Conveyance Option and details about the tunnel-boring machine that would be used for the all-tunnel option. A request was made to have the SC provided with a comparison of the cost of operations under the canal options compared to the all tunnel option based on dual operations consistent with the BDCP proposed long term operations criteria.

Jim Watson (DHCCP) continued the presentation, describing the process of assessing risk associated with each option. As more decisions are made regarding the details of proposed facilities and operations, uncertainties regarding estimated costs and schedules will be reduced. A question was raised about whether this risk assessment will cover operational risks, such as seismic risks, as well as construction risks. Mr. Watson responded that the assessment will address these types of risks.

Discussion followed about the decision-making process of the BDCP and how the PRE's are examining potential costs and risks. An opinion was expressed that getting recommendations from subject-matter experts through presentations at Steering Committee meetings was not enough input upon which to make informed decisions. A point was made that the decision before the Steering Committee at the next meeting is a conceptual decision about whether the Full Effects Analysis will focus on an all-tunnel option or on an east or west canal option. If the decision cannot be made, more than one option could be analyzed; however, such an approach would require additional time and cost. Another point was offered that uncertainties could be greater with the canal option than with the all-tunnel option; for instance, the costs associated with acquiring interests in land may be much higher per-acre than anticipated.

#### **Public Comments:**

David Breninger (representing Recreational Boaters of California and Placer County Water Agency) asked about the planned size of the surge shafts (open pipes that provide air to the tunnel). Mike Cherry responded that the current concept is for the surge shafts to be 70 feet in diameter, 105 feet tall (above mean sea level), and 150 feet below sea level to reach the tunnel.

Ann Spaulding (City of Antioch) asked if the all-tunnel option was new. Mike Cherry responded that this presentation (with the all-tunnel option) was given at the December 3, 2009 Steering Committee meeting and Jerry Johns added that the concept was raised at SC in summer 2009. Ms. Spaulding responded that the all-tunnel footprint going through the middle of the Delta seemed new.

David Breninger (representing Recreational Boaters of California and Placer County Water Agency) asked how annual water export yields can be identified in this analysis when the Delta flow criteria have not yet been determined. Karen Scarborough responded that with the process being iterative the numbers change as more information is gathered, and that this analysis is for the purpose of comparing facilities. Jerry Johns added that the Steering Committee has been working on flow criteria for some time and have utilized various models of water operations to help refine criteria. There is a draft set of water operations criteria that the SC has developed for BDCP, and these criteria will undergo further revision based on additional modeling and other analyses.

Dan Kelly (representing Sacramento County and the Glenn Colusa Irrigation District) asked if the canal options are assumed to be unlined. Mr. Cherry responded in the affirmative, though lined canal options are also being considered. Mr. Kelly also asked about the use of existing state and federal lands as sites for mitigation pursuant to the BDCP. Paul Cylinder responded that specific government-owned parcels have not yet been identified. Changes in use for some government-owned parcels may be an issue. This will be looked into further.

Bruce Houdesheldt (Northern California Water Association) asked if repairs to levees outside of the immediate proposed conveyance project areas are included in these costs. Paul Cylinder responded that they are not included in the analysis presented today, but that the costs for new levees necessary for BDCP conservation measures would be included in the entire cost of the program. Mr. Houdesheldt reminded the Steering Committee that levees affected by the proposed new conveyance system should be carefully scrutinized in regards to their certification standards.

David Breninger asked if property owners from whom subsurface rights must be obtained have been identified. Karen Scarborough responded that they will be identified as the details of the project footprint are developed. Mr. Breninger asked for clarification about the footprints of the canals crossing navigable waterways and whether individuals using those waterways would have passage impeded by the canals. Jerry Johns responded that the crossings would be siphons underneath the waterways.

