

Bay Delta Conservation Plan (BDCP) Steering Committee (SC) Meeting

March 25, 2010, 9:00 a.m. to 11:30 a.m.
California Farm Bureau Federation Conference Room
2300 River Plaza Ave, Sacramento, CA

Draft Meeting Notes

Associated documents/handouts:

- *Agenda*
- *Bay Delta Conservation Plan Logic Chain Review*
- *Revised Habitat Restoration and Other Stressors Conservation Measures – Working Draft March 24, 2010*
- *Draft Chapter 4. Description of Covered Activities and Associated Federal Actions*

Action Items and Key Decisions

- None

Updates

- Richard Roos-Collins (American Rivers) has been nominated by Governor Schwarzenegger to be a member of the Delta Stewardship Council. Senate confirmation is required for all nominations, and the first Delta Stewardship Council meeting will be held on April 1, 2010.
- DWR announced that the Dutch Slough habitat restoration project is moving forward. The final environmental impact report (EIR) has been certified and property has been acquired. A press release will be forthcoming.
- DFG released a report on salmon recovery that discusses long-term conservation strategies.
- The National Academy of Sciences (NAS) National Research Council (NRC) report “Sustainable Water and Environmental Management in the California Bay-Delta” was released last week. Denise Reed of the NRC will give a presentation at a future SC meeting on the report’s findings and their potential implications for the BDCP.
- Reclamation and Contra Costa Water District have released the final EIS/EIR on the Los Vaqueros Reservoir Expansion Project.
- USACE hosted the Delta Counties Coalition meeting in San Francisco last Friday. In attendance were representatives of all five Delta counties that overlap the BDCP.
- The State Water Resources Control Board hearings on Delta flow requirements have concluded. Recommendations to the Board from the participants are due April 14, 2010.

Process and Schedule

The Steering Committee will continue to meet every other week. The process for conducting the full Effects Analysis is being discussed among the lead agencies. Lessons learned in the mini Effects Analysis have helped to shape and re-tool the full Effects Analysis. A new Steering Committee schedule handout is in preparation that will chart future meeting topics and decision dates.

Public Outreach

The local issues group for the Yolo Bypass is moving forward, working closely with Yolo County to refine the Yolo Bypass conservation measure. The public outreach workgroup is also developing graphics to provide information on recent BDCP SC decisions on actions to be evaluated. The graphics are in draft form and should be done by the end of April. These graphics may include information from recent modeling results that demonstrate how proposed water operations could affect local flows and salinity conditions in the Delta. A suggestion was made to schedule a Central Valley field trip and a Delta field trip for SC members that could include a visit of DWR's experimental non-physical barrier at the head of Old River.

Discussion: Draft Chapter 4 Covered Activities

Paul Cylinder discussed the *BDCP Draft Chapter 4. Description of Covered Activities and Associated Federal Actions* handout. Last month's handout concerning Chapter 4 included a bulleted list of proposed covered activities. Today's handout includes full Chapter 4 supporting text, which has been substantially revised since the fall 2009 draft of Chapter 4 text.

The operational component of the North Bay Aqueduct Alternative Intake Project may be added to the list of covered activities. The North Bay Aqueduct receives water from the Barker Slough Pumping Plant for delivery to Napa and Solano counties. DWR currently holds the permit for the Barker Slough intake and is working on an environmental document for the relocation of the intake. In terms of ESA coverage, DWR is leaning towards including operations of this new intake project in the BDCP as a covered activity. The operations of the existing Barker Slough Intake is already included and described as a BDCP covered activity in Chapter 4. A question was raised about whether the North Bay Aqueduct Alternative Intake Project would require a new additional diversion point on the Sacramento River or would it be incorporated into one of the five new proposed BDCP intakes. For water quality reasons, Solano County Water Agency would prefer to locate their intake on the river above Freeport; putting the new intake upstream of the Sacramento Regional wastewater discharge. However, tying the new intake into the new BDCP intakes is being considered as an option. Environmental compliance for the North Bay Aqueduct Alternative Intake Project is under a separate EIR review. The BDCP EIR/EIS would not include a project-level review of the North Bay Aqueduct Alternative Intake Project. This topic will be discussed further at the next Steering Committee meeting.

Additional topics of discussion included agricultural diversions in the Cache Slough area, the East Bay Municipal Utilities District Freeport intake, and the possible addition of covered activities that could be brought forth by third party actions. Discussion followed regarding the level of detail that should be included in Chapter 4, *Covered Activities*.

Presentation: Panel Review of the Logic Chain Approach

Laura King Moon discussed the Delta Science Program panel's task and composition (Cliff Dahm, Denise Reed, Elizabeth Soderstrom, John Wiens), and then introduced panel member Dr. John Wiens (Point Reyes Bird Observatory). Dr. Wiens presented the Delta Science Program recommendations concerning the "logic chain" to the Steering Committee. The Delta Science Program panel was given three tasks: 1) determine whether the logic chain can be a useful tool to help develop the BDCP; 2) determine if the proposed framework is sound; and 3) develop the next steps. The panel found the logic chain to be a sound approach and worth continuing to develop. The panel's recommendations included continued development of the logic chain approach initially focusing on two to three covered fish species; incorporating system dynamics and change into the approach; and incorporating study design, monitoring protocols, appropriate metrics, adaptive management, and constraining factors into the planning process.

Dr. Wiens discussed the levels of progression through a logic chain (see presentation available on-line) and the science panel's recommendations. The panel recommended that: the logic chain be recast to simplify the number of links (Dr. Wiens presented a graphic representation of a simplified approach - see PowerPoint presentation); not every action needed to be stated as a hypothesis; all monitoring should be conducted with a clear purpose; efforts should focus on the monitoring and adaptive management levels of the logic chain; analysis and synthesis of data in the adaptive management program should be emphasized.

Several questions followed the presentation. A question was asked regarding the relative importance of having specific numeric values in the objectives. Dr. Wiens stated that it may not be realistic for many objectives and that identifying trends toward the objective could suffice. Another question focused on whether adaptive management ought to be guided by time periods or triggers. Dr. Wiens stated that it would be situation specific for particular resources and actions, and that triggers can provide early warnings about being on the wrong track. Additional discussion continued regarding such matters as: applying the Panel's suggested approach to the water supply reliability of the BDCP; the importance of gathering data useful for analysis and the BDCP committing to performance of such analyses; and where permit terms and conditions are addressed in the diagram in the presentation.

Public Comments:

Melanie Rowland (NOAA General Counsel's Office) asked about the relation of permit conditions to assurances. Ms. Rowland proposed that increased dynamism in a system leads to increased uncertainty, and that more uncertainty would necessitate a lower level of assurances. Ms. Rowland asked if Dr. Wiens agreed with this inverse proportion and inquired as to how assurances would be coordinated with increased uncertainty. Dr.

Wiens responded that there must be a recognition of the range of management protocols to be used. Marc Ebbin (Natural Resources Agency) added that assurances are related to the spreading of risk; and the question of assurances is more about who will take on the responsibility of additional measures if and when certain conditions arise.

Erik Ringelberg (Reclamation District 999) asked what process is being used to integrate comments and protocols developed by the Delta Science Program panel. Karen Scarborough responded that this will be included as part of the process of refining the BDCP goals and objectives.

Discussion: Revised Draft Habitat and Other Stressors Conservation Measures

Paul Cylinder presented the *Revised Habitat Restoration and Other Stressors Conservation Measures – Working Draft March 24, 2010* handout. Dr. Cylinder discussed the changes that have been made to the conservation measures based upon Steering Committee comments. A point was made that third party entities may be necessary for implementation of some conservation measures (e.g., district attorney enforcement of DFG codes regarding illegal harvest of BDCP covered fish species); a suggestion was made that these entities and individuals should be included in the descriptions of the conservation measures. The rationale behind renumbering of the conservation measures was discussed, and it was agreed that it was a logical method. Renumbering began with water operations, continued with other stressors measures and ended with habitat restoration. Habitat restoration measures are last in the line-up because additional habitat restoration measures are in development for the terrestrial natural communities, necessitating additional conservation measure numbers to be added at a later date. The order in which the conservation measures are arranged does not in any way imply the importance of one measure over another.

Public Comments:

Osha Meserve (Reclamation District 999 and Stone Lakes NWR Association) spoke about agricultural pesticide load reductions and suggested that if the Steering Committee was looking at pesticide runoff, the Committee should also look at salinity and selenium from the San Joaquin River.

Linda Dorn (Sacramento Regional County Sanitation District) asked where evaluation of these conservation measures is occurring. Dr. Cylinder responded that the consultant team is getting the effects analysis underway to evaluate the conservation measures agreed upon by the Steering Committee for inclusion in the effects analysis.

Ann Spaulding (City of Antioch) asked if the Modeling-for-Modelers meeting had been scheduled. Dr. Cylinder responded that the new modeling results will first be presented to the Steering Committee, and then the Modeling-for-Modelers meeting will be held for those interested in a greater level of detail.

Ms. Spaulding also asked if the next issuance of Chapter 3, *Conservation Strategy*, to the Steering Committee for review will include water operation measures so that comments received might be reflected. Karen Scarborough responded in the affirmative.

General Public Comments:

None

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)

Paul Robershotte (USACE)

Jason Peltier (Westlands Water District)

Jim Fiedler (Santa Clara Valley Water District)

Cindy Kao (Santa Clara Valley Water District)

Roger Patterson (Metropolitan Water District)

Ann Hayden (Environmental Defense Fund)

Richard Roos-Collins (American Rivers)

Anthony Saracino (The Nature Conservancy)

Campbell Ingram (The Nature Conservancy)

Carl Wilcox (DFG)

Kim Delfino (Defenders of Wildlife)

Kenny Watkins (California Farm Bureau Federation)

Dan Castleberry (USFWS)

Maria Rea (NOAA/NMFS)

Michael Tucker (NOAA/NMFS)

Paul Cylinder (SAIC)

On phone

Greg Gartrell (Contra Costa Water District)

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

Kurt Arends (Zone 7)

Steve Ottemoeller (Friant Water Authority)

Peter Landreth (Mirant)