

BDCP Public Process for Management and Decision-making

In keeping with the commitment of the California Natural Resources Agency to restructure the process for developing the Bay Delta Conservation Plan (BDCP) and to make that process transparent and fully accessible to all stakeholders, the Agency, in consultation with federal agencies and a broad range of stakeholders, has formulated the process described below. This structure builds on and incorporates elements of the pre-existing structure, while incorporating changes that are intended to provide the most effective, efficient, transparent and inclusive process for moving the BDCP forward to a successful conclusion.

Prior to 2011

The BDCP Steering Committee was composed of agencies and organizations who signed a Planning Agreement. The Steering Committee held publicly noticed open meetings, and also had committees whose meetings were open to the public. As was announced at the beginning of the Steering Committee, participation in the Steering Committee did not prohibit members from meeting in caucuses.

The role of the Steering Committee was to attempt to resolve issues facing BDCP, and to review progress. Organizations, agencies, and individuals who chose not to sign the Planning Agreement could comment on all written documents produced by the Steering Committee and participate in Steering Committee workgroups but could not serve on the Steering Committee. They could observe and offer comments at various times during Steering Committee meetings.

If the Steering Committee could not resolve an issue, the decision as to what would be included in the BDCP permit application would be left to the BDCP applicant, while considering input from the state and federal regulatory agencies and others.

A Management Team including state officials, consultants, and a representative of the state and federal water contractors paying for the plan managed the day-to-day functions of the BDCP program, meeting on a weekly basis. Meetings of the management team were not open to the public or to Steering Committee members.

The Delta Habitat Conservation and Conveyance Program (DHCCP) was initiated by the Department of Water Resources (DWR) to conduct engineering and environmental analysis associated with expected conveyance facilities. The DHCCP Executive Committee included DWR, the state and federal water contractors funding the plan, and the Bureau of Reclamation (Reclamation). The Committee was co-chaired by DWR and Reclamation and was charged with review of consultant performance and the budget and timeline of DHCCP. Meetings of the DHCCP Executive Committee were not open to the public.

Early 2011

Early in 2011 the Management Team was expanded to include representatives from the Environmental Defense Fund, state and federal fish and wildlife agencies (serving as ex-officio members) and additional members of the state and federal water contractors. The Executive Committee was also expanded to include representatives from the California Natural Resources Agency, Department of the Interior, Nature Conservancy, and the state and federal fish and wildlife agencies.

Beginning in May 2011

The Management Committee. The Management Committee (formerly the Management Team) will focus on program management and will continue to monitor the BDCP timeline; establish, guide and designate the members of BDCP working groups; monitor overall BDCP progress; and help guide the public input process. Meetings will be held on a regular basis and be noticed and open to the public. Public comment will be received.

DHCCP. DHCCP is the subject an existing Memorandum of Agreement (MOA) among DWR, Reclamation, and state and federal water contractors that describes the functions of the Executive Committee. The DHCCP Executive Committee will receive reports and address issues relating to funding, schedule, task orders and consultant performance in accordance with the existing MOA. In consideration of the sensitive nature of consultant performance review, meetings of this committee will not be open to the public.

Working Groups. Working groups will be created to help resolve outstanding issues in BDCP. Meetings of the working groups will be publicly noticed and open to the public. An opportunity for public comment will be provided at each meeting. Each working group will be given a charge and a timeline in which to complete the charge. Working group members will be identified from among those who express an interest in serving on one or more of the groups. A separate memo on working groups will be posted on the BDCP website.

Public Meetings. Public meetings will be held every 4-6 weeks. Progress of the working groups and the Management Committee will be reported at these meetings and be subject to open public discussion. These meetings will be open to participation by all interest groups and members of the public. Progress on BDCP will also be described.

State and Federal Agencies. State and federal agencies participating in BDCP will continue to meet regularly to actively coordinate their efforts and foster a strong and productive partnership to support advancing the process to a successful conclusion. Consistent with earlier practice, the state and federal agencies will continue to make themselves available as resources permit for candid discussions with stakeholders regarding issues that arise in the course of developing the BDCP. Such discussions are intended to assist in communication, coordination and sharing of

interests and perspectives that is ultimately necessary to the successful outcome of the BDCP process.

Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP)

Application. The content of the BDCP permit applications for a Habitat Conservation Plan and a Natural Community Conservation Plan will be decided by DWR, in close consultation with the Bureau of Reclamation, the fish and wildlife agencies, the state and federal water contractors funding the plan, and the other interest groups taking part in the BDCP process. DWR recognizes the importance of ensuring that the permit application is acceptable to the state and federal water contractors funding the plan, reflects consideration of stakeholder input, and can achieve the dual goals of water supply reliability and Delta ecosystem restoration. DWR will work with the permitting agencies to develop plan provisions that adequately address permit requirements.

The Environmental Impact Report/Environmental Impact Statement (EIR/EIS) is the responsibility of the four lead agencies: Department of Water Resources, Bureau of Reclamation, Fish and Wildlife Service, and National Marine Fisheries Service. The State and Federal lead agencies are preparing a joint EIR/EIS pursuant to the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) that will address the impacts of the draft BDCP and identify and analyze alternatives to the plan to be proposed. The EIR/EIS will be completed in accordance with NEPA/CEQA regulations, including the participation of cooperating agencies (NEPA) and responsible agencies (CEQA). Public meetings will be held as part of the NEPA/CEQA process when the draft EIR/EIS is available.

Additional Opportunities for Public Input. There are substantial public input requirements in association with preparation of the Natural Community Conservation Plan. The Delta Stewardship Council will hold hearings on the NCCP after it is submitted to them. The State Water Resources Control Board will hold hearings on any Bay Delta Water Quality Control Plan amendments or water rights changes that are needed. The Corps of Engineers will also hold hearings on needed Clean Water Act permits.