

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

July 30, 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*
- *Draft BDCP Community Workshop-Draft Approach and Agenda*
- *Draft Proposed Long-Term BDCP Water Operations Range of Criteria (July 30, 2009)*

Action Items and Key Decisions

- Steering Committee members concurred with the modifications to the *Draft Proposed Long-Term BDCP Water Operations Range of Criteria (July 30, 2009)* proposed by DWR for items 7 and 8.

Updates

- US Army Corps of Engineers will update the Steering Committee at the August 13 meeting on regulatory issues affecting the BDCP.
- US Army Corps of Engineers announced that Col. Scott "Rock" Donahue will assume command of the South Pacific Division on July 21.
- Westlands Water District provided coffee service for today's SC and the donations will go toward agriculture education.

Process and Schedule

A brief overview and update of the schedule of matters that will be considered by the BDCP Steering Committee in the upcoming months was presented. SC review of Chapter 3 *Conservation Strategy* will begin in August. The current goal for the release of an administrative draft of the BDCP is the end of December, followed by a Public Draft in early 2010.

A request was made that the "impacts analysis" for the BDCP be referred to as an "effects analysis" to better reflect its purpose. The SC expressed agreement on this change.

EIR/EIS Update

Dave Olson and Gwen Buchholz presented an update on the progress and status of BDCP EIR/EIS entitled *Bay Delta Conservation Plan EIR/EIS Status Update July 30, 2009* (see associated handouts/documents).

SC members responded to the presentation with questions and comments on such topics as: request for copies of species surveys; comments on species models; alternatives under consideration; screening criteria; request for more information on site specific habitat restoration; offer by The Natural Conservancy to help with restoration design efforts; request for timeline of alternatives development; suggestion that SC have more input into EIR/EIS efforts; request to see draft documents, considering alternative conveyance options, including a tunnel option; desire for more detail on screening criteria for selection of conveyance alternatives; questions about the analysis of social economic impacts.

SC members discussed their role in the BDCP EIR/EIS process. Clarification was made that the EIR/EIS is document to be prepared by the lead agencies (Reclamation, FWS, NMFS for the EIS and DWR for the EIR). The lead agencies are responsible for ensuring that the process and substance of the NEPA/CEQA documents conform with regulatory requirements. Opportunities for participation by SC in the NEPA/CEQA process are governed by these laws and their associated guidelines. It was further explained that the

framework for the identification and analysis of alternatives under habitat conservation plans differs from the framework required of EIRs and EISs. Kim Delfino requests that SC have a more active roll in the EIR/EIS—not exceeding any legal limits. Lead agencies will interact with SC members to provide more updates on the status of specific EIR/EIS evaluation.

Public Comment:

Ann Spaulding (City of Antioch) inquired about the schedule for assessing the impacts of BDCP on environmental resources other than biological resources. Gwen Buchholtz responded this assessment will not be initiated until the modeling for hydrology and water quality is completed, and once a range of alternatives has been identified in sufficient detail.

Effects Analysis

Karen Scarborough gave brief update indicating that the hydrodynamic modeling to support the effects analysis had been initiated, starting with hydrological modeling using long-term operational criteria inputs agreed to by the SC for this purpose. There was additional discussion regarding the workplan for the full analysis of the biological effects of the plan.

Terrestrials

Carl Wilcox gave brief update and status for the Terrestrial Resources Subgroup. Next steps will be to refine goals and objectives and develop conservation measures by the end of September. The next meeting of the subgroup is tentatively set for August 13.

A request was made that DFG discussions regarding the BDCP with local governments engaged in regional conservation planning be integrated into the development of the BDCP terrestrial goals and objectives and associated conservation measures.

Biological Goals and Objectives

Will Stelle gave a brief update on the effort to develop metrics to support the monitoring and adaptive management programs and indicated that the work will be ongoing during August.

Public Outreach

Karen Scarborough reported that a meeting with all of the surrounding local government involved in HCPs and/or NCCPs is being set up.

