



June 18, 2014

Attention: Imported Water Committee

Resolution supporting prompt completion of the Bay Delta Conservation Plan environmental review process. (Action)

Staff recommendation: Approve Resolution No. 2014-____ supporting prompt completion of the Bay Delta Conservation Plan environmental review process.

Alternative: Do not approve the resolution of support.

Fiscal Impact

There is no fiscal impact with this action

Background

The Bay Delta Conservation Plan (BDCP) is a joint Habitat Conservation Plan/Natural Communities Conservation Plan intended to restore and protect ecosystem health, water supply, and water quality within a stable regulatory framework. The objective of the BDCP is to obtain long-term state and federal Endangered Species Act (ESA) permits for the operation of the State Water Project and Central Valley Project.

The BDCP is a “project” as defined by the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA). Since the BDCP has the potential to significantly affect the environment, CEQA and NEPA require the preparation of an Environmental Impact Report (EIR) and Environmental Impact Statement (EIS), respectively. To provide consistency and avoid duplication, the state and federal lead agencies agreed to prepare a joint EIR/EIS that analyzed the potential environmental effects of implementing the BDCP.

For the BDCP environmental review process, the lead agency for CEQA is the California Department of Water Resources; the lead agencies for NEPA are the U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, and National Marine Fisheries Service. The Draft EIR/EIS and Draft BDCP documents were released for a 180-day public review period commencing on December 13, 2013; public comments were originally scheduled to be due by June 13, 2014. The Water Authority submitted its formal comment letter on the Draft EIR/EIS and Draft BDCP documents on May 30, 2014. Subsequently, the BDCP Program released the Draft Implementing Agreement (IA) and extended the public comment period until July 29, 2014.

Discussion

With the release of the Draft IA, the lead agencies have extended the public review period for all BDCP documents for an additional 60 days. The Draft IA should specify the roles and responsibilities of signatory agencies, describe the recourses and remedies of failure to perform, provide mitigation assurances, and provide a common understanding of actions that will be taken by signatories to implement the BDCP. Staff will review the Draft IA and submit an additional formal comment letter prior to July 29, 2014.

Once the extended public review period closes, the lead agencies will review the comments received. Both CEQA and NEPA require the lead agencies to consider and respond to each individual comment during preparation of the Final EIR/EIS, BDCP and IA. Depending on the number of comments, this may take considerable time. Once each comment has been addressed, the final environmental documents will be available for public inspection before certification and approval by the lead agencies. The Final IA must be executed by the BDCP participants and the state and federal permitting agencies prior to ESA permit issuance.

The Water Authority has long recognized the importance of a diversified water supply portfolio and supports cost-effective solutions to resolve long-standing conflicts among Bay-Delta stakeholders. The Water Authority acknowledges that the BDCP Proposed Action is one potential approach to meet the co-equal goals of ecosystem protection and water supply reliability. However, until the environmental review process is completed, including preparation of a detailed BDCP financing plan, it will not be possible to conclude if the co-equal goals are achievable.

Staff is recommending the Board approve the attached Resolution supporting prompt completion of the BDCP environmental review process.

Water Authority staff will continue to periodically report back to the Board as these efforts evolve.

Prepared by: Laurence J. Purcell, Water Resources Manager

Reviewed by: Ken Weinberg, Director of Water Resources

Approved by: Dennis A. Cushman, Assistant General Manager

Attachment: Resolution No. 2014-____ Resolution of the Board of Directors of the San Diego County Water Authority supporting prompt completion of the environmental review process for the Bay Delta Conservation Plan

RESOLUTION NO. 2014-_____

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SAN DIEGO COUNTY WATER AUTHORITY SUPPORTING
PROMPT COMPLETION OF THE ENVIRONMENTAL
REVIEW PROCESS FOR THE BAY DELTA CONSERVATION
PLAN.**

WHEREAS, the Water Authority supports the development of a diversified water supply portfolio in the San Diego region in order to promote water supply reliability; and

WHEREAS, the Water Authority's adopted 2010 Urban Water Management Plan identifies water from the Bay-Delta as an important component of a diversified regional water supply; and

WHEREAS, continued access to high quality water from the Bay-Delta is necessary to ensure water supply reliability for the Water Authority's member agencies; and

WHEREAS, numerous human-induced and natural conditions have resulted in degradation of the Bay-Delta aquatic environment with resulting decline in native flora and fauna; and

WHEREAS, long-term conflicts over Bay-Delta water use have led to litigation and acrimony among stakeholders; and

WHEREAS, a Bay Delta Conservation Plan (BDCP) was voluntarily prepared to meet co-equal goals of Bay-Delta ecosystem protection and water supply reliability; and

WHEREAS, the BDCP is a joint Habitat Conservation Plan / Natural Community Conservation Plan containing 22 Conservation Measures collectively designed to protect and contribute to recovery of species listed, or likely to be listed, under the California and/or Federal Endangered Species Acts; and

WHEREAS, the BDCP is a "project" as defined by the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), and a joint Draft Environmental Impact Report / Environmental Impact Statement (EIR/EIS) was prepared that analyzed the potential significant effects of the BDCP on the environment; and

WHEREAS, the lead agency for compliance with CEQA is