

Bay Delta Conservation Plan (BDCP)

Steering Committee (SC) Meeting

July 16, 9:00 a.m. to 12:00 p.m.
Resources Building, Room 1131

Draft Meeting Notes

Associated documents/handouts:

- *Agenda*
- *Draft BDCP Sections 3.1 Introduction and 3.2 Overview*
- *Draft BDCP Figure 3-1 Restoration Opportunity Areas*
- *Draft BDCP Habitat Restoration Targets*
- *Draft BDCP Proposed Long-Term Water Operations Criteria*
- *DFG Director's policy memorandum on Yolo Bypass*

Action Items and Key Decisions

- The Steering Committee (SC) agreed that the long term water operations criteria numbers that were distributed as handouts may be used to initiate modeling for the BDCP effects analysis. The CFBF deferred judgment on the issue and the NDWA registered its dissent.
- SC members concurred that habitat restoration acreage numbers set out in the handouts that were distributed may be used to initiate the BDCP effects analysis.

Updates

- Governance Working Group (WG) will get a legislative update today at the WG meeting. The WG should have update for SC by July 30, including concepts regarding real-time operations.
- The Management Level Advisory Committee to Interagency Ecological Program (IEP) will meet today.
- Monica Medina, NOAA Senior Advisor to the Under Secretary of Commerce for Oceans and Atmosphere, visited California this week for a fly-over tour of the Delta and for a meeting with Karen Scarborough.
- US Army Corps of Engineers announced that Deputy Assistant Secretary of the Army for Civil Works Terrence "Rock" Salt will be visiting the Delta today.
- DWR indicated there will be an update on the BDCP EIR/EIS at the next SC meeting
- State Water Resources Control Board indicated that it will brief the SC at a future meeting regarding its activities related to the Delta.
- DFG distributed and discussed a policy statement from Director Don Koch that seeks to address issues relating to existing activities in the Yolo Bypass area and those proposed by BDCP.
- DFG expects to issue a CESA section 2080.1 consistency determination on the NMFS OCAP biological opinion that would authorize take of state-listed endangered species.

- Agriculture commissioners from the San Joaquin Valley reported that, as a result of reduced water deliveries, approximately 500,000 acres of land have been taken out of production with an estimated loss of revenue of \$1.5 billion.

Process and Schedule

The BDCP Steering Committee process and schedule were discussed, including upcoming milestones. Chapter 3 sections 3.4 *Conservation Measures*, 3.5 *Monitoring and Research Program* and 3.6 *Adaptive Management Program* will be released next week. The goal is to prepare an administrative draft of the BDCP, with all nine chapters, this fall – late October or November. Key tasks for this summer include: describing near term actions, estimating implementation costs and identifying sources of funding, and describing assurances. Updates and revisions to Chapter 2 *Existing Ecological Conditions* are still in progress; specifically, more detail will be added to the descriptions of terrestrial natural communities and covered species of wildlife and plants.

Public Comment:

Ann Spaulding (City of Antioch) inquired about the availability of the Conservation Strategy document outline. Chair Karen Scarborough responded that we expect to post Chapter 3 Conservation Strategy on the BDCP Website on July 23 or 24.

Public Outreach

Karla Nemeth reported that public briefings will be held in August following the release of draft Chapter 3 *Conservation Strategy* and then followed-up with workshops in September. Secretary Chrisman continues to meet regularly with the Delta counties; however the meeting schedules have been affected by the state and local furloughs. San Joaquin County has not yet met with Secretary Chrisman. Joe Grindstaff reported on the status of the matrix being prepared to reflect issues being raised by the counties. This matrix should be ready for Secretary Chrisman's scheduled July 31 meeting with the counties.

Public Comment:

Steve Mayo (San Joaquin County Multi-Species Conservation Plan [SJMSCP]) indicated that the SJMSCP is a Joint Powers Authority (JPA) and includes more entities than just the county. Mr. Mayo asked about how surrounding HCP's would interface with BDCP. Karen Scarborough responded that DFG is coordinating that effort and suggested Mr. Mayo contact John McCamman with any concerns about these efforts to coordinate with the counties. Mr. Mayo replied that he doesn't feel the SJMSCP concerns are being addressed as fast as the development of BDCP Chapter 3. In addition, he is concerned that proposed BDCP restoration areas overlap with the SJMSCP conservation areas, potentially causing conflicts with SJMSCP conservation strategy and increasing competition for agricultural conservation lands. Karen Scarborough responded that BDCP is not in competition with the surrounding HCPs and indicated that a joint meeting be set up with SJMSCP representatives, Ms. Scarborough, DFG, and FWS.

