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## **Report from Independent Consultant, ARCADIS**

### **Introduction**

This document is the first report on the Bay Delta Conservation Plan (BDCP) from the Delta Stewardship Council's (the Council) independent consultant. Per Water Code Section 85320, BDCP shall not be incorporated into the Delta Plan and the public benefits associated with BDCP shall not be eligible for state funding unless BDCP meets specified Delta Reform Act requirements. This staff report describes our interpretation of the BDCP process, progress to date, and significant findings and major unresolved issues. It is based on gathering information in the past few weeks from the following sources: draft BDCP chapters, BDCP website materials, BDCP steering committee meetings, and various meetings with people involved in BDCP.

### **BDCP Process**

The BDCP is intended to provide for conservation of sensitive species and their habitat in the Sacramento-San Joaquin Delta in a way that will protect and restore water supplies. The overall effort includes developing the conservation strategy for BDCP, evaluating conveyance alternatives in the Delta Habitat Conservation and Conveyance Program (DHCCP), and preparing the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) to evaluate BDCP-proposed actions. These efforts are summarized here:

- BDCP: Fulfill requirements under state and federal law to allow for take of endangered species that would allow continued water exports under a Natural Community Conservation Plan (NCCP) and Habitat Conservation Plan (HCP).
- DHCCP: Develop engineering options for habitat restoration and water conveyance.
- EIR/EIS: Provide detailed analysis of potential effects of BDCP-proposed actions and alternatives, as required by the National Environmental Protection Act (NEPA) and the California Environmental Quality Act (CEQA).



The BDCP is being developed with the following guidance:

Steering Committee	Guide the overall development and direction of the BDCP.
<p>Working Groups</p> <ul style="list-style-type: none"> <li>- Biological Goals and Objectives</li> <li>- Conservation Strategy Integration Team</li> <li>- Conveyance</li> <li>- Fish Facilities Technical Team</li> <li>- Habitat and Operations Technical Team</li> <li>- Habitat Restoration Program Technical Team</li> <li>- Implementing Structure/Governance</li> <li>- Metrics Group</li> <li>- Other Stressors</li> <li>- Terrestrial Sub-group</li> </ul>	Working groups were established by the Steering Committee to develop technical information/ recommendations for ten key topic areas as they relate to the conservation plan.
Independent Science Advisors/Review Panels	Provide independent advice at the request of the Steering Committee regarding development of various components of BDCP.
Legal Review	Although an attorney is part of the BDCP management team ,it is unclear at this time how legal review of the documents is occurring.

**BDCP Progress to Date**

Many stakeholders believe that BDCP may not meet its current schedule. In large part this is due to on-going changes to the goals and objectives. Without defined goals and objectives, it is difficult to articulate a clear project description, develop alternatives, and assess impacts and benefits. Significant analyses have been conducted and much of it has been released to the public. Results of sensitivity studies that were requested by the Steering Committee in January are just now being reported and presumably will be



referenced in the draft document. However, comments and questions on the sensitivity studies will not necessarily be addressed.

There have been significant comments on publicly available information, but not all of the comments have been addressed or incorporated. The Steering Committee has indicated these comments may be addressed in the EIR/EIS process.

Many draft chapters are available on the BDCP website. Others are in development and scheduled for release on Nov. 18, 2010, and have not been available for review. It is difficult to determine how the BDCP schedule will integrate with the schedule for the Delta Plan.

### **Significant Findings and Major Unresolved Issues**

Members of the consultant team have attended meetings and reviewed presentations on various technical issues. In our initial review of BDCP documentation we have gained a significant amount of knowledge; however, our review to date is preliminary. In order to bolster our understanding and to provide a more meaningful review and report on status of significant findings, we request access to technical staff to debrief on key issues. We understand the primary issues to be those identified in the Delta Reform Act as requirements of the BDCP to be incorporated into the Delta Plan and be eligible for state funding. The main issues are:

1. Compliance with Fish and Game Code for a Natural Community Conservation Plan
2. Compliance with the CEQA, including:
  - a. A reasonable range of flow criteria
  - b. A reasonable range of conveyance alternatives
  - c. Potential effects of climate change
  - d. Potential effects on migratory fish and aquatic resources
  - e. Potential effects on flood management
  - f. Resilience and recovery in the event of a catastrophe
  - g. Potential effects on water quality
3. Development of a transparent, real-time operational decision-making process

Adaptive management is a significant component of BDCP because it is widely acknowledged that the Delta system is not fully understood and the outcomes from proposed conservation measures are uncertain and may change over time. Although more than 200 metrics have been identified, the adaptive management program is still in a preliminary state. The sheer number of metrics indicates the complexity of the draft adaptive management program. Independent Science Advisors have provided helpful input to the process but many issues and previous recommendations have not yet been addressed. Proper implementation of these ideas is critical for a successful adaptive management program.