

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

February 11, 2010, 9:00 a.m. to 1:00 p.m.
California Farm Bureau Federation Conference Room
2300 River Plaza Ave, Sacramento, CA

Draft Meeting Notes

Associated documents/handouts:

- *Agenda*
- *Draft BDCP SC Meeting Notes December 3, 2009*
- *Draft Steering Committee Meeting Agendas*
- *Changes in BDCP conservation measures from July 2009 Draft Chapter 3 Conservation Strategy as agreed to by Steering Committee at January 29, 2010 meeting*
- *Checklist of Action Items from January 29, 2010 SC Meeting*
- *Graphic - BDCP Proposed Long-term Operational Criteria*
- *Draft Covered Activities list*
- *Delta Science Program Short-term Assistance for BDCP (Logic Chain)*
- *Draft BDCP Steering Committee, February 11, 2010 Conveyance Approach Proposed for Effects Analysis for the BDCP*
- *SAIC Proposed Long-Term BDCP Water Operations Analytical Range (February 5, 2010 Draft)*
- *Draft BDCP Conservation Land Targets [Preliminary, Version 2]*
- *Summary Description of the Swainson's Hawk Conservation Strategy*
- *Graphic - BDCP Concept of Adaptive Range*
- *PRE Statement for February 11, 2010 BDCP Steering Committee*

Action Items and Key Decisions

- Approved logic chain proposal for science input
- Approved all-tunnel conveyance option for evaluation in BDCP Full Effects Analysis

Updates

- Consistent with the Delta Reform Act, the Delta Stewardship Council has been formed as a new State entity and the California Bay-Delta Authority is no longer to be an entity. The Delta Stewardship Council potentially may become a member of the BDCP Steering Committee.
- Greg Zlotnick has left the Santa Clara Valley Water District and is now serving as a consultant to Metropolitan Water District and Westlands Water District. Jim Fiedler will replace Greg Zlotnick as the Santa Clara Valley Water District representative on the BDCP Steering Committee. Cindy Kao will serve as Jim Fiedler's alternate.

- DWR has completed and web-posted its snow survey. Precipitation is above average for this time of year, but runoff is still below average as a result of the refilling of reservoirs, recharge and storage of groundwater, and the low moisture content of soils.
- USBR is making operational changes at the Tracy pumps in order to be in compliance with existing regulatory requirements.
- North Delta Water Agency offered a written statement about the importance of the BDCP and the necessity of cooperative engagement at the Steering Committee table and the desire to get our decisions “right.”
- Senator Feinstein is proposing a rider for the federal jobs bill that would suspend some of the pumping restrictions on Delta export facilities set out in current biological opinions in an effort to increase water deliveries. Environmental Defense Fund and Defenders of Wildlife expressed concern about the potential for the rider to negate the progress made over the several years of BDCP development. San Luis Delta & Mendota Water Authority offered concerns regarding the effect of these current restrictions on the many people who depend on delivery of Delta water. The Chair acknowledged the viewpoints on all sides and the need for BDCP to address near-term operations.
- American Rivers echoed the concerns raised by Environmental Defense Fund and Defenders of Wildlife and is seeking an immediate meeting with Senator Feinstein and Secretary Snow to discuss Senator Feinstein’s water restrictions rider and its potential impact on the BDCP.
- On April 28, 2010, Metropolitan Water District will host a dedication event for the completion of the Drop 2 Reservoir, an off-stream storage facility for Colorado River water. Metropolitan announced the start-up of a one-year pilot run of the Yuma Desalting Plant on the Colorado River at the border of the U.S. and Mexico. Metropolitan is a partner with the Southern Nevada Water Authority, the Central Arizona Project, and USBR on both of these projects
- NMFS reported on the status of spring-run Chinook salmon. Survey results from last summer’s spawning season indicated very low numbers, particularly at Deer and Mill creeks. Butte Creek populations have also declined substantially in recent years.

Process and Schedule

Comments on *Draft BDCP SC Meeting Notes December 3, 2009* will be accepted at the next Steering Committee meeting. Karen Scarborough discussed the *Draft Steering Committee Meeting Agendas* handout that outlines the schedule of SC agenda’s through September 2010. Decisions scheduled to be made by the SC in February and March are needed to conduct the Full Effects Analysis. A request was made to add to the agenda schedule a briefing on requirements for issuance of Clean Water Act section 404 permits for the BDCP.

Long-Term Operations Summary Graphic

Ms. Scarborough introduced the *SAIC Proposed Long-Term BDCP Water Operations Analytical Range (February 5, 2010 Draft)* handout and made the point that there is no

difference in content from the January 29, 2010 operations handout approved for evaluation in the Full Effects Analysis; only the arrangement of content has been changed for ease of use. Kenny Watkins pointed out some missing text and a footnote on water quality under Item 8 in the table in the handout. This text and footnote from the July 31, 2009 version of the table will be inserted before posting to BDCP web-site.

