

Bay Delta Conservation Plan (BDCP)

Steering Committee (SC) Meeting

March 11, 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 – Revised March 10, 2010*
- *Natural Community and Covered Wildlife and Plant Habitat Conservation Targets*
- *Table 2. Summary of Proposed Covered Species Habitat Conservation Provided and Mitigation*
- *Terrestrial Conservation Measures Proposed for Effects Analysis Under Bay Delta Conservation Plan – March 11, 2010 Draft*
- *Note to Reviewers (Amended from Table 2 handout note to reviewers)*

Action Items and Key Decisions

- General agreement from Steering Committee to include an evaluation of draft terrestrial communities and species conservation measures acreage targets and timing in the Full Effects Analysis

Updates

- On March 9, 2010, the California Senate and Assembly held a joint hearing on the recently-enacted Delta legislation. Several BDCP Steering Committee members attended to report on the status of the BDCP. Topics brought up by legislators included the BDCP purpose and needs statement, alternatives, and schedule.
- USACE welcomed its Principal Deputy Assistant Secretary of the Army for Civil Works, Terrence C. “Rock” Salt, for a visit in Sacramento this week. Mr. Salt met with state, federal, and PRE representatives during his two day visit.
- DWR finished snow surveys last week. DWR is using these results to assess the effect of the snowpack on unimpaired runoff, define the water year type (i.e., wet, normal, or dry), and determine water allocations.
- DWR reported that Lake Shasta unimpaired runoff figures improved significantly; however, figures for Lake Oroville did not. For Lake Oroville, the water year type projection has been revised from a “below normal year” to a “dry year.”
- USBR and DWR will release revised water allocations next week.
- It was reported that the Justice Department stated that Old and Middle river reverse flows must be reduced if five more smelt are salvaged at export pumps this year.

- On February 16, the California Central Valley Flood Control Association sent a follow-up letter to the Natural Resources Agency regarding what entities are responsible for repairs to levees that are damaged or fail.

Process and Schedule

Karen Scarborough discussed the *Draft Steering Committee Meeting Agendas* and the coming spring schedule of BDCP topics. Many decisions were made during the weekly Steering Committee meetings of January and February. These decisions will facilitate further development of the BDCP chapters in preparation for their review by the Steering Committee members over the summer. The BDCP Steering Committee will resume an every other week meeting schedule. There will be a BDCP EIR/EIS update at a future meeting. Discussion followed regarding the full effects analysis, BDCP goals and objectives, possible dates for presentations on separate analyses (e.g., conveyance sizing optimization), and the draft conservation strategy. A point was made that Draft Chapter 3, *Conservation Strategy*, should appear on the *Draft Steering Committee Meeting Agendas* handout on a date after the presentation of the Effects Analysis results, scheduled for summer 2010, as the Effects Analysis results may identify changes needed in the Conservation Strategy.

Discussion: Terrestrial Communities and Species Conservation Measures (acreage and timing)

Paul Cylinder presented the handouts: *Natural Community and Covered Wildlife and Plant Habitat Conservation Targets* and *Table 2. Summary of Proposed Covered Species Habitat Conservation Provided and Mitigation*. The target acreages for natural community and species conservation has not changed from those presented at the last SC meeting, but the rationales for the targets has been expanded upon. Discussion followed regarding the links between the acreage targets and the potential project impacts, with respect to both new facilities construction and habitat restoration. The proposed tidal marsh restoration that is intended to improve food supplies for covered fish species would result in the most of the impacts to terrestrial wildlife and plant species. A suggestion was made to move up the date for discussion of regulatory assurances and the link between regulatory assurances and coverage of species. There was general consensus that the acreage numbers should be included in the effects analysis; however, a suggestion was made by USFWS to expand the text to more clearly convey the rationales for the terrestrial species conservation targets. The terrestrial subgroup will have more meetings to develop that clarity. DWR offered some edits.

Kim Delfino (Defenders of Wildlife) discussed the *Terrestrial Conservation Measures Proposed for Effects Analysis under Bay Delta Conservation Plan* handout. Changes in language were suggested for the handout and generally accepted. Ms. Delfino then introduced her handout containing an amended version of the “Note to Reviewers” found in the Table 2 handout. Several of Ms. Delfino’s suggested language changes for the “Note to Reviewers” were generally accepted and will be incorporated into the “Note to Reviewers” of Table 2.

