

# BDCP Public Meeting Summary

June 15, 2011

## **Background**

The first in a series of public meetings to report out on working group discussions and provide general BDCP updates was held on June 15, 2011. Staff gave updates on “Big 6” issues; effects analysis; EIR/EIS; and reported on the first meetings of the Governance, Yolo Bypass Fisheries Enhancement, and Biological Goals and Objectives working groups. Public comment was taken after the status update as well as after the report on working groups. Public comments are included on the following pages.

Approximately 100 stakeholders and members of the general public attended. The meeting was facilitated by Janet Barbieri, with updates from Dr. Jerry Meral (Natural Resources Agency), Karla Nemeth (Natural Resources Agency), Federico Barajas (Bureau of Reclamation), Dale Hoffman-Floerke (DWR), Gregg Ellis (ICF) and Bruce DeGennaro (Essex Partnership).

## **Public Comments**

### **Status Update**

Q: Stakeholders saw results of Effects Analysis through the results of Steering Committee meetings. How do we have access to that information moving forward?

A: When information is available, it will be posted to the BDCP website and meetings will possibly be held to discuss the documents.

Q: Who regulates Delta outflow requirements?

A: The State Water Resources Control Board looked at a variety of outflow scenarios and are to provide information to inform the process. We are treating them as a responsible agency and have to take into serious account their input. When information is available, it will be provided to the public.

Q: How are increases in San Joaquin River flows taken into account?

A: They are taken into account via the San Joaquin settlement in modeling. A complicating factor is that the SWRCB is doing hearings on what flow requirements should be required at Vernalis. As soon as they can provide data to us, we will include it in the Effects Analysis (if it is timely). They are undertaking that process now.

Q: Does BDCP provide for additional storage?

A: Storage south of the Delta may make this program work better, but BDCP is not charged with authorizing and building new storage. Consultants will look at the possible benefits of storage and it will be taken into account.

Q: What is the status on a West Delta intake?

A: It is being examined by the fish facilities technical team. There are benefits and constraints to locating an intake further downstream.

Q: The NOI for BDCP says (the project) must meet contractual obligations on both state and federal sides? How do you balance the environmental process with that intent to deliver water?

A: State and federal agencies have contracts for water and while those contracts will be fulfilled, there are constraints. However, nothing done in this process can impair those contracts; they are valid contracts.

Q: Has the Habitat Crediting Agreement been completed and posted?

A: It has not been completed but is expected to be done at the end of June and will be posted to the BDCP website when completed.

Q: Most of the conservation measures are flood control projects which will cause a change of hydraulics in the Delta. Will this change be included in the Effects Analysis as a hydraulic effect and not just a fish effect? Or will this only be included in the EIR/EIS?

A: We are not certain that that issue will be evaluated in the Effects Analysis.

Q: What is the position on Montezuma Slough? I am concerned about impacts to wind turbines and several species (Swainson hawk; burrowing owl; tiger salamander).

A: BDCP has to be consistent with and compatible with the county conservation plans. We are meeting with each county to make sure that as we propose conservation measures for terrestrial species, we are compatible and are not overlapping with land the counties want. Ideally, we will be contributing the other counties success of their HCPs.

Q: The peripheral canal was taken off the ballot last year. In 2012, will people be able to vote on a water bond?

A: The final decision would ultimately be up to the state and federal regulatory agencies.

Q: Provide flow criteria for flows past Antioch or Chipps Island. What is the minimum flow requirement past that point to prevent salt water intrusion?

A: There are two parts to the process. Both are with the State Water Resources Control Board. Every three years they provide specific criteria for salt water intrusion throughout the Delta. Anything BDCP does will be subject to the SWRCB criteria. If a facility is proposed and built, it will be moved from the South Delta, so the SWRCB will review a change in place of diversion. The EPA oversees the work of the SWRCB and can be used as an appeals process.

Comment: The Golden Gate Salmon Association is anxious to participate as an NGO in the development of the plan.

Q: Will any consideration be given to phasing in habitat or conservation measures?

A: BDCP will look at phasing a number of ways. Habitat would be implemented over a 40 year period.

Q: Will fish screens or intake facilities be phased?

A: We'll have an answer on that soon. They could be phased. Some agencies have suggested that is a good idea, so it will be examined.

### **Working Groups**

Q: Are any of the working groups addressing energy or considering renewables?

A: Energy impacts will be examined.

Q: Will this project have impacts on the Lower American River flow standards?

A: We will take agreements from the Water Forum and put them into our models.