The SC was reminded that the upcoming draft of Chapter 3 will not include the conservation measures for terrestrial species or near term water operations. SC members discussed the

progress on terrestrial species conservation measures; suggestion that representatives of the surrounding HCPs attend the BDCP Terrestrial Resources Subgroup meetings; suggestion that when the terrestrial components are added to Chapter 3, revisions may need to be made to the aquatic components of the strategy; question about whether additional public meetings will be scheduled to allow for input on the approach to terrestrial species and near term operations, once they are added to Chapter 3.

Barbara Byrne (PCL) asked if conveyance is still considered a conservation measure. Karen Scarborough responded that issue will be discussed today.

EIR/EIS Update

Gwen Bucholz gave an update on the ongoing development of the BDCP EIR/EIS. She explained that the scoping comments are available on the EIR/EIS website, preparation of the scoping report has begun, screening criteria for alternatives and an alternatives development report are in preparation, and coordination continues with the BDCP team. The EIR/EIS team will provide a full update at the next SC meeting.

Kim Delfino requested that regular updates be provided on the other regulatory processes necessary for BDCP implementation, including for example, actions concerning State Water Board water rights and water quality decisions, US Army Corps of Engineers sections 404 and 408 authorizations, and California Department of Fish and Game section 1602 agreements.

Paul Robershotte stated that the US Army Corps of Engineers will provide a briefing to the SC at a future meeting.

Chair Karen Scarborough stated that there will be regular updates to the SC on BDCP EIR/EIS progress.

Public Comment:

Oshe Meserve (Reclamation District 999) indicated she sees several things going on at the same time and requests that the EIR analyze the entirety of the action. Examples she provided: temporary entry permits (TEPs), EIR on the canal, Mitigated Negative Declaration on the test drilling for intake locations (and the potentially significant impacts). Ms. Meserve feels that the BDCP EIR/EIS team is doing work piecemeal and requests that cumulative impacts be addressed. Jerry Johns responded that the EIR/EIS team is gathering information (e.g., through biological surveys and geophysical test drilling) to ensure credible analyses to support the EIR/EIS.

Water Parameters Assessment Approach

Paul Cylinder presented the *Draft BDCP Proposed Long Term Water Operations Measures* (see associated documents/handouts).

Chuck Hanson discussed the biological objectives and rationale for how and why the consultant's proposed long term water operations criteria were generated. Emphasis is on the

most biologically sensitive time, December-June, for most of the covered species. On the Sacramento River, objectives include maintaining specific minimum screen sweeping velocities at the proposed new intakes and addressing tidal influence and hydrodynamics affecting transport of fish. Flows would be measured at two key control points on the Sacramento River. A key consideration for operations is the hydrologic synchrony of flows associated with specific fish life stages and life history timing. The movement of organics and food into and through the system is also an important consideration in the flow criteria. December-June is the important period for covered fish species; within this period January-May is more important and February-April is the core biological period for salmonids and smelt. Above minimum base flow, additional flow is provided in the criteria to maintain the hydrologic signature. The two components for North Delta bypass flow (water that is not diverted and stays in the river) criteria triggers are base flow and percentages of flow above the base flow in the Sacramento River to maintain biological benefits for fish transport and hydrologic synchrony.

Armin Munevar gave a presentation on North Delta Diversion Bypass Flow criteria (see associated documents/handouts/Powerpoint), and how an operational range was defined that would meet the biological goals. The table distributed identifies the modeling inputs that drive the hydrologic and hydrodynamic analysis. The outputs of the modeling should result in the identification of issues that will need to be addressed.

SC members engaged in a lengthy discussion of the proposed operational criteria document, raising several issues and concerns including: the need for corrections to document (e.g., strikeouts were made in error on page 2 of the document); importance of using ranges A and B to help determine adaptive management range limits; debate on whether column titles should be modified (suggestion to leave out the word "Proposed" in middle column); request for clarification regarding amount of diversions; concern about public perception regarding the information on this document; request for more time to study document before concurrence. TBI indicated that they concur with ranges in table to allow for the initiation of an impact analysis, but do not agree to a characterization of middle column as "proposed operations," TBI prefers the description, "Range A, B, C." The SC further discussed clarifications to the document that were approved by SC at the last meeting; reminder that the purpose of today's discussion is to approve the new "X%" flow numbers.