Discussion followed regarding the BDCP Planning Area boundaries and if terrestrial conservation targets can be achieved by BDCP conservation measures within the

Planning Area. The point was made that cooperative agreements with overlapping counties HCPs and NCCPs need to be pursued, and that “third party agreement” language regarding the BDCP conducting conservation activities in conjunction with other entities should be added to the rationale table and note to reviewer.

The possible inclusion of inland dune scrub as a covered natural community was discussed. It is one of the thirteen defined natural communities that occur within the BDCP Planning Area. DFG has advocated that inland dune scrub be addressed in BDCP. PREs pointed out that there are no BDCP impacts on inland dune scrub and therefore, as a general principle, it should not be a water contractor responsibility to fund conservation actions. A suggestion was made that the ten acres of inland dune scrub could be removed from the Planning Area by carving out the small area of occurrence.

There was general agreement of the Steering Committee that the target acreages for terrestrial species and natural communities be evaluated in the Effects Analysis. The handouts reviewed during this discussion will be edited to reflect agreed upon language changes and will be reposted on the BDCP website.

Public Comments:

Dan Kelly (Sacramento County) asked for clarification on Table 1 *Natural Community and Covered Wildlife and Plant Habitat Conservation Targets* regarding why the total acreages of impact is less than the total footprint of tidal restoration. Paul Cylinder pointed out that not every acre within the tidal restoration target (65,000 acres) results in an impact on a terrestrial community because the tidal restoration includes areas of upland transition habitat. Dr. Cylinder also reminded the SC that these impact numbers are preliminary estimates and that the Effects Analysis will provide the complete picture.

Presentation: “Alternatives to Take” under Habitat Conservation Plans

Paul Cylinder gave a presentation on alternatives to take as required for habitat conservation plans prepared pursuant to the Endangered Species Act (ESA). The presentation began with an overview of the ESA regulatory requirements. Dr. Cylinder also explained how alternatives to take have been considered throughout much of the BDCP plan development process. Dr. Cylinder presented examples of alternatives to take from other HCPs that have been completed or are near completion. A background document that provides a history of the development of the conservation strategy, including the various options that were considered by the Steering Committee, is being developed and will be provided to the Steering Committee to assist in understanding of Chapter 9 *Alternatives to Take*.

Public Comments:

Osha Meserve (Reclamation District 999 and Stone Lakes NWR Association) suggested that one alternative should be to reduce reliance on Delta water exports, as described in recent California water legislation. Ms. Meserve also commented on the terrestrial acreages and stated that her organization submitted a technical comment on Feb 3, 2010 about the need for the BDCP to have metrics to measure what kind of restoration would be undertaken and how those measures would benefit species. Ms. Meserve stated that this is important for landowners in regards to the geographic extent of the impacts to land area.

Greg Zlotnick (consultant to Westlands and Metropolitan) responded that if one went back and reviewed the recent California water legislation, they would find that the language refers to reduced reliance on the Delta for providing for future water needs.

Attendees

Management and Representatives

Karen Scarborough (Chair, The Natural Resources Agency)

Laura King Moon (State Water Contractors)

Keith Coolidge (California Bay-Delta Authority)

Jerry Johns (DWR)

Paul Robershotte (USACE)

Jason Peltier (Westlands Water District)

Brent Walthall (Kern County Water Agency)

Roger Patterson (Metropolitan Water District)

Ann Hayden (Environmental Defense Fund)

Anthony Saracino (The Nature Conservancy)

Campbell Ingram (The Nature Conservancy)

Richard Roos-Collins (American Rivers)

Kim Delfino (Defenders of Wildlife)

Melinda Terry (North Delta Water Agency)

Steve Ottemoeller (Friant Water Authority)

Greg Thomas (Natural Heritage Institute)

Carl Wilcox (DFG)

Federico Barajas (Bureau of Reclamation)

Dan Castleberry (USFWS)

Ara Azhderian (San Luis & Delta-Mendota Water Authority)

Patti Idlof (USBR)

Kenny Watkins (California Farm Bureau Federation)

Dan Castleberry (USFWS)

Michael Tucker (NOAA/NMFS)

Jim Fiedler (Santa Clara Valley Water District)

Paul Cylinder (SAIC)

Pete Rawlings (SAIC)

On phone

Marc Ebbin (DWR, The Natural Resources Agency)

Greg Gartrell (Contra Costa Water District)