

Bay Delta Conservation Plan (BDCP)

Steering Committee (SC) Meeting

February 27, 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
- BDCP Draft SC Meeting Notes November 14, 2008
- BDCP Draft SC Meeting Notes November 21, 2008
- BDCP Independent Science Advisors' Report on Adaptive Management
- Draft Figure 6-1 Preliminary Concept for BDCP Governance Structure
- Draft Figure 3-1 Adaptive Management Decision Making Process
- Draft Adaptive Management Section of Chapter 3, Conservation Strategy
- Preliminary Draft Recommendations for Governance Structure

Action Items and Key Decisions

- BDCP Draft SC Meeting Notes November 14, 2008 approved
- BDCP Draft SC Meeting Notes November 21, 2008 approved with changes
- SC members concurred with the language of recommendations in the *BDCP Independent Science Advisors' Report on Adaptive Management*
- SC members concurred with the general direction set out in the Governance Workgroup presentation

Updates

- Report on the status and next steps for BDCP and Delta Vision was presented on February 24, 2009 by Karen Scarborough and Joe Grindstaff representing the Natural Resources Agency at the California Senate Delta hearings. In addition, a report on the status of Delta Vision was given to the Assembly Water, Parks and Wildlife Committee that same afternoon.
- DWR reported that the agency is holding water allocations at 15%. The reservoir at Oroville is rising quickly.
- NMFS announced that Judge Wanger granted a 90 day extension for completion of the OCAP BO, which is now due on June 2, 2009.
- DFG announced that the longfin smelt section 2084 regulation has expired, and has been superseded by a Section 2081 permit. DFG and DWR worked together effectively to ensure the timely issuance of the permit.
- SC members proposed that future SC meetings run longer to handle the increasing number of matters the committee must address.

Science Liaisons

Wayne Spencer presented *Independent Science Advisors Report on Adaptive Management* (see associated handouts/documents). He discussed the experience of the advisors, their knowledge of

successful and unsuccessful adaptive management programs, the hard work that went into developing the report, and their focus on providing recommendations on how best to structure the BDCP adaptive management program.

SC members discussed and asked Wayne Spencer for clarification of topics from his presentation and from the ISA Report on Adaptive Management such as: recommendations on BDCP goals and objectives, recommendations for additional goals and objectives to address natural communities, types of monitoring, whether this group of advisors will be reconvened, how this report will be integrated into Chapter 3 section 3.6. The Governance WG requests assistance from SC members to address these recommendations from the ISA report and how to incorporate them into section 3.6. Recommendations in the ISA report will be used to develop specific adaptive management actions for individual conservation measures.

Public comment:

Erik Ringleberg (Reclamation District 999) expressed appreciation for the work and transparency provided by Wayne Spencer and the group of advisors and urged this effective feedback loop be used again in the future.

Implementing Structure/Governance Working Group

Richard Roos-Collins (co-chair) presented the handout *Preliminary Draft Recommendations for Governance Structure* (see associated handouts/documents). He discussed reference in the document to “permittees,” explaining that the document distinguishes between “permittee,” “implementing entities,” “supporting entities” and “implementation council.” Marc Ebbin clarified the relationship between these entities. Section 10.1 on membership of the implementation council is still to be expanded. Roger Patterson (co-chair) clarified the intention of transparency with inclusion of a “council”.

Marc Ebbin presented: *Draft Figure 6-1 Preliminary Concept for BDCP Governance Structure* (see associated handouts/documents). This figure is designed to help articulate the governance structure.

Paul Cylinder presented *Draft Figure 3-1 Adaptive Management Decision Making Process* (see associated handouts/documents).

SC members raised several issues generated by the documents including: the difference between the current governance structure for operations in the Delta and the proposed structure under BDCP; ensuring interaction with the neighboring counties and other adjacent HCPs; the complexity of the interaction of the several agencies involved; how impacts to third parties, and the potential for assurances to those parties will be addressed; clarification on how routine changes vs. non-routine changes will be determined in the adaptive management program; request for clearer assurances on use of adaptive management and monitoring; request for greater independent science involvement in the adaptive management process; concern over maintaining the integrity of BDCP over time with changes in political leadership and how the permit will protect the plan from political influence; clarification on governance in relationship to the implementation of measures to address other stressors; request that fish agencies be included earlier in the adaptive management decision making process; question regarding whether adaptive management would be used to address the adverse effects on the human environment and agriculture.

Richard Roos-Collins presented handout *Draft Adaptive Management Section of Chapter 3, Conservation Strategy* (see associated handouts/documents). He discussed the challenges the WG is facing with the document and asked for assistance from the SC. In addition, he requested that SC members review the document and provide feedback to the co-chairs and WG with comments.

SC members engaged in a lengthy discussion about the challenges of defining routine and non-routine changes in the adaptive management program, raising a variety of concerns such as: how CEQA/NEQA addresses such changes, tying adaptive management to goals and objectives, asking the WG and TT to consider what constitutes routine and non-routine changes, what determines whether a change is routine or non-routine, need to address routine and non-routine definitively within applicable conservation measures, the role of the fish agencies in helping to distinguish routine from non-routine changes.

Draft Alternatives

SC members received an update on the process to develop BDCP alternatives. They were reminded about the history of BDCP efforts to lay the groundwork for the current development of BDCP alternatives, including the work of the Conservation Strategy WG and the contribution of the Options Evaluation Report in 2007. The consultant team has been asked to utilize this past work as it develops potential alternatives and a process of analysis (i.e., why certain alternatives to “take” were not selected).

SC members discussed issues related to the development and analysis of HCP alternatives including: a request that alternatives to “take” be addressed first and EIR/EIS alternatives be addressed next, asked how the two different consultant teams are coordinating on alternatives and to report back to the SC on that issue, consider that the bypass flow criteria for the Sacramento River at the North Delta diversions may be the most dominant factor the agencies will take into account, inclusion of sub-alternatives, request to see a report on how the alternatives will address various permitting processes (e.g., ESA section 10, Clean Water Act section 404).

DRERIP BDCP Scientific Evaluation Process

Dave Harlow gave a summary presentation of the recent the DRERIP evaluation process. Fifty-two actions were compiled from the conservation measures developed by the working groups and technical teams and given to five DRERIP teams. The evaluation worksheets are being cleaned up and refined. They are focusing on core elements to complete these evaluations first.

Working Groups, Technical Teams and Liaisons

Integration Team

Jerry Johns (co-chair) reported on the five step process for addressing outflow and developing criteria for the long-term operations. Armin Munevar is refining the modeling analysis.

Public Outreach Liaisons

Karla Nemeth (co-chair) reported on meeting with Lower Yolo Bypass Forum in which Chuck Hanson and Pete Rawlings provided additional technical information about BDCP. The Forum is concerned about potential effects of BDCP actions on resources in the Bypass. Karla also discussed upcoming public outreach meetings. She and Pete Rawlings will be meeting with the Farm Bureau Delta Caucus. BDCP presented a Webinar last week. The presentation provided on the Webinar will also be used at scoping meetings along with map graphics.

Public Comment

Ann Spaulding (City of Antioch) asked about the disposition of public comment letters on draft sections of Chapter 3.

Attendees

Management and Representatives

Karen Scarborough (Chair, The Resources Agency)
Marc Ebbin (DWR, The Resources Agency)
Will Stelle (The Resources Agency)
Laura King Moon (State Water Contractors)
Karla Nemeth (The Resources Agency)
Keith Coolidge (California Bay-Delta Authority)
Jerry Johns (DWR)
Federico Barajas (USBR)
Roger Patterson (Metropolitan)
Jason Peltier (Westlands)
Kurt Arends (Zone 7)
Richard Roos-Collins (American Rivers/Natural Heritage Institute)
Kim Delfino (Defenders of Wildlife)
John Cain (Natural Heritage Institute)
Anthony Saracino (The Nature Conservancy)
Gary Bobker (The Bay Institute)
Kenny Watkins (California Farm Bureau Federation)
Steve Ottemoeller (Friant Water Authority)
Melinda Terry (North Delta Water Authority)
Carl Wilcox (DFG)
John Engbring (FWS)
Russ Strach (NMFS)
Paul Cylinder (SAIC)
Pete Rawlings (SAIC)

On phone

Greg Gartrell (CCWD)
Ann Hayden (Environmental Defense Fund)
Steve Rothert (American Rivers)

Other attendees

See sign-in sheets
