

# BDCP Public Meeting Summary

August 11, 2011

## Background

The second in a series of public meetings to provide updates on the BDCP and active working groups, facilitate public discussion about outstanding issues to be resolved to complete a draft plan, took place on August 11, 2011. Staff gave updates on the updated milestone schedule for the EIR/EIS and Conservation Plan; nine conveyance alternatives under consideration; effects analysis; funding agreement between water contractors and agencies; and the following working groups – Governance, Biological Goals and Objectives, Yolo Bypass Fishery Enhancement Planning Team, South Delta Habitat; Conveyance Facilities. Presentations were also given on the topics of Cache Slough and the CA Department of Fish and Game Conservation Strategy.

Approximately 90 stakeholders and members of the general public attended. The meeting was facilitated by Chris Elliott (ICF), with updates from Dr. Jerry Meral (Natural Resources Agency), Karla Nemeth (Natural Resources Agency), Federico Barajas (Bureau of Reclamation), Dale Hoffman-Floerke (DWR), Roger Patterson (Metropolitan Water District of Southern California), Chris Earle (ICF), Scott Woodland (DWR), Dennis McEwan (DWR), and Chad Dibble (DFG).

Public comment was taken after each topic discussed. Public comments are included on the following pages.

## Public Comments

### Alternatives for Analysis

Q: How does the cubic feet per second (cfs) relate to the amount of habitat restoration being considered?

A: This is still being studied. Based on operating regimes different time windows will be considered to address both objectives.

Q: Why are 3,000, 6,000, and 9,000 cfs being considered but the proposed habitat acreage doesn't have a middle ground?

A: Where the habitat acreage number falls is not ignoring the balance between the resources but taking a conservative approach in looking at it.

Q: Where is the additional 10,000 acres of seasonally inundated floodplain located?

A: Mike Tucker (FWS) from the audience said that it has not been determined but could possibly be in the Yolo Bypass or South Delta. Many areas have been identified that could be restored as floodplain habitat.

Q: Absent a project description, BDCP has not looked at actions outside the Delta. Whether they do or not is no reason to ignore actions outside the delta in NEPA/CEQA analysis. To what extent are alternative water supply sources (recycling, storage, etc.) going to be included?

A: BDCP will have to find a way to accommodate that. It is expected to be a frequent comment and it needs to be addressed in the EIR/EIS.

Q: Of the 113,000 acres of habitat restoration, how much will be a result of removing acres from agricultural production?

A: A breakdown is not currently available.

Q: Will there be any change in the Governance Structure. Is it part of the EIR/S?

A: As part of the BDCP itself, any changes in Governance would affect the alternatives – it is an issue that would have to be considered.

Q: What happens when there isn't 15,000 cfs of flow in the river to be diverted? Also, discuss dredging/sediment issues.

A: Flow is designed to be up to 15,000 and will not be operating at that level consistently. The amount diverted would be dictated based on the operating regime agreed upon. The biological agencies will tell us in precise detail how much flow can be taken from the river at any time. Any dredging/sediment accumulation will be analyzed and looked at to mitigate any impacts.

Q. Do all of the alternatives incorporate existing pumps as well as new?

A: Yes.

Q. Regarding the difference in restoration acreage: the amount of acreage seems to be mitigation. Where is the dividing line between mitigation responsible by the water contractors vs. the public?

A. Habitat restoration is not necessarily mitigation. The intent was to have a restoration component associated with a reduced conveyance facility. The mitigation component is part of the package.

Q. Question regarding alternative 5, and concern about the screens at the Delta Cross Channel and Georgiana Slough.

A. Alternative 5 would include the construction of operating barriers with fish screens along the way to be sensitive to the species. The alternative would adhere to ESA requirements.

### **Effects Analysis**

Q: When does the public get to see the appendices?

A: When it goes to the Independent Science Review panel (September 15).

Q: When will the other appendices be available? Those not available to Independent Science Review panel on September 15?