Revised Handouts from January 29, 2010 Steering Committee Meeting

Ms. Scarborough then discussed the *Changes in BDCP Conservation Measures from July 2009 Draft Chapter 3 Conservation Strategy as agreed to by Steering Committee at January 29, 2010 meeting* handout. These revisions reflect changes, requested by Steering Committee members, to the January 29, 2010 Steering Committee meeting handouts. Discussion followed regarding further changes to the documents. Ann Hayden requested that the notes of today's meeting reflect that the revision to analytical range A for South Delta OMR flows was not based on outcomes of the Mini-Effects Analysis, but from other "recent work." Ms. Scarborough referred Steering Committee members to the *Checklist of Action Items from January 29, 2010 SC Meeting* handout which tracks the progress of addressing issues raised at the January 29, 2010 Steering Committee meeting.

Concept of Adaptive Range (Graphics)

Paul Cylinder presented and discussed two graphics on the concept of "adaptive range" from previous Steering Committee meetings - *Graphic - BDCP Concept of Adaptive Range* and *Graphic - BDCP Proposed Long-term Operational Criteria*. These graphics help to illustrate how a range of water operations will be considered in the Full Effects Analysis.

Modeling-for-Modelers Meeting

In regards to the next "Modeling-for-Modelers" meeting, a request was made that the meeting cover new information, only, and not information previously presented to the Steering Committee, and for modeling results to be provided to attendees in advance of the meeting. Additionally, a request was made to have a separate meeting to discuss cold water pool and Shasta Reservoir storage issues.

Public Comments:

Steve Mayo (San Joaquin Council of Governments and San Joaquin County Multi-species Habitat Conservation and Open Space Plan) pointed out that decisions to be made in February by the BDCP Steering Committee could affect surrounding HCPs. Karen Scarborough responded that these are decisions on topics necessary to support further analysis only and are not decisions regarding the specific actions that will ultimately be adopted and implemented through the Plan. This is an iterative process with specific decisions on conservation measures to be made after the Full Effects Analysis.

Discussion: Review of Covered Activities

Paul Cylinder presented the *Draft Covered Activities list, February 11, 2010*, handout and explained the changes that have been made to the prior version presented at January 14, 2010 SC meeting. More information has been added for the Mirant power plant covered activities. The proposed North Bay Aqueduct intake relocation has been added

as a covered activity. Several additional deletions and changes reflect the January 29, 2010, decisions by the Steering Committee regarding which conservation measures should remain in the draft Plan to be included in the Full Effects Analysis. Discussion followed regarding several topics, including the potential implications of including the North Bay Aqueduct intake relocation in the BDCP covered activities. NMFS stated that they have significant issues with the potential effects on salmonids of a new North Bay Aqueduct intake on the Sacramento River and indicated that it believes more study of the issue is needed. Reclamation requested that Chapter 4 include additional text to emphasize the distinction between non-federal activities that will be authorized under ESA Section 10 and federal actions that will be authorized under section 7. A point was made that despite the deletion of some conservation measures by the SC, the biological stressors those measures addressed are still of great importance and should be addressed by entities that are not participating in the BDCP process. The influence of these “important related actions” can affect the success of BDCP efforts. NMFS identified the need to discuss with Reclamation and DWR all federal actions identified on page 4-3 of the handout.

A question was raised about opportunities to propose new conservation measures over the next couple months. There was no objection to the notion that additional conservation ideas could be presented to the Steering Committee for consideration. Regarding the addition of conservation measures to the BDCP after permits and authorization have been issued, that would require an amendment to the permit and would also likely require a supplemental NEPA/CEQA compliance. Several Steering Committee members requested a future discussion with DWR regarding how to address water transfers in the covered activities chapter.

Public Comments:

Maria Wong (Yolo County HCP/NCCP Joint Powers Agency) reminded the Steering Committee that Yolo County and the Yolo Natural Heritage Program have requested that two projects related to County surface water diversions and wastewater outfalls be added to the list of BDCP covered activities. Yolo County would like to work with the BDCP to see if those activities can be added to the BDCP covered activities. Karen Scarborough responded in the affirmative regarding meeting with Yolo County to discuss the activities.

Tina Cannon Leahy asked if the federal agencies are proceeding under an Endangered Species Act (ESA) Section 7 authorization, why they would need Environmental Water Account (EWA) actions to be covered under an NCCP Act and ESA Section 10. Federico Barajas agreed with Ms. Leahy’s point; however, in the interest of having a complete list of scenarios, all Delta-related projects and activities have been included in Chapter 4 and a statement will be included in the chapter that points out the distinction between activities covered under ESA Section 10 and those addressed through Section 7. This does not pertain only to EWA, but all CVP-related activities. Marc Ebbin added that this process highlights the interrelated nature of the different actions between the federal and state systems. BDCP will include the measures necessary to support the issuance of take authorizations under the federal Endangered Species Act for both federal and state project operations.