Q: Who are the final named representatives of the Governance working group? Please post that information on the Website.

A: That information will be posted.

Q: For future working groups that aren't yet meeting, would you announce who will sit on them?

A: Yes.

Q: Since there is no longer a Steering Committee, how do unresolved issues of the working groups get addressed?

A: The main way BDCP will get input from the public on these issues and translate into policy will be through this public meeting process. We will provide the finished product developed by the working groups and bring to the public meetings for input. Next, DWR will have to discuss with the permittee agencies and state and federal water contractors what they think, and then DWR will have to come to a conclusion. The public will have opportunities to comment through the EIR/EIS and HCP/NCCPA environmental review process.

Q: Are the meetings of the DHCCP Executive Committee open to the public?

A: That committee has gone back to its original function of reviewing timelines, contracts and budgets and will not take up issues of policy issues. Policy issues will be brought up in a public forum.

Q: The Levee Maintenance Mitigation working group description is not as broad as it needs to be; it's not close enough to the issues that levee maintenance will have. The conservation measures for the BDCP are flood control projects and effect members of Delta reclamation districts. Look at expanding the working group beyond habitat issues.

A: This issue needs to be resolved. If there are impacts to individual reclamation districts, we should meet with them directly and try to resolve their issues face-to-face as best we can.

Comment: The BDCP is going to have major issues with the Corps regarding hydraulics.

A: The Resources Agency Delta Levee working group is a good forum to discuss this issue. When that committee wants to discuss the BDCP, let's talk about the issue then.

Comment: Please have a BDCP representative attend (or run) a meeting of the Delta Levees working group.

Q: I am concerned that the Steering Committee was formerly a venue for all types of discussion; now that the Steering Committee is broken up into 12 working groups, it will be more difficult to get information. I was hoping this public meeting would provide a better working group reporting mechanism. The working groups need to have minutes on the meeting outcomes.

A: There will be minutes for each working group and stakeholders can call in to the working group meetings.

Q: The Adaptive Range of Water Operations working group showed a July start date; are any activities happening prior to that start date?

A: The state and federal agencies are trying to develop a memorandum on how to handle adaptive range. When it is completed, that will be the basis for what the working group considers. The memorandum probably won't be ready by July, but it will be the document that fosters that discussion.

Q: Will the Finance working group discuss impacts and payments to Delta cities and communities?

A: Those discussions are going on already. We are having a discussion with Yolo County, for example. In the case of water agencies, we have a variety of relationships and in some cases a contract, so if we have new facilities we will need contracts with each of those entities and would like to do those contracts individually.

Q: The City of Antioch put in formal comments on the Effects Analysis. Have those comments been reviewed? The City has not received a response.

A: Re-send to Dale and she will move forward.

Q: What is the BDCP's relationship to the Delta Stewardship Council?

A: They are a responsible agency, named by the Legislature, so we will have a lot of interaction with them. They will have an appellate role in the NCCP process. We are tracking their plan and tracking that what we submit to them complies.

Q: When would the Yolo Bypass program be implemented?

A: We are asking landowners to consider that issue and perhaps doing some early phasing. We are working on Memorandums of Understanding and if they proceed, could get pilot projects started in the course of a couple years instead of 10 to 20 years.

Q: Is the BDCP only conserving covered species because it should conserve all species?

A: The permits we are trying to get respond to requirements of endangered species act. Conservation plans need to treat all species as if they were listed. If you plan for a species that is not listed but becomes listed, you have to change your plan, so all species are covered.

Q: If the estimated costs to implement the BDCP are between \$16 and \$20 billion, the financing issue should be addressed earlier than what is proposed for the working group start date.

A: Agreed. That is why district data is being taken to the Treasurer for an answer.

Q: What is the current status of Delta Smelt/Longfin Smelt as a result of the rainwater this year?

A: A representative of the Fish and Wildlife Service stated that they cannot tell this early in the year so they are not sure at this point. This information will be available later in the year.

Comment: The financing working group should consider that property values for Delta residents have been impaired and should implement an equitable approach to compensation for displacement of landowners.

Q: Regarding the 55 inch sea level rise being considered, at this level, is thru-Delta export still feasible?

A: This is of debate in the engineering community. With the levees in place, salt water intrusion is not expected to be too great.

#### **Meeting Evaluation Comments**

- Better report-out from working groups on progress and discussions
- Broader publicity effort to reach Delta communities
- Evening meeting to reach Delta community members
- More transparency regarding modeling results and operations decisions