Osha Meserve (Reclamation District 999 and Stone Lakes NWR Association) asked if any of the proposed project's conveyance or ancillary facilities would cross over into the boundaries of the Stone Lakes National Wildlife Refuge. Mike Cherry responded that they do not. Ms. Meserve asked if there are maps available that illustrate this. Jerry Johns responded that maps showing potential locations have not been made publicly available. Karen Scarborough added that the specific locations have not yet been determined. Ms. Meserve indicated that it would be difficult to formulate comments on the BDCP without knowing the project footprint.

Jonas Minton (Planning and Conservation League) expressed that, from his organization's perspective, a tunnel makes more sense than a canal, if the project goes forward. Mr. Minton would like the Steering Committee to look at various potential sizes of the intake and tunnel. Mr. Minton states that a larger project faces greater uncertainties than a smaller project; not that a smaller project is necessarily the correct choice, but that a smaller project should at least be considered. Jerry Johns responded that facility sizing will be examined (it is item 14 on today's handout the *Checklist of Action Items from January 29, 2010 SC Meeting*).

Bill Wells (Bay & Delta Yachtsman Magazine) asked how natural gas extraction from the Delta will be affected by the new proposed BDCP facilities. Mike Cherry responded that any style of conveyance would potentially require the abandonment and relocation of some natural gas wells. Mr. Wells also asked about the apparent discrepancy between the \$10 billion cost discussed at today's Steering Committee meeting and the \$40 billion cost Governor Schwarzenegger discussed on the television show "60 Minutes." Mike Cherry clarified that the \$10 billion cost discussed today is for the conveyance facility only, and that the governor was talking about a larger State program, which would include off-site

storage facilities, Delta habitat restoration, and other activities related to the recently-passed water legislation.

### **Presentation: Natural Community and Terrestrial Covered Species Habitat Conservation Targets**

Paul Cylinder introduced the handouts on draft BDCP natural communities and terrestrial covered species conservation targets: the *Preliminary Draft BDCP Covered Species Habitat Conservation Targets*, the *Draft BDCP Conservation Land Targets (Preliminary)*, and the *Example Summary Descriptions of Four Covered Species Conservation Strategies*. Dr. Cylinder explained that the goal was to identify the acreage and distribution targets for terrestrial habitats that would provide sufficient extent and configuration to fully mitigate impacts of BDCP actions and to provide for the conservation of each of the BDCP covered species. As of today, targets have not been established for agricultural lands or managed wetlands.

Pete Rawlings described the natural community and covered species habitat conservation targets. Specific locations for habitat conservation will be targeted during BDCP implementation and will be determined based on criteria established in the BDCP. Habitat conservation will occur in areas that are either occupied by covered species or that provide suitable habitat near known occurrences of covered species. The focus will be on the preservation of habitats that can achieve multiple covered species habitat conservation objectives, and those that maintain connectivity with other habitat areas. During implementation, BDCP conservation efforts will coordinate with surrounding local HCPs and NCCPs in achieving species conservation.

A question was raised about how to address the impacts on species and habitat resulting from restoration actions. Paul Cylinder responded that those impacts of habitat conversion are addressed in the conservation acreage targets, but that these targets could be modified as more details on impacts are developed in the Effects Analysis. An opinion was offered that there is a lack of clear links between recovery targets, goals, objectives, and conservation measures, and a request was made for additional details to be included to clarify the links (e.g., scientific rationales for the acreage targets). Request made to have SAIC provide an estimate of how habitat conservation acreage targets would change with an all-tunnel option versus a canal conveyance option. Question regarding whether protection of 30% of kit fox breeding habitat in the plan area is sufficient to provide for the conservation of that species. Response that the Full Effects Analysis will address expected outcomes for each covered species relative to biological goals and objectives and that DFG and FWS will ultimately decide if regulatory criteria are met.

### **Public Comments:**

Dan Kelly (representing Sacramento County and the Glenn Colusa Irrigation District) asked if the proposed restoration acreages overlap with required mitigation acreages. Paul Cylinder responded that the proposed acreages cover all mitigation requirements of BDCP actions and the contribution to recovery of species. Karen Scarborough added that the numbers would then change if the all-tunnel option was chosen over canal conveyance.

