

## **The California Bay Delta Conservation Plan**

### **Introduction**

The California Department of Water Resources and the California Department of Fish and Game, along with their federal counterparts, have recently launched environmental review processes for the California Bay Delta Conservation Plan (BDCP) under the California Environmental Quality Act and the National Environmental Policy Act. This synopsis briefly describes the BDCP in the context of the Governor's comprehensive water strategy for the Delta; the current status of the Bay Delta planning process; and finally the purpose and function of the formal environmental reviews now underway.

Governor Schwarzenegger recently outlined to the California legislative leadership his comprehensive approach to addressing the growing crisis in the health of the Bay Delta and in the water supply reliability for the state as a whole. Building upon the twelve broad recommendations of the Delta Vision Task Force, he outlined several major initiatives reflecting a comprehensive approach, including an ambitious state-wide water conservation plan; a Delta-related floodplain protection; emergency preparedness and response; a Bay Delta conservation program for at-risk species and water supply reliability; enhanced water quality and improved storage.

Over the course of 2008, the Delta Vision Task Force will complete its Strategic Plan for implementing its Vision, which reflecting the broad sweep of its Vision will encompass a variety of Delta-related topics, including restoring the health of the Delta, improvements to water supply reliability and water quality, future land use patterns and Delta governance.

### **The Bay Delta Conservation Plan**

As these larger strategic planning efforts evolve, the Bay Delta Conservation Plan proceeds with a decidedly more specific purpose and focus. The purpose of the BDCP is to develop a comprehensive conservation plan under the federal Endangered Species Act (FESA) and the California Natural Community Conservation Planning Act (NCCPA). The BDCP is a voluntary conservation planning effort that is occurring in the context of specific federal and state regulatory requirements and that is governed by a specific set of legal and regulatory requirements. If these requirements are satisfied, the plan will be approved and will result in the issuance of "incidental take authorizations" under federal and state law for those species, including those that are endangered and threatened, that are covered by the plan. There are currently nine aquatic species that are identified as "covered species" for the planning process<sup>1</sup>; as the planning effort matures, more species may be added to the list.

The goal of the BDCP is to satisfy the habitat conservation and water supply goals of the Planning Agreement which the parties signed in October, 2006, including the conservation of at-risk species which are covered by the plan and improvements in water supply reliability within a

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<sup>1</sup> These include the delta smelt; the longfin smelt; winter and spring run chinook; fall and late run chinook; Central Valley steelhead; green and white sturgeon and Sacramento splittail.

a stable regulatory framework. The BDCP is likely to encompass a range of programs and undertakings, including in-Delta habitat restoration to improve its ecological health and productivity; improvements to the design and operation of the State Water Project (SWP) and the federal Central Valley Project (CVP); and programs to address other in-Delta ecological stressors on at-risk species, such as toxics and invasive species.

### **Current Status**

On November 16, 2007, the BDCP Steering Committee summarized its planning progress in a document entitled “Points of Agreement”, in which it identified a new conveyance system with new points of diversion as the most promising long-term approach to conveyance for purposes of achieving the planning goals of the BDCP. The Steering Committee noted as well that the ultimate acceptability of this new conveyance would turn on important design, operational and institutional arrangements which the Committee would continue to develop through the planning process. That effort is expected to continue over the course of 2008, with the objective of completing a comprehensive conservation strategy for the BDCP by the end of the year, and the publication of the draft conservation plan and draft EIR/EIS by the end of 2009. Please see the attached schedule which depicts these major planning milestones for the BDCP.

The state and federal agencies that will be preparing the environmental evaluations of the BDCP have commenced their environmental reviews under CEQA and NEPA with the recent publications of the Notices of Preparation under CEQA and the Notices of Intent under NEPA. The NOP is enclosed in this briefing for your easy reference. The lead state agency for CEQA is the Department of Water Resources, with DFG and other agencies as responsible agencies. Three federal agencies (the two Services and the Bureau of Reclamation) are the co-leads for purpose of preparing the EIS under NEPA.

The agencies are intending to prepare a single combined EIR/EIS in order to promote efficiencies and make it easier for the public to participate in the planning process. Public scoping meetings will be occurring over the course of April and May, 2008. The subject matter scope of the EIR/EIS will be the implementation of the BDCP, including all of its anticipated program components, including habitat restoration, improvements in conveyance; approaches to address other ecological stressors; and monitoring and adaptive management. The ambitious schedule anticipates a draft EIR/EIS by the end of 2009, the issuance of the final EIR/EIS by mid-2010, and final permit decisions on the plan by the end of 2010.