



Update on the Bay Delta Conservation Plan

Special Committee on Bay-Delta
Item 3b, April 28, 2015

Presentation

- Bay Delta Conservation Plan Overview
- Alternative Regulatory Approach
- Next Steps

Bay Delta Conservation Plan

- Water Supply Conveyance
- Habitat Restoration
- Other stressors



Bay Delta Conservation Plan - Purpose

- Improve supply reliability
- Multi-species conservation approach
- Basis for permits
 - Federal and state endangered species laws
- Contributes to co-equal goals
- Sources of funding and methods of decision-making
- Adaptive management and monitoring to adjust as conditions change and new information is available
- Regulatory stability and assurances for 50-year term



BDCP Milestones

- Planning Agreement Oct 2006
- First Administrative Draft Mar 2012
- Governor's Framework Jul 2012
- Second Administrative Draft May 2013
- Submit Permit Application Oct 2013
- Release of Public Draft Dec 2013
- Close of Public Comments Jul 2014

Los Angeles Times

LOCAL

April 4, 2015

**San Joaquin delta
tunnel project
reexamined**

Recent News

THE SACRAMENTO BEE 

Gov. Brown confirms change in
water tunnels plan

April 11, 2015

San Jose Mercury News

April 11, 2015

SCIENCE & ENVIRONMENT

Delta tunnels: Major changes to
environmental restoration could
endanger Brown's water plan

Alternative Regulatory Approach

- Conveyance with mitigation alternative
- Separate state implementation of actions to restore habitat and address other stressors toward co-equal goals
- ESA Section 7 Biological Opinion vs. Section 10 Habitat Conservation Plan
- CESA 2081 Permit vs. Natural Community Conservation Plan

Comparison of Regulatory Approaches

ESA Section 7 BO and CESA 2081 Permit

- Consistent with past compliance approach for SWP/CVP ops
- No regulatory or water supply assurances
- No coverage for unlisted and CA fully protected species
- Shorter duration for permits
- No funding liability for public benefit conservation measures
- Greater fishery agency control

ESA Section 10 HCP and California NCCP

- New compliance approach for SWP/CVP operations
- Regulatory and water supply assurances
- Coverage for unlisted and CA fully protected species
- Long-term permits (50 years)
- Potential backstop of public funding shortfall
- Greater opportunity for Contractor engagement

Existing SWP/CVP Biological Opinions

- USFWS Biological Opinion for Coordinated Operations of the SWP/CVP
 - Issued in 2008
 - Through year 2030 with reconsultation provisions
- NMFS Biological Opinion for the Long-Term Operations of the CVP/SWP
 - Issued in 2009
 - Through year 2030 with reconsultation provisions

ESA Section 7 Biological Opinions

Conditions Requiring Reconsultation

- The amount or extent of take specified in incidental take statement is exceeded
- New information on effects of project/action that affect listed species/critical habitat in a manner or extent not considered in Biological Opinion
- Project/action is modified that causes an effect to listed species/critical habitat that was not considered in Biological Opinion
- New species are listed or critical habitat designated that may be affected by project/action

