

**Bay Delta Conservation Plan (BDCP)  
Steering Committee (SC) Meeting**  
September 10, 2009, 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 Proposed Near-Term Conservation Measures for Hydrodynamic Modeling and Analysis (Chapter 3)*
- *September 9, 2009 Revised Note to Reviewers*
- *Draft Annotated Outline for BDCP Chapter 8 Implementation Costs and Funding Sources*

**Action Items and Key Decisions**

**Updates**

- The state legislature is still considering five water-related bills, including issues related to funding.
- SC members are encouraged to review the bills, particularly those provisions that relate to BDCP and the proposed approach to integrating it with an overall plan for the Delta.
- DWR reported that a freighter struck a levee on Bradford Island. It was quickly repaired at a cost of \$1 million. The incident highlights the risk of levee failures from a range of causes.
- DWR will continue to fund sensors in Central Valley rivers operated by USGS that were threatened by budget cuts. These sensors include stream flow gages that collect real-time data on flow, river elevation, and other attributes important to flood, supply, and fishery management.
- Metropolitan provide an update was given on the Two-Gates project. Due to funding challenges, the schedule is being relaxed. The new schedule anticipates that the gates will be operational in spring 2010.
- Westlands announced that the first meeting of the newly-created joint powers authority (JPA), which consists of state and federal water contractors, was held. Byron Buck has been named the interim CEO.
- DFG announced they have issued a section 2080.1 consistency determination on the NMFS OCAP BO to DWR allowing state coverage under CESA for take salmon and sturgeon. DFG also announced that the USBR awarded a contract for removal of the first of several dams on Battle Creek.
- Deputy Secretary of the Interior David Hayes will be convening meeting in Washington DC to discuss California water issues.
- Secretaries of the Interior and Commerce declined DWR's request for a re-consultation under ESA section 7 on the OCAP Biological Opinions

**Update on Governance**

Roger Patterson (Co-Chair, Governance WG) gave an update on recent discussions regarding a proposed implementing entity for BDCP. He indicated that consideration was being given to the creation of an implementing entity composed of DWR, USBR, and water contractors JPA representatives. However, the issue of the make-up of an implementing entity has yet to be resolved. Richard Roos-Collins (Co-Chair, Governance WG) clarified that DWR was still considering what role, if any, the contractors JPA might have in an implementing entity.

**Update on US Army Corps of Engineers (USACE) Steering Committee presentation topics from DWR**

Paul Marshall (DWR) gave a brief overview and update (see presentation) regarding coordination between DWR and the US Army Corps of Engineers regarding Clean Water Act section 404 and Rivers and Harbors Act section 10 and 408 authorizations. DWR and USBR leads have been identified for these major

permitting processes. A plan is under development to specifically identify the various components of the application process associated with these regulatory programs.

### **Public Outreach/Engagement**

Karla Nemeth reported the new BDCP web site is now live: <http://baydeltaconservationplan.com>.

The website provides information on BDCP planning and links directly to the BDCP EIR/EIS website.

Ms. Nemeth has been meeting with Delta interest groups and the Farm Bureau caucus. The first public workshop on BDCP chapter 3 Conservation Strategy will be on Saturday September 19.

### **Draft Proposed Near Term Conservation Measures for Hydrodynamic Modeling and Analysis (Chapter 3)**

Karen Scarborough introduced the *Draft Proposed Near-Term Conservation Measures for Hydrodynamic Modeling and Analysis (Chapter 3)* along with *September 9, 2009 Revised Note to Reviewers* (see associated handouts/documents). She reminded the SC that this is a SAIC consultant team proposal and that, while BDCP proposed actions are separate from the existing BOs, SAIC used the BOs and the flexibility within the BOs to develop this proposal.

Chuck Hanson presented and discussed the strategy used to develop the proposal. The proposed BDCP near term actions have a broader sweep than the BOs, with the inclusion of larger habitat restoration measures and other stressor measures. He explained that the package is broad in scale and the actions are integrated. The proposed package of measures is based on the past two years of work by BDCP working groups and technical teams. In developing this package of measures, the consultants looked at specific needs of covered species and expected outcomes for each and used the draft BDCP conservation measures, DRERIP evaluation results, and the BOs to identify the most effective actions for fish. The package of measures was designed to avoid jeopardy of fish, contribute to recovery of fish, and feed directly into long term BDCP actions. These near term actions needed to be more than functionally equivalent to the BOs and provide benefits to fish species beyond those expected under the BOs. Many of the principles used in the BOs are reflected in the proposed BDCP near term actions, including flexibility in operations during different seasonal periods (e.g., OMR flexibility in different months). The proposal is meant for use in the effects assessment and includes near term water operations criteria that can be input and evaluated with existing hydrodynamic models.

SC members engaged in a lengthy discussion that focused on such issues and questions as: the timeframe that is proposed to be used in the effects analysis and questions regarding what will be the operational assumptions for "day one" of implementation; the purpose of the modeling output on proposed operations, which is intended to inform the SC and support decisions on eventual proposed near term actions; request to remove the word "Initial" from column #5; suggestion to add another evaluation point at "year one" of BDCP implementation (it was noted that this would require a large effort if new evaluation point in time is added); question regarding when effects on water quality would be incorporated into decisions to revise conservation measures and request to add footnote regarding NDWA contract assurances; reminder that the analysis of impacts on the human environment will be addressed through the BDCP EIR/EIS process. A question was raised as to whether the San Joaquin River restoration flows would be taken into account in the BDCP analysis (it was noted that this would be done)

Some of the SC members expressed desire to begin to have these proposed inputs incorporated into the hydrodynamic models and to have the effects assessment initiated, despite the discomfort of some SC members with the proposal. . It was also noted that this SAIC proposal is not a BDCP SC proposal, but a tool for evaluation. The schedule for preliminary modeling results depends on SC concurrence of SAIC proposal. Request that "Does not supersede contracts" be added to the document as a "Note to Reviewers."