Melanie Rowland (NOAA) asked what decision is to be made on covered activities at the February 25, 2010 Steering Committee meeting. Karen Scarborough responded that the decision to be made at the February 25 meeting is on the list of covered activities presented today. In March, the covered activities chapter text will be presented. Ms. Rowland offered that since the list includes more than Section 10 activities, the list should not be called “covered activities,” which implies Section 10 activities. Ms. Scarborough responded that this echoes what Reclamation brought up earlier in the meeting about rewording the text regarding Section 7 and 10 components and that this rewording will be done.

Discussion: Logic Chain Proposal

Campbell Ingram presented the *Delta Science Program Short-term Assistance for BDCP (Logic Chain)* handout, gave a brief overview of the logic chain idea, and presented the proposal. It involves illustrating the process to develop the BDCP conservation strategy by linking the broad recovery goals to the conservation measures. Discussion followed regarding the purpose of the logic chain and how the logic chain relates to development of the adaptive management plan, as well as refinement of goals and objectives. A concern was raised that use of the logic chain could set BDCP development back, and that moving forward with refinement of the plan is important. A question was raised about how the logic chain will be reflected in the April 2010 iteration of Chapter 3 *Conservation Strategy*. The intent of this proposal is to provide additional insight on how to do that very thing. Elizabeth Soderstrom of Natural Heritage Institute and Cliff Dahm of CALFED will be reviewing application of the logic chain to the BDCP conservation strategy to determine what additional science input might be warranted. In general, the Steering Committee concurs with the logic chain proposal.

Public Comments:

Osha Meserve (Reclamation District 999 and Stone Lakes NWR Association) asked why a subgroup was reviewing the logic chain rather than the entire independent science advisor panel. Karen Scarborough responded that the BDCP does not have an official, standing independent science panel. The BDCP has an independent science process with tiered processes to apply the best and most efficient use of independent science input. For small issues, the input of a few independent scientists is usually sufficient; for larger issues, the input of a panel assembled specifically for the issue at hand is often needed.

Presentation: Risk Assessment Overview for Conveyance Facilities

Mike Cherry (DHCCP) presented “Isolated Conveyance Facilities – East and All Tunnel Options” providing a summary of an independent cost estimate of the all-tunnel and east-side conveyance options in comparison to the earlier DHCCP cost estimates for those options. An outside consultant (5RMK) was hired to prepare independent cost estimates for the all-tunnel and east-side conveyance options. There is a difference between the two estimates, but they are within the expected variance given the general level of detail of the engineering design at this time and there the differences in assumptions regarding “means and methods” by 5RMK and DHCCP engineers.

Jim Watson (DHCCP) presented “Conveyance Option Risk Assessment” which outlined and compared the cost and schedule risks of the west-side, east-side, and all-tunnel conveyance options. No significant difference in schedule uncertainty was identified among the conveyance options. The assessment suggested greater uncertainty of cost for the all-tunnel option as compared to the canal options. Following the presentation, topics of discussion included: the use of excess material from tunnel boring for beneficial uses, the potential for bond funding, the assumptions used to assess power capacity, and costs and sources of power over the life of the plan.

Karen Scarborough asked the Steering Committee for their thoughts on which conveyance option to use in the Full Effects Analysis. Laura King Moon spoke on behalf of several of the PREs (potentially regulated entities) and stated that they would like to focus the Full Effects Analysis on the all-tunnel option, but that position does not represent a decision of the PREs regarding ultimate project that will be proposed. Ms. King Moon offered to the Steering Committee a written statement expressing that desire (*PRE Statement for February 11, 2010 BDCP Steering Committee* handout).

Comments from Steering Committee members followed regarding the desire for additional information to be developed regarding the all-tunnel option, while making sure to keep all options open. Jerry Johns stated that DWR wants to look at issues carefully and sees the smaller impact footprint of the all-tunnel relative to canal options as an advantage for environmental compliance; that the cost and risk analyses provided no surprises, which is a good outcome; and that the next step is to do a sizing optimization analysis for intakes and conveyance. Brent Walthall, Kern County Water Agency, stated that the costs comparison indicates that the all-tunnel option is worth taking a look at. Roger Patterson, Metropolitan Water District, stated that we need to spend time studying the all-tunnel option over the next few months and to keep all conveyance options open.