Secretary Chrisman's monthly meetings with Delta counties will occur tomorrow and will include an update on the BDCP EIR/EIS. Joe Grindstaff reported that a draft matrix providing a summary of local county issues and concerns developed with county officials and staff has been released to the counties for their review. A meeting with San Joaquin County officials and staff will be scheduled.

Carl Wilcox reported on DFG's meetings with representatives of the sponsors of local government HCPs/NCCPs.

Karla Nemeth presented the *Draft BDCP Community Workshop-Draft Approach and Agenda* (see associated handouts/documents) outlining the public workshops where the draft Chapter 3 *Conservation Strategy* as of July 27, 2009 will be presented.

The Outreach group has decided to experiment with holding a Saturday workshop. SC members indicated that more substantive briefings of the public at workshops would be beneficial, including greater detail on proposed operations, habitat restoration, other stressors measures, and discussions about the level of certainty regarding the efficacy of proposed conservation measures.

Public Comment:

Roberta Goulart (Contra Costa County) asked why a workshop is not proposed at a location in western Contra Costa County. Karla Nemeth will follow-up with Ms. Goulart after today's meeting.

Governance

Roger Patterson (Co-Chair) reported that the Governance Working Group is scheduled to meet tomorrow and will be focusing on the topic of proposed regional Delta governance and pending state legislation. K. Scarborough requested that WG co-chairs present a report on the progress of the Governance WG on the unresolved issues still under discussion. Richard Roos-Collins (Co Chair) reported at the last WG meeting they discussed real time operations and balancing flows for fish and diversions for water supply. As per prior direction from the SC, the WG has initiated the process of developing Chapter 7 *Implementation Structure*.

The SC discussed the Joint Powers Authority (JPA) proposed by the state and federal water contractors. JPA has not been formed, but there is some expectation that agreement with DWR will be reached in August.

Public Comment:

Barbara Daly (Clarksburg) inquired about the concepts of a "fish master" being considered by the Governance WG and elements of the adaptive management program.

Mark Wilson (Clarksburg) asked who is proposed to be included in the JPA. Roger Patterson responded that membership has yet to be decided.

Steve Mayo (San Joaquin County Multi-Species Conservation Plan) asked what the role of JPA will be. Karen Scarborough responded there will be an update on the JPA at the next SC meeting.

Legislative Package

Joe Grindstaff provided a short briefing on the upcoming legislative package of water-related bills, saying the expectation is that the bills will include provisions for a Delta Council, a Delta Conservancy, water rights, and public financing. The bills may be released as early as tomorrow.

Draft Chapter 3 Conservation Strategy

Paul Cylinder provided an overview of draft Chapter 3 *Conservation Strategy*, dated July 27, 2009.

Karen Scarborough presented the updated document *Draft Proposed Long-Term BDCP Water Operations Range of Criteria (July 30, 2009)* (see associated handouts/documents). Updates include changes resulting from the July 16 SC meeting.

DWR proposed that the following changes be made to the criteria table:

Add language to item #8 "In-Delta Agricultural and Municipal & Industrial Water Quality Requirements" to read:

Existing D-1641 North and Western Delta AG and MI standards, EXCEPT move D-1641 compliance point from Emmaton to Three Mile Slough juncture. Maintain all water quality requirements contained in the NDWA/DWR Contract and other contractual obligations.

Add language as a footnote cited in item#7 "Operations for Delta Water Quality and Residence Time" and item #8 "In-Delta Agricultural and Municipal & Industrial Water Quality Requirements" to read:

The results of the water quality modeling from the effects analysis will be used, to determine if other actions are needed to address water quality issues that may arise, including water quality in the southern and central Delta for both Agricultural and M&I due to the BDCP Long-term operations.

SC concurred with the proposed changes.