Section 7 vs. Section 10 Assurances

Section 7

Biological Opinion/
2081 Permit

Section 10

HCP/NCCP

Identify Options for
Increasing Assurances

*Lower Level
Assurances*

*Higher Level
Assurances*

Outstanding Questions on Alternative Regulatory Approach

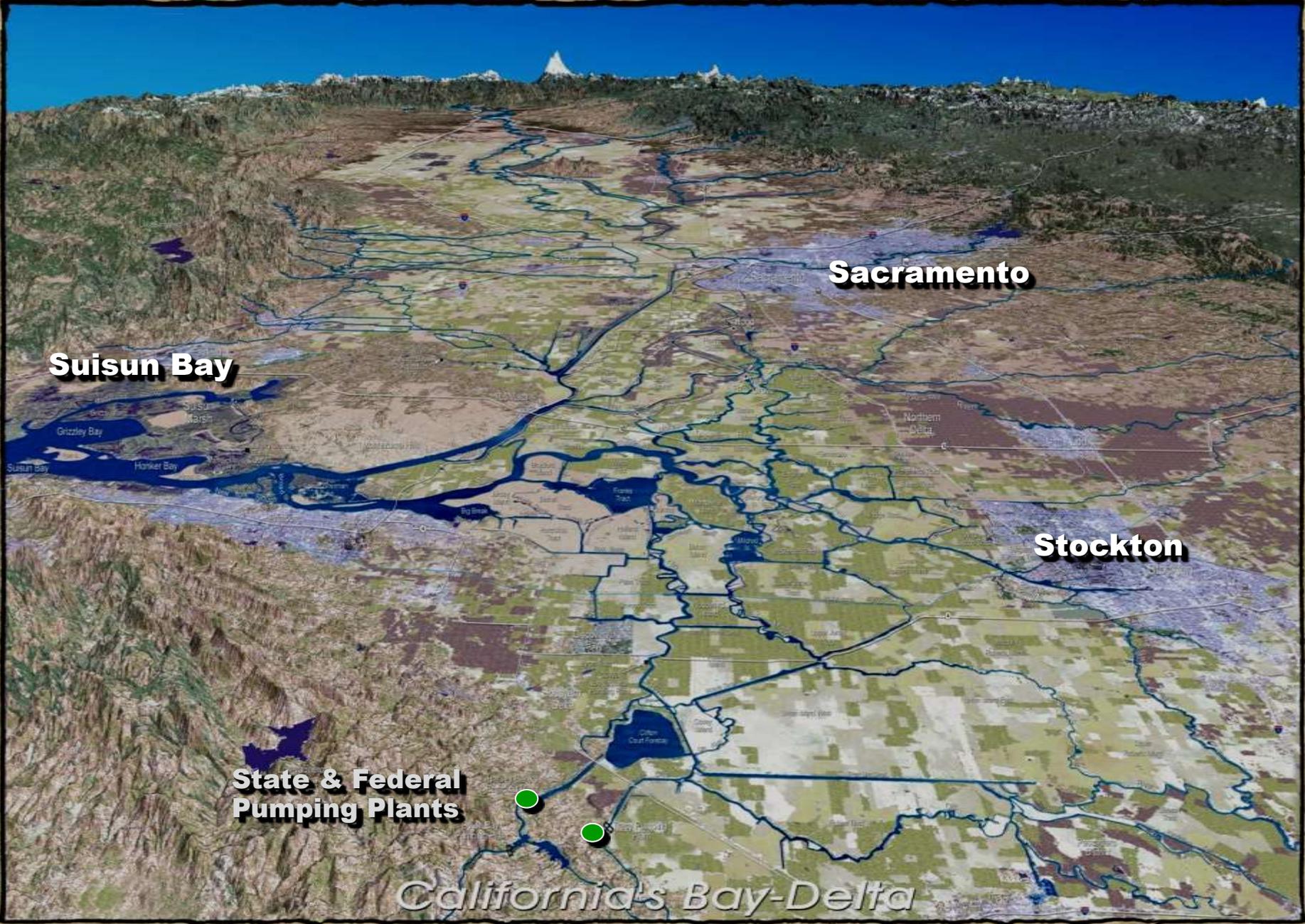
- What is the complete Project Description?
 - Mitigation measures
 - Operating criteria and outflow requirements and other permit conditions
- Does it meet water supply reliability needs?
 - Supply capability in different year types and long-term average supply reliability
 - Real-time operations restrictions/flexibility

Outstanding Questions on Alternative Regulatory Approach

- Implementation under Alternative Approach?
 - Project construction controls
 - Role of SWP/CVP Contractors
 - Cost and Schedule
- Long-term reliability & assurances?
 - Collaborative process to address scientific uncertainties
 - Flexibility to revisit outflow requirements
 - Ability to obtain contractual protections

Next Steps

- Evaluate alternative regulatory approach
- Determine consistency with Board policy goals
- Assess business case for continued investment
- Evaluate supply capability against supply needs
- Define roles of public water agencies
- Develop agreements for contractual protections



Sacramento

Suisun Bay

Stockton

**State & Federal
Pumping Plants**

California's Bay-Delta