NDWA voiced a concern about mischaracterization in item #8 in the document of NDWA contract terms concerning water quality and discussion regarding the DWR contract with NDWA. Request for an explanation of proposal in the document to move compliance point from Emmaton to Three-Mile Slough.

CFBF requested more input from public and agricultural interests;

Hydrodynamic modeling output later this summer will inform BDCP about the effects of proposed criteria on water quality. Defenders of Wildlife concur with using the criteria in the document to initiate impact analysis, but disagrees that the middle column is the proposed action. Question as to whether the analysis includes San Joaquin River restoration flows. Request for a specific statement be added to the conservation strategy that all water quality contracts with water agencies be honored and suggestions for language modifications to support water quality contractual obligations in item #8 of the document. Comment that the hydrodynamic models need to be run to get a better understanding of effects on south Delta water quality.

Request that the explanatory footnote at end of document be moved to the top of the document with additional language that “this table does not state an agree to proposal for operations” by the Steering Committee.

SC concurred that numbers in table can be used to initiate modeling for the BDCP effects analysis.

Public Comment:

Erik Ringleberg (Reclamation District 999) asked if the Fremont Weir bypass would be included in item #1. Armin Munevar responded item #1 only addressed the Sacramento River and that Fremont Weir was in another category in the table.

Ann Spaulding (City of Antioch) indicated the City of Antioch objects to the change in the water quality compliance point from Emmaton.

Dean Ruiz (Central Delta Water Agency and South Delta Water Agency) raised concerns that south delta agricultural water quality is not being specifically referenced or addressed by BDCP. Barbara Byrne (PCL) recommends that an adaptive management component be added to the different ranges being proposed.

Habitat Parameters Assessment Approach

Paul Cylinder presented *Draft BDCP Habitat Restoration Acreage Targets* (see associated handouts/documents).

SC members discussed handout raising issues and concerns including: number of acres of restored habitat so close to the south Delta pump facilities (dual operations allows for reduced south Delta diversions under long term operations and hence reduced entrainment); timing of near term restorations relative to other conservation actions; opportunities for broader geographic extent of operations with dual operations; ROAs are distributed around the Delta to address the needs of different covered species; concern about planting vegetation on levees.

Public Comment:

Oshe Meserve asked about of the location of ROAs and whether there will be restoration actions that occur outside the ROAs. She also asked how impacts will be analyzed. Campbell Ingram responded that it appears that there is sufficient area with in the ROAs to meet the proposed habitat restoration targets..

Steve Mayo (San Joaquin County Multi-Species Conservation Plan) requested greater coordination between BDCP and San Joaquin County Multi-Species Conservation Plan. Mr. Mayo also said that the restoration numbers look very different then what DFG staff had indicated to him earlier.

Roberto Valdez (Solano HCP) asked for clarification about acreage for Suisun Marsh and which specific projects would be encompassed. Carl Wilcox responded not all projects would necessarily be included, but that they could discuss specifics after the meeting.

SC members concurred that habitat restoration acreage numbers provided in the handout may be used to initiate the BDCP effects assessment.

Impact Assessment Process

Paul Cylinder briefly discussed collaboration with FWS, NMFS, DFG, USBR and DWR, to develop a work plan for the effects assessment and conservation analysis. The process will include weekly meetings with these agencies and the identification of major check points and milestones during the analysis.

Next Steps

Chapter 3 *Conservation Strategy* will likely be posted on the BDCP Website on July 23 for discussion at the July 30 SC meeting.

Attendees

Management and Representatives

Karen Scarborough (Chair, The Natural Resources Agency)
Will Stelle (The Natural Resources Agency)
Karla Nemeth (The Natural Resources Agency)
Joe Grindstaff (California Bay-Delta Authority)
Jerry Johns (DWR)
Patti Idlof (USBR)
Paul Robershotte (USACE)
Brent Walthall (KCWA)
Kurt Arends (Zone 7)
Richard Roos-Collins (American Rivers)
Kim Delfino (Defenders of Wildlife)
Greg Thomas (NHI)
Campbell Ingram (The Nature Conservancy)
Kenny Watkins (CFBF)
Steve Ottemoeller (Friant Water Authority)
Melinda Terry (North Delta Water Agency)
John McCamman (DFG)
Dan Castleberry (FWS)
Ted Meyers (NMFS)
Paul Cylinder (SAIC)

On phone

Marc Ebbin (DWR, The Natural Resources Agency)
Ron Kino (Mirant)
Gary Bobker (TBI)
Roger Patterson (Metropolitan Water District)
Cindy Kao (Santa Clara Valley)

Other attendees
See sign-in sheets