NMFS stated that it has not been asked for their approval of the proposed near term package, that the existing BOs contain the best available science, that the burden of proof is on the applicants to demonstrate that the BDCP proposal is superior to the RPAs in the BOs, and that many of the ideas in the current BDCP

proposal were discussed and previously rejected during the NMFS and FWS section 7 consultation processes. Year one outcomes will be an important consideration in determining whether the approach reflected in the existing BOs should evolve.

SC members requested additional time to review the SAIC near term proposal. SC will meet next week (September 17) to continue discussion of the near term proposal.

### **Approach to Metrics and Targets for Objectives and Conservation Measures**

Laura King Moon provided a brief update indicating the Metrics Group is working to provide additional clarity and better description of the purpose of metrics. They will come back to the SC on September 24 with some metrics for evaluation.

### **Effects Analysis: Preliminary Model Results for Early Long-Term Operations (Chapter 5)**

Armin Munevar presented preliminary modeling results for Early Long-Term Operations (see presentation *Preliminary Physical Modeling of BDCP Proposed Project – Early Long Term*). Evaluation included early long term proposed operations and two other operational scenarios (range A and range B) that bracket the proposed operations. The effects of habitat restoration at year 15 (the early long term evaluation point in time) were modeled using the RMA 2-dimensional model and DSM2 1-dimensional model. The DSM2 model is used because it allows for simulations representing a much longer number of water years. These models reflect changes to the tidal prism resulting from proposed habitat restoration by the BDCP in different parts of the Delta. Corroboration of RMA and DSM2 models showed a good fit for hydrodynamics, but some overestimation of salinity by DSM2. The DSM2 model feeds into the CALSIMII (a systems operations model) providing results under the proposed new Delta configuration. As a point of reference, conditions prior to the OCAP biological opinions were modeled as D-1641 plus B2 criteria. The BO RPAs were modeled as “most likely” based on FWS/NMFS assumptions on long term RPA implementation, but these results are preliminary only as RPA modeling has not yet been approved by the lead agencies.

Results showed how dual operations (around and through Delta) would benefit Old and Middle River (OMR) flow conditions for covered fish species. No measurable differences among outputs for Sacramento River flows except for dry year effects under range A. No differences in outflow during normal years. Proposed operations and range A supported higher exports in wet years and same exports in dry years. Under range B, the San Joaquin River (SJR) export:inflow (E:I) ratio drives down water exports significantly even when using assumption of the SJR restoration program flows in place. Range B supply loss is about 1 million acre-feet. Shasta and Folsom cold pool storage is lower under range B.

SC members asked for clarification on whether the modeling will address sea level rise (it was noted that sea level rise will be addressed in future model runs of long term operations).

### **Public Comment:**

Dean Ruiz (CDWA) asked for summary of water quality information.

### **Chapter 8 Implementation Cost**

David Mitchell presented an overview of the cost estimation methods (see presentation Cost Estimation Overview - BDCP) and an overview of the Draft Annotated Outline for BDCP Chapter 8 Implementation Costs and Funding Sources (see associated handouts/documents).

### **Public Comment:**

Oshe Meserve (Reclamation District 999) presented a technical memorandum from RD 999 and raised concern about the changing information on a possible Clarksburg ROA, despite verbal assurances that Clarksburg would not be the site of restoration efforts. In addition, Ms. Meserve raised concern about a Clarksburg bypass along the ship channel.

Ann Spaulding (City of Antioch) asked why mention of costs associated with D-1641 compliance has not been addressed. David Mitchell responded that those are addressed as part of the EIS/EIR. Karen Scarborough requested a footnote be added to explain where those costs will be addressed.

A request was made to provide an acronym list.

David Bolland (ACWA) requested the BDCP website be updated with the current list of SC member names.

### **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)

Keith Coolidge (California Bay-Delta Authority)

Jerry Johns (DWR)

Tom Howard (State Water Board)

Federico Barajas (USBR)

Cindy Tejeda (USACE)

Roger Patterson (Metropolitan Water District)

Jason Peltier (Westlands)

Kurt Arends (Zone 7)

Richard Roos-Collins (American Rivers)

Ann Hayden (EDF)

Jerry Meral (NHI)

Campbell Ingram (The Nature Conservancy)

Kenny Watkins (CFBF)

Greg Gartrell (Contra Costa Water)

Steve Ottemoeller (Friant)

Melinda Terry (North Delta Water Authority)

Carl Wilcox (DFG)

Dan Castleberry (FWS)

Maria Rea (NMFS)

Paul Cylinder (SAIC)

#### ***On phone***

Ron Kino (Mirant)

Cindy Kao (Santa Clara Valley)

Jon Rosenfield (TBI)

#### ***Other attendees***

See sign-in sheets

---