A: Production of these by the consultants is on a tight timeline. The problem with releasing them is that the consultants could not prepare responses at this time. Stakeholders will be able to view the remaining appendices during the formal comment period.

Q: If the project description in the Effects Analysis does not include big ticket items identified by agencies or other parties through the process, and which is not included in the scope of alternatives, how will it be dealt with? Can the analysis be accommodated in the current schedule?

A: We have allocated several months between the comment period and final document for this purpose.

Comment: Rolling things out in an incremental basis is a good idea. However, it may not be realistic to think that the Independent Science Review will be able to review the document in a month.

Q: The 30-day period for final EIR/EIS seems short. Can you consider 45-day minimum review period?

A: We will do our best to accommodate folks if a longer period is required. The current schedule includes a 45-day review cycle.

### **Funding Agreement**

Q: How many of the water districts paying for the BDCP are from Northern California?

A: Basically the agencies diverting from Tracy are funding this. That includes the south Bay Area, Silicon Valley and south of that. The Bureau of Reclamation is also providing some funding.

Q: Are tax dollars paying for BDCP?

A: Ratepayers from the water district are putting up most of the money.

Comment: Looking at timetable and alternatives, we need to remember where the money is coming from. You can't take 15,000 cfs out of Delta and expect people to believe the project is about Habitat.

Q: Are the funding agreements public documents and where can we access them?

A: Yes, you can get them from DWR. They will be available once they are signed.

Q: One hundred million dollars to complete the process is the same estimate from a year ago. Has this cost been updated? And what happens if any of the agencies don't agree to the funding?

A: One hundred million dollars is the current cost estimate to finish the process. There is also some contingency money in case the estimate is off. In the event some current agencies decide not to continue the funding, the contractors will evaluate the short-fall and how likely it is to impact completing the process.

Q: What happens if you come up significantly short on funding to complete the planning process?

A: The response from the various water districts has been good and it is expected that the funds will be committed to finish the work. If any large water district doesn't commit, the whole process would have to be revised.

Q: How much of the project will be financed by the public? Who is paying for 113,000 acres for habitat restoration in the Delta?

A: Since the BDCP is a broader plan, implementation will involve a combination of revenue sources. For infrastructure development (pumps, canals, fish screens, etc.) water users will provide funding. The water contractors will also be funding a portion of habitat restoration. The challenge will come in funding the portions of the BDCP that is not covered by the water contractors.

A: Regarding public money, do we know how much funding will come from the public and how much from the contractors? Do we know a ratio – 60/40?

A: The last round of cost estimates had conveyance development costs at \$12.7 billion. This amount will be provided by the water agencies. Restoration costs are estimated at \$3.6 billion, with an estimated O&M of \$83 million a year for conveyance and \$46 million for restoration.

### **Working Groups Update**

#### **Biological Goals and Objectives**

Q: Given that we are only beginning to successfully address how this will relate to the effects analysis, and show that the proposed project can achieve the objectives, how will development of the Effects Analysis be coordinated with the development of the biological goals and objectives?

A: The strategy is to closely coordinate between those developing the Effects Analysis and those developing the goals and objectives to help them zero in on a solution.

Q: The science panel focused on three species. Will the others species be included in the development of the goals and objectives?

A: Yes, all the covered species being addressed by BDCP will have goals and objectives linked to them. Additionally the BDCP will address not just listed species but any that might become listed during the life of the permit.

Q: Will the goals and objectives use simple metrics to determine if we are contributing towards recovery?

A: Both the goals and objectives and Effects Analysis recognize and identify population metrics.

Q: Will there be a definitive population number to look at and see if you are accomplishing recovery?

A: It is too early to say. That will be an outcome of the process.

Q: What happens if the acreage for habitat restoration is not available?

A: Priority will be placed on using existing public land if possible, then to use land that is not in agricultural production, and then to low value agricultural production land. It will be an obligation to carry out the habitat restoration, and it's hard to imagine given the 50 year time horizon for this effort that suitable acreage will not be acquired. Additionally, the regulatory agencies will enforce the restoration provisions of the BDCP.