Pete Rawlings added that the targets could also change based upon the outcome of the effects assessment and on how avoidance and minimization are applied.

Steve Mayo (San Joaquin Council of Governments and San Joaquin County Multi-species Habitat Conservation and Open Space Plan) offered that BDCP habitat restoration efforts will impact the five surrounding habitat conservation plans, and that their input could help inform the conveyance alignment and habitat restoration proposals.

### **Discussion: Community Outreach/Engagement Proposal**

Karla Nemeth presented the *Draft Proposal – BDCP Local Issue Group(s)* handout. The goal is to establish groups that can address local issues in a formalized way. The groups will be focused on particular conservation measures and will advise the Steering Committee on ways to improve the conservation value of the measures while reducing potential adverse effects on local resources. Success is dependent on clarity of purpose, timeliness with the BDCP process, and the tracking of input. Each working group would include local stakeholders such as local governments, community groups, and landowners; as well as state and federal agencies and Steering Committee members or their agency designees.

How these local issues are related to the BDCP EIR/EIS, as opposed to the BDCP, was discussed. A point was made that many issues that have been raised will be addressed in the EIR/EIS, not the BDCP HCP/NCCP document. A point is made that learning about these potential issues now can help inform the EIR/EIS. In terms of the BDCP, raising these local issues will help to refine proposed actions. Discussion followed about public comments that have been received on the BDCP and how they are being considered.

### **Public Comments:**

Ann Spaulding (City of Antioch) asked how the information and feedback gained from the workgroups will inform and impact the EIR/EIS process. Karen Scarborough responded that typically an HCP is created and then the corresponding EIR/EIS is completed. They are not typically written concurrently. Ms. Scarborough added that the local issues groups will inform the Steering Committee; the Steering Committee could then modify the BDCP; and the change to the BDCP would in turn be evaluated in the EIR/EIS.

Petrea Marchand (Yolo County) voiced the support of Yolo County for this proposed process of soliciting local entity input.

Osha Meserve (Reclamation District 999 and Stone Lakes NWR Association) asked about the disposition of public comments that have been submitted on the BDCP conservation strategy. Ms. Meserve made the point that this process does not provide for the disposition of public comments already received. Ms. Meserve also suggested that potentially affected landowners should be providing input for development of the BDCP conservation measures as opposed to waiting to provide input during the EIR/EIS public review process.

## **General Public Comments:**

Erik Ringelberg (Reclamation District 999) handed out a white paper the purpose of which is to inform the BDCP conservation strategy on metrics.

Paul Gilbert-Snyder (East Bay Municipal Utilities District) offered that East Bay MUD has provided information to DHCCP and has provided comments to the fishery agencies during scoping. East Bay MUD is still unclear as to how the BDCP development process will work relative to the EIR/EIS.

## **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)

Jerry Johns (DWR)

Stu Townsley (US Army Corps of Engineers)

Jason Peltier (Westlands Water District)

Brent Walthall (Kern County Water Agency)

Anthony Saracino (The Nature Conservancy)

Kim Delfino (Defenders of Wildlife)

Melinda Terry (North Delta Water Agency)

Steve Ottemoeller (Friant Water Authority)

Carl Wilcox (DFG)

Greg Thomas (Natural Heritage Institute)

Kurt Arends (Zone 7)

Federico Barajas (USBR)

Patti Idlof (USBR)

Kenny Watkins (California Farm Bureau Federation)

Dan Castleberry (USFWS)

Maria Rea (NOAA/NMFS)

Michael Tucker (NOAA/NMFS)

Paul Cylinder (SAIC)

Pete Rawlings (SAIC)

### *On phone*

Greg Gartrell (Contra Costa Water District)

Ann Hayden (Environmental Defense Fund)

Richard Roos-Collins (American Rivers)

Cindy Kao (Santa Clara Valley Water District)