SC members discussed the document and raised issues and concerns including the following: proposed changes to Table 3.5 long-term operations; request to include full content of July 30 long-term operations table into Table 3.5; clarification what the information represents in the table's three columns of operational criteria (range A, proposed operations, range B); clarification that the current information in the long-term operations table columns "range A" and "range B" are not the adaptive ranges, but represent the beginning of development of adaptive operational ranges.

Based on the SC discussion, Chair requested that SAIC insert the full table of long-term operations into the draft of Chapter 3, with clarifying language indicating the purpose and meaning of the table's contents. The Chair further requested that Chapter 3 be re-posted on the website with this information as soon as possible.

SC discussed the draft of HRCM17 that describes a new flood bypass along the eastside of the Sacramento deep water ship channel. Some members expressed concern that HRCM17 is still being considered and urged that this measure be reconsidered and eliminated from the conservation strategy.

The standard BDCP comment form will be sent to the SC members for comments on Chapter 3. Chair requested that comments be emailed to SAIC by the end of August. The electronic comment form is also available on the BDCP website for all to use.

Melinda Terry distributed a letter from the North Delta Water Agency that outlines their concerns about proposed water operations criteria.

Public Comment:

Ann Spaulding (City of Antioch) asked if the west Delta water quality will be modeled. Jerry Johns indicated in the affirmative and stated that preliminary modeling shows that in the far western Delta the water quality would likely improve. Ms. Spaulding also asked if they would be modeling the moving the compliance point. Jerry Johns responded that yes that also would be addressed in the modeling.

Pat Clark (representing Sacramento City Councilman Robbie Waters) asked that language in sections 3.4.1 3-3 and 3-14, describing proposed new north Delta diversions specifically state that the northern-most intake would be "adjacent to the Pocket area in Sacramento."

Linda Dorn (SRCSO) asked when comments will be received and for how long. Karen Scarborough responded that comments may be submitted from now and through August.

Dan Kelly (Sacramento County) asked about presentation and whether the five proposed north Delta diversions and the isolated facility will be conservation measures or covered activities. Karen Scarborough and Kim Delfino responded that they will be both conservation measures and covered activities so long as operations of the facilities are specifically described.

Mark Wilson (Clarksburg) expressed concern that information is being concealed, including the ROA map that shows that the restoration opportunities are all west of the deep water ship channel, yet the flood bypass through Clarksburg is still being considered. Jerry Johns responded with a reminder that the introduction to conservation measures need to be read for clarifying language and that measures associated with flood control activities will only be considered in coordination with and with approval of the US Army Corps of Engineers. Karla Nemeth clarified that that ROA map only refers to tidal marsh restoration areas and does not include of the areas under consideration for seasonal floodplain restoration.

Adaptive Management

Paul Cylinder presented an overview of the draft BDCP adaptive management program.

SC members asked for clarification on issues such as: concern about establishing the appropriate biological goals; expression of day-to-day flexibility for water operations; schedule for receiving modeling outputs of operational ranges; concern how human health and safety will be addressed; assessment of a broader range of issues (other than biological resources issues addressed by BDCP) by the BDCP EIR/EIS.

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)
Jerry Johns (DWR)
Federico Barajas (USBR)
Paul Robershotte (USACE)
Brent Walthall (KCWA)
Roger Patterson (Metropolitan Water District)
Ara Azhderian (SLDMWD)
Greg Zlotnick (Santa Clara Valley)
Kurt Arends (Zone 7)
Richard Roos-Collins (American Rivers)
Kim Delfino (Defenders of Wildlife)
Gary Bobker (TBI)
Spreck Rosekrans (EDF)
Greg Thomas (NHI)
Anthony Saracino (The Nature Conservancy)
Kari Fisher (CFBF)
Melinda Terry (North Delta Water Authority)
Carl Wilcox (DFG)
Mary Grim (FWS)
Ted Meyers (NMFS)
Paul Cylinder (SAIC)

On phone

Ron Kino (Mirant)

Other attendees

See sign-in sheets