Q: Do you plan to study what effects would be if water exports from the Delta were eliminated?

A: The BDCP is looking at reduced export and no project alternatives.

Q: Once in the monitoring phase, what is the baseline to measure if we are making progress?

A: Baselines are defined in the Effects Analysis.

Q: Regarding recent news that a Kern County ranch sold water rights for some \$77 million, how can a private citizen benefit that much?

A: The specifics of this case were not familiar but water rights users have some rights to buy/sell water. The State Water Resources Control Board monitors water transfers.

#### **Yolo Bypass Fishery Enhancement Planning Team**

Comment: The planning team has been focusing on the northern parts of the Bypass, timing flooding to work with waterfowl and agriculture. There is strong interest of the landowners in supporting this process.

Q: Flood protection is a major concern. It is critical that any habitat changes aren't reducing capacity. If the planning group comes up with different types of conservation measures, does the Effects Analysis need redone?

A: The direction was that the conservation measure needed more specificity and that feedback from group will help the Effects Analysis.

Q: What has the group discussed in terms of drainage issues and design?

A: The planning group isn't looking at that level of detail yet. One of the key pieces that was identified as being needed is how the modeling would look at water coming into and out of the Bypass. The group is looking at developing models to demonstrate what this drainage pattern might look like.

Q: Shares concerns for maintaining flood control capacity of the Bypass. Is there a level of review that will be imposed (by the Army Corps of Engineers, etc.) to ensure this will not diminish capacity?

A: Yes, not just this area. The Corps of Engineers must provide permits over the entire project. The Corps will implement a rigorous review process using approximately 60 percent design. The Corps has complete authority over anything impacting flood control.

## **South Delta Working Group**

Q: What happened to the Water Quality Working Group and when do we expect it to get started?

A: So far we have met with a few folks who had specific questions, seeking additional information. We need to resolve some issues before the working group can meet for broader discussion. We expect to complete these discussions later this month and start the working group meetings after that.

## **Conveyance Facilities**

Q: When will the conveyance working group start?

A: This topic will likely be addressed in a public meeting format. Meetings will start in September.

Q: When is the Delta Agriculture meeting going to happen?

A: No date has been set yet but it is likely to begin towards the end of this month.

Q: What is the status of the Delta levees group?

A: A letter response is being prepared. It will be circulated widely to stakeholders to see if it answers all their concerns.

## **Cache Slough**

Q: Why is the mitigation of farmland a challenge for the Lower Yolo Restoration effort? And what does it mean to mitigate the loss of farmland?

A: They are in the process of writing an EIR which will identify what mitigation is required. Mitigation of the loss of farmland could mean a number of things. Work is being done with a number of agencies to identify the best mitigation options (easements, mitigation banking, etc.).

Q: Regarding breaching levees: Have deep water ship channels ever been allowed to be breached? Can this still happen?

A: This concept is still being looked at. Modeling will be done and the Corps will have a role in this process.

Q: Will the Lower Yolo project be presented at the Work Group?

A: It should be done separately.

Q: What enhancement opportunities are being considered for Liberty Island?

A: Many things, such as managing property, strategic breaches, and high level as well as smaller projects.

### **General Questions and Comments**

Q: Relating to BDCP Finance – looking at MWD board meetings. What is the nature of discussions regarding funding agreements and there being public?

A: Finance Working Group will begin in the fall. Will discuss public funding at that time.

Q: Regarding Big 6 issues: Information on that is of interest to the Delta stakeholders and stakeholders would like a presentation on this?

A: It was expressed that this can be arranged at a future meeting.

Comment: Frustration was expressed over the Working Group process. The Steering Committee used to be a format to come together to discuss all the information. With the Working Groups it's hard to follow the work product.

Q: Are the Working Group members listed and who they represent?

A: Yes, a list of members is posted for active Working Groups and will be posted for new groups that are being formed.

Q: Will the BDCP deal with maintaining levee system?

A: No, BDCP will not focus on this.