A point was made that an optimization study on the sizing of the intakes and conveyance facility would help define the project and assist in determining projected costs. A point was made that the sizing optimization study would incorporate the projected effects of climate change. Greg Gartrell, Contra Costa Water District, stated that climate change models are highly variable and suggests that the all-tunnel option could be constructed in two phases (one bore at a time). Cindy Kao, Santa Clara Valley Water District, agrees it makes sense to study all-tunnel and canal options, but has concerns about phasing construction. She indicated that full construction of conveyance capacity may be necessary to provide for future needs and flexibility. Greg Thomas, Natural Heritage Institute, states that he sees consensus among the PREs to evaluate the all-tunnel option and therefore gives NHI’s thumbs up for the all-tunnel option.

Karen Scarborough stated that the approach to the sizing optimization study will be further discussed at the next Steering Committee meeting.

The *PRE Statement for February 11, 2010 BDCP Steering Committee* handout was amended by the Steering Committee to represent the entire group and its general support of analyzing the all-tunnel option in the Full Effects Analysis.

Public Comments:

Greg Zlotnick (consultant to Metropolitan and Westlands water districts) asked if the cost estimates account for two bores being done at the same time. Mike Cherry responded in the affirmative.

Dan Kelly (representing Sacramento County and the Glenn Colusa Irrigation District) asked if the capital construction costs included only the physical construction costs, not land acquisition costs (including for mitigation of the construction footprint). Mike Cherry responded that the land acquisition costs were included.

Jonas Minton (Planning and Conservation League) recommended that the sizing optimization study examine a 3,000 cfs intake. Mr. Minton also offered that the term “optimization” has been used in regards to size, amount of water, and cost; but not in terms of attaining biological objectives. Karen Scarborough expressed appreciation for Mr. Minton’s comments.

Presentation: Terrestrial Conservation Acreage for Agriculture and Managed Wetlands

Paul Cylinder gave an overview of the two handouts: *Draft BDCP Conservation Land Targets [Preliminary, Version 2]* and *Summary Description of the Swainson’s Hawk Conservation Strategy*. The conservation land targets handout has been revised from the prior version to include targets and rationale for agricultural lands and managed wetlands. Pete Rawlings explained the habitat conservation target acreages and the Swainson’s hawk conservation strategy in depth. Species-specific conservation strategies informed habitat conservation targets. Dr. Cylinder pointed out that target acreages and rationales were developed with the input of DFG and experts from the terrestrial subgroup. Concern was expressed about the links between the habitat target acreages and the level of conservation of the species. A request was made for written documentation of what the terrestrial species experts have said. Regarding managed wetlands targets, there was a suggestion to consult with Ducks Unlimited and the California Waterfowl Association on the assumptions that are being used to determine conservation acreage targets.

Public Comments:

Maria Wong (Yolo County HCP/NCCP Joint Powers Agency) reminded the Steering Committee that the five adjacent habitat conservation plans can help contribute to species recovery. The Yolo Natural Heritage Program has an agricultural focus and has much information to share on that. In terms of implementation, it will be important to describe the protocol for how to undertake land acquisitions so that none of the five overlapping counties are overburdened with BDCP mitigation actions that eliminate other land use possibilities. Karen Scarborough expressed appreciation for Ms. Wong’s comments.

Steve Mayo (San Joaquin Council of Governments and San Joaquin County Multi-species Habitat Conservation and Open Space Plan) stated that San Joaquin County does not want BDCP tidal marsh restoration to interfere with County plan’s habitat conservation sites.

Justin Frederickson (California Farm Bureau Federation) asked if the seasonally-inundated floodplain of the Yolo Bypass is included in the planned preserved agriculture of the BDCP, or if the Yolo Bypass will be addressed separately. Paul Cylinder responded that specific locations for habitat conservation have not yet been identified.

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)
Tom Howard (State Water Resources Control Board)
Keith Coolidge (Delta Stewardship Council)
Jerry Johns (DWR)
Paul Robershotte (USACE)
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)
Greg Thomas (Natural Heritage Institute)
Greg Gartrell (Contra Costa Water)
Melinda Terry (North Delta Water Agency)
Steve Ottemoeller (Friant Water Authority)
Kurt Arends (Zone 7)
Ara Azhderian (San Luis & Delta-Mendota Water Authority)
Cindy Kao (Santa Clara Valley)
Patti Idlof (USBR)
Kenny Watkins (California Farm Bureau Federation)
Dan Castleberry (USFWS)
Kevin Hunting (DFG)
Maria Rea (NOAA/NMFS)
Michael Tucker (NOAA/NMFS)
Paul Cylinder (SAIC)
Pete Rawlings (SAIC)

On phone

Jason Peltier (Westlands Water District)
Gary Bobker (The Bay Institute)
Randall Neudeck (Metropolitan Water District)