

Bay Delta Conservation Plan (BDCP)

Steering Committee (SC) Meeting

June 26, 9:00 a.m. to 12:00 p.m.

Resources Building, Room 1131

Sacramento, CA

Draft Meeting Notes

Associated documents/handouts:

- *Agenda*
- *Draft BDCP Chapter 3 sections 3.1 and 3.2*
- *Draft Proposed Long-Term BDCP Water Operations Range of Criteria (June 26, 2009)*

Action Items and Key Decisions

Updates

- The California legislature is currently considering several bills addressing water issues
- The Bureau of Reclamation reported that Ann Castle has been confirmed as Assistant Secretary for Water and Science
- Reclamation will be implementing interim flows in October in the San Joaquin River pursuant to the settlement agreement. The draft Environmental Assessment (EA) and Findings of No Significant Impact (FONSI) were released this week.

Process and Schedule

The Effects Analysis for the BDCP is expected to begin in July. Consequently, SC members will seek to reach agreement on quantitative values for conservation measures relating to water operations and habitat restoration. Draft Chapter 3, *Conservation Strategy*, will be distributed for review in July. It is expected to be over 300 pages of text. SC will reconvene next week on Tuesday June 30, to discuss habitat restoration acreage targets. The other BDCP chapters will be developed during the fall.

Effects Analysis

Paul Cylinder described the approach to the assessing the effects of the BDCP on species and habitats. SAIC will be working with the fish agencies to develop a workplan for this analysis. The fish and wildlife agencies, DWR, and Reclamation agree that a single analysis should be conducted to support the HCP/NCCP, Section 7 biological assessments and opinions, and the EIR/EIS on the BDCP. The effects analysis workplan will include regular check points to allow for adjustments in the assessment process, including modifications to models and methodologies. The fish and wildlife agencies will ensure the analysis is sufficient to support their specific regulatory needs and processes. DFG committed to active participation in the process.

Terrestrial Species

Karen Scarborough reported that the Terrestrial Resources Group is on track to develop terrestrial species conservation measures.

Biological Goals and Objectives

Will Stelle reported the draft section 3.3 *Biological Goals and Objectives* is nearly ready for distribution. There are placeholders for terrestrial natural communities and species goals and objectives. The WG will address development of metrics and targets later this summer.

Public Outreach

Karen Scarborough reported on Secretary Chrisman's monthly meetings with the Delta counties. The counties expressed interest in the water bills pending in the state Legislature. Secretary Chrisman has meeting with Delta counties individually. County concerns are being divided into categories and a matrix of these concerns is being prepared. Draft matrix should be ready for distribution next week.

Governance

Richard Roos-Collins reported that the WG will reconvene in July. Discussions among the contractors and DWR regarding the formation of a JPA are still in progress and will be brought back to the WG. Roger Patterson reported that the Legislature is expected to rollout a package of Delta governance bills next Tuesday. The WG is will continue to discuss approaches to managing real time operations.

Conservation Strategy Introduction and Overview

Paul Cylinder presented *Draft Conservation Strategy Chapter 3 sections 3.1 and 3.2* (see associated handouts/documents). The SAIC standard comment form will be emailed out and can also be found on the BDCP website.

SC members engaged in a lengthy discussion of sections 3.1 and 3.2. Among the issues and comments raised were: document is well written; the sections will set the context for the successive sections of Chapter 3; no more time need be spent on the introduction and overview of approach, rather efforts should now be focused on the describing conservation measures; concern that the conveyance canal is still be characterized as a conservation measure; request for input from attorneys on the canal as a conservation measure vs. a covered activity (see Marc Ebbin's response below); how costs are apportioned depending on whether the canal is considered a conservation measure or a covered activity; some of the BDCP conservation measures will have benefits for some species and adverse affects on other species; questions about source of funding for construction of a canal; questions about legislation and use of public funds for construction of canal; questions about the difference between conditional actions and conservation measures (see Marc Ebbin's response below).

