

Bay Delta Conservation Plan (BDCP)

Steering Committee (SC) Meeting

April 3, 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
- BDCP Draft SC Meeting Notes December 19, 2008
- BDCP Draft SC Meeting Notes January 16, 2009
- BDCP Draft SC Meeting Notes January 30, 2009
- Memo: Remaining Policy Issues for BDCP Governance Working Group
- SAIC Draft Recommended Additional Species for BDCP Coverage
- Draft Current Proposed Covered Species
- Summary Draft BDCP Other Stressors Conservation Measures
- Covered Species Evaluation Process, Results and Recommendations (presentation)
- Other Stressors Working Group: Progress Update (presentation)
- Draft Tidal Marsh Restoration Acreage Target Recommendations

Action Items and Key Decisions

- BDCP Draft SC Meeting Notes December 19, 2008 approved with changes
- BDCP Draft SC Meeting Notes January 16, 2009 approved
- BDCP Draft SC Meeting Notes January 30, 2009 approved
- SC members agreed that Tidal Marsh Restoration Acreage numbers were reasonable

Updates

- By request, Karen Scarborough presented the BDCP Governance Structure documents to the Legislature's Working Group on Governance on April 1.
- DWR announced snowpack is at 80% of normal. Last year at this time it was at 90%.
- USBR announced updates on water supply deliveries.

Delta Risk Management Study (DRMS)

Jerry Johns reported that the DRMS Executive Summary on Phase 1 risk analysis was released in March. They are working on Phase 2 risk reduction strategies. Risk of levee failures from earthquakes, sea level rise, and high water events (with future changes in hydrology) is increasing. Combined risks are higher in the Suisun Bay area and Central North Delta. The analysis concluded that levees are not sustainable in the long term. With a major earthquake, approximately 20 islands could flood, causing an estimated \$13 billion in damage and repair costs. There is an estimated 62% chance of a large earthquake occurring within the next 25 years. Over next 100 years, the risk analysis projects about 140 flood-caused levee failures and about 10 dry weather levee failures.

The Phase 2 the Risk Reduction Strategies Report is anticipated to be completed by the end of the year. Public workshops are planned for mid-spring 2009 in northern and southern California and in-Delta.

SC members discussed the implications of the report including: potential effects of soil liquefaction on the ability to fortify levees; ability of the State to address multiple, simultaneous levee failures; and relevance to water supply reliability, and the need for a new isolated conveyance. It was noted that Delta levees function as dams (holding water back continuously), but are exempted from dam safety standards in the water code.

Process and Schedule

SC members discussed the upcoming schedule including: challenges to having water operations parameters described within two weeks; the need for joint Conveyance WG/HOTT meetings to provide recommendations to the SC; and likely presentation of aquatic goals and objectives at the April 17 SC meeting.

Public Outreach

In Secretary Chrisman's ongoing meetings with local governments, discussions are continuing about the idea of entering into coordination agreements with Delta counties. In addition, DFG is meeting with neighboring counties involved in developing HCPs and/or NCCPs to encourage coordination with the BDCP. A letter from Solano County regarding BDCP issues was distributed to SC members. Letters are also expected to be sent by other counties.

SC members discussed BDCP outreach efforts to the counties and raised issues such as: the need to identify for these counties what BDCP cannot do; what would be included in potential coordination agreements and who would sign them; and a suggestion that county representatives come to SC meetings to hear about straw proposals to allow them to air their concerns.

Karla Nemeth reported that the Public Outreach Liaisons met yesterday. They will present a task list and timeline at the April 17 SC meeting, and will distribute a revised stakeholder meeting summary at that time. Scoping meeting transcripts will be on BDCP EIR/EIS Website in about a month. The public scoping comment period closes May 14. The Liaisons have received a request for a briefing from the Yolo Basin Foundation.

Public comment:

Ann Spaulding representing the City of Antioch asked if the letters from the counties will be posted on the website. Karla Nemeth indicated they will be.

Biological Goals and Objectives Working Group

Gary Bobker (co-chair) reported the WG is making good progress. They need a better framework to address and integrate issues relating to covered species, other stressors, goals and objectives, and conservation measures.