In response to the question regarding the canal as a conservation measure, Marc Ebbin discussed a definition of conservation measures within the larger Conservation Strategy. Conservation measures are defined as the actions that will be required under the BDCP to avoid, minimize, and mitigate impacts and contribute to the conservation of covered species (pursuant to the standards of the ESA and NCCPA, and potentially CESA). Does the measure achieve one or more of these outcomes? The isolated conveyance facility is expected to minimize the effects of the operation of the SWP and CVP on covered fish species and their habitats and also provide benefits to water supply. The isolated conveyance facility will also be a covered activity, as its development and operation will require take authorizations. The agencies will look at the whole package to determine if the proposed plan is sufficient to meet permit regulations. The conservation measures form the core of the plan.

Regarding conditional actions versus conservation measures, Mr. Ebbin indicated the distinction is based on the level of certainty that a particular conservation measure will occur and where on the spectrum of certainty the measure falls. The proposed conditional actions category was developed for measures that could occur if certain future conditions result (such as research results or actions controlled or directed by non-BDCP agencies). This approach allows the conditional actions to be adopted as conservation measures in the future if these conditions are later satisfied and the action is reasonably certain to occur.

Parameters for Conservation Measures Affecting Water Operations

Jerry Johns introduced discussion of water operations criteria by outlining the efforts during the past year of the Conveyance WG and Habitat Operations TT working to establish operational criteria. The handout describes a suggested starting point, with flexibility built-in through an adaptive management process.

Armin Munevar presented and discussed the *Draft Proposed Long-Term BDCP Water Operations Range of Criteria (June 26, 2009)* (see associated handouts and documents).

SC members discussed the handout and raised issues and concerns including: table of criteria is not yet complete (e.g., recommended proposed flow numbers for North Delta operations will be provided on Tuesday); how and where to include input from the recent OCAP biological opinions in the modeling for water operations – FWS and NMFS need to see existing D-1641 standards and OCAP BOs included in the modeling – BDCP includes new conservation actions (dual conveyance, habitat restoration, other stressors) not in the BOs and therefore proposed operations would be different from BOs; discussion of appropriate titles for the three columns; request for better description of how flows into Yolo bypass would relate to the Hood bypass rules; discussion of how water quality will be addressed in the analysis, adherence to D-1641 standards and whether D-1641 will meet standards under specific contracts; question of if Delta standards in place today remain and if there would be differences over proposed operational ranges; how far into the future does the hydrodynamic modeling extend; whether to conduct sensitivity analyses of D-1641 with the BOs and D-1641 without the BOs; corrections and updates to be made to the table.

Hood bypass flows proposed criteria will be available to SC on Monday June 29 to be discussed at next SC meeting on June 30.

Public comment:

Ann Spaulding, representing the City of Antioch, asked for clarification regarding what columns A and B are intended to represent.

Response by Armin Munevar: Columns A and B represent a range of operational criteria with lower and higher flows around the middle column of proposed operational criteria. All three would be evaluated and refined based on results.

Dan Kelly, representing Sacramento County, asked for clarification about 3rd Column Row #6, the sentence referring to continued analysis of unimpaired runoff approach. How would this criterion help inform BDCP if third parties are not subject to the criterion stated?

Responses by Armin Munevar and Gary Bobker: Plan is designed to address the needs of the covered species and the actions needed to achieve that goal consequently may trigger adjustments to flows.

Parameters for Habitat Restoration Conservation Measures

A handout with proposed habitat restoration acreages will be available for next Tuesday's SC meeting.

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)
Keith Coolidge (California Bay-Delta Authority)
Jerry Johns (DWR)
Federico Barajas (USBR)
Paul Robershotte (USACE)
Ara Azhderian (SLDMWD)
Greg Zlotnick (Santa Clara Valley)
Jason Peltier (Westlands)
Kurt Arends (Zone 7)
Ann Hayden (EDF)
Gary Bobker (TBI)
Greg Thomas (NHI)
Anthony Saracino (The Nature Conservancy)
Kenny Watkins (CFBF)
Leah Orloff (CCWD)
Steve Ottemoeller (Friant Water Authority)
Melinda Terry (North Delta Water Authority)
John McCamman (DFG)
Dan Castleberry (FWS)
Russ Strach (NMFS)
Paul Cylinder (SAIC)
Pete Rawlings (SAIC)

On phone

Ron Kino (Mirant)
Roger Patterson (Metropolitan Water District)
Richard Roos-Collins (American Rivers)
Cindy Kao (SCVW)
John Cain

Other attendees

See sign-in sheets