Will Stelle reported the WG met on Wednesday of this week to go over aquatics goals and objectives. They made modest revisions. The next meeting is scheduled for the following Wednesday to go over the revisions discussed this week. The WG has a significant "to-do" list including populating metrics with values. The Terrestrial Subgroup met on Wednesday and reviewed its work plan for addressing conservation measures for terrestrial species.

Metrics and targets in the goals and objectives will be further developed to make them more specific, and these will be reviewed by the WG before being presented to SC. The WG needs to fill in juvenile and adult salmonid target metrics. Progress is being made, but the development of all targets will not be completed this month. Fish agencies are being asked to provide recommended targets for fish population metrics.

SC members discussed a request to develop matrices that cross-walk species stressors, objectives, and conservation measures and the need to address designated critical habitat in the goals and objectives. SC also inquired about the timing of completion of the basic design and structure of the aquatic portion of goals and objectives.

Implementing Structure/Governance Working Group

Richard Roos-Collins and Roger Patterson (co-chairs) presented *Remaining Policy Issues for BDCP Governance Working Group* (see associated handouts/documents), and summarized the recommendations for addressing these policy issues:

1. Approach to federal permitting under the BDCP: BDCP attorneys will meet with agency attorneys to resolve outstanding issues. This meeting will not occur before for April 17, SC meeting.
2. Provide more definition for routine and non-routine adaptive decision making processes, including describing relationships to relevant regulations. The Governance WG will need assistance from the other WGs and SAIC in developing these definitions.
3. Discussion among DWR, Reclamation, and water contractors concerning the composition of the proposed joint powers authority (JPA) and how the JPA would function in the context of BDCP implementation. These parties have started a working document to define JPA functions.
4. Relationship of BDCP to proposed regional governance currently under consideration in the Legislature. Compatibility between BDCP governance and any new regional governance is important. Richard Roos-Collins and Roger Paterson will be explaining BDCP governance concepts to State Senator Simitian's Committee on Environmental Quality.
5. Coordination with fish agencies and water operators to resolve outstanding issues regarding future management of real-time operations under BDCP. This will not be done by the April 17 SC meeting.

The Governance WG will lay out a schedule for resolving outstanding issues. Co-chairs will prepare a memo on the strategy for BDCP governance along with a schedule for WG meetings and products. The State legislature is very interested in the JPA proposal and obtaining a better understanding of how the BDCP will result in enforceable permits. Next step will be to start drafting the text of BDCP Chapter 7, *Implementation Structure*. A number of SC members will be travelling to Washington, DC April 28-29 to brief the Congressional environmental caucus and Department of the Interior representatives.

Other Stressors Working Group: Progress Update (presentation)

Brent Walthall gave a presentation on progress made in refining Other Stressors conservation measures and those measures that are recommended to be dropped from further consideration.

Each conservation measure was assessed based on two sets of questions to narrow them down to the 16 presented today. The Fish Agencies find it difficult to assign “credit” to other stressor conservation measures because the benefits of these measures are uncertain and hard to measure. The measures have been revised based on input received from SC members, various interested agencies, and scientific experts. Next steps include incorporating DRERIP results into the measures and developing monitoring and adaptive management components for each measure.

SC members discussed the narrowed set of proposed conservation measures and requested that several of the other stressor conservation measures that were recommended for deletion be reevaluated. SC concurred that OSCM #7 (to maintain dissolved oxygen levels in the Stockton Deep Water Ship Channel) not be deleted.

SC members raised several issues after the presentation, including: the lack of regulation of many other stressors; sufficiency of information supporting the degree to which some of the measures may benefit covered fish; dependence on non-BDCP parties to implement some of the measures; concern that existing standards for regulation are not sufficient to address the needs of covered fish; insufficiency of enforcement of ballast water regulations; need for general language within the conservation measures that addresses changing and/or augmenting existing programs implemented by other agencies; and suggestion that a performance evaluation of existing agencies responsibilities in the Delta could identify needs and problems not currently being addressed.

To avoid false expectations, NMFS indicated that implementation of some of these measures may not be “credible” towards issuance of permits given the uncertainties surrounding covered fish responses to some of the other stressors conservation measures. SC members believe that these types of measures address the health of the entire Bay Delta ecosystem and discussed possible approaches for addressing Fishery Agency concerns.

State Board suggested a broader coordination between the Board and BDCP on Delta issues addressed by other stressors conservation measures.

SC agreed to the following:

1. Retain OSCM #7 (dissolved oxygen)
2. Coordinate with State Board on their recommendations
3. Reconsider deleting OSCM #11 (invasive species monitoring and rapid response) that had been recommended for deletion by DFG.
4. Move forward with other stressor conservation measures on today’s handout.

Public comment:

Linda Dorn representing the Sacramento County Regional Sanitation District would like the names of experts who provided input to development of the ammonia-reduction measure. SAIC will provide those to her.

Covered Species Evaluation Process, Results and Recommendations

Paul Cylinder gave a presentation on the covered species evaluation process. He provided a brief history of how BDCP developed the list of proposed covered species as well as: the sources used

to identify an initial list of species to be evaluated for coverage; the criteria used to evaluate the species; and evaluation of the additional species recommended for coverage and removal by the Independent Science Advisors.

SC members discussed the suggestion to accept the recommendations for adding the additional species to the proposed covered species list with the caveat that it may change. This will keep development of terrestrial goals and objectives moving forward. SAIC will schedule a meeting with interested parties to review methods used and reasons for not recommending specific species for coverage.

Habitat Restoration Program Technical Team

Campbell Ingram (co-chair) presented the *Draft Tidal Marsh Restoration Acreage Target Recommendations* (see associated handouts/documents). The first goal is 14,000 acres of restored tidal marsh within 10 years of BDCP approvals. The second goal is 25,000 acres of restored tidal marsh within 15 years. The proposal identifies 25,000 acres as the minimum extent of tidal marsh to be restored. The Plan commitment is restoration of 55,000 acres within 40 years of BDCP approvals. Additional marsh could be restored within the adaptive management range that would be shaped by future information. Next steps are to refine the schedule for achieving tidal marsh restoration milestones.

SC members discussed and raised issues including: land acquisition challenges; role of adaptive management; potential for making or missing target acreage; and the use of appropriate HCP/NCCP terminology in describing restoration conservation measures.

Agreement by SC members that the approach and acreage numbers are reasonable, but further deliberation is needed on the chart contingencies and definitions.

Public comment:

Maria Wong representing the Yolo NHP requested that BDCP ensure that the restoration of aquatic habitats not result in harm to important terrestrial habitats.

Gilbert Cosio consultant from MBK Engineers, representing North Delta Water Agency, indicated he believes there are many shortfalls in the DRMS evaluation due to the rapid schedule to produce the DRMS report. Mr. Cosio described his view of the limitations of the DRMS report: 1) methods used cannot predict certainty too far into the future; 2) assessment of potential impacts on habitat was not properly addressed; 3) and that there are large error bars surrounding some of the findings (e.g., subsidence data does not support some conclusions).

Attendees

Management and Representatives

Karen Scarborough (Chair, The Natural Resources Agency)

Marc Ebbin (DWR, The Natural Resources Agency)

Will Stelle (The Natural Resources Agency)

Laura King Moon (State Water Contractors)

Karla Nemeth (The Natural Resources Agency)

Joe Grindstaff (California Bay-Delta Authority)

Keith Coolidge (California Bay-Delta Authority)

Jerry Johns (DWR)
Federico Barajas (USBR)
Brent Walthall (KCWA)
Jason Peltier (Westlands)
Greg Zlotnick (Santa Clara Valley)
Richard Roos-Collins (American Rivers/Natural Heritage Institute)
Kim Delfino (Defenders of Wildlife)
Ann Hayden (EDF)
Greg Thomas (Natural Heritage Institute)
Campbell Ingram (The Nature Conservancy)
John McCamman (DFG)
Dan Castleberry (FWS)
Russ Strach (NMFS)
Paul Cylinder (SAIC)
Pete Rawlings (SAIC)

On phone

Gary Bobker (TBI)
Ron Kino (Mirant)
Ara Azhderian (SLDMWA)
Anthony Saracino (TNC)
Steve Rothert (American Rivers)

Other attendees

See sign-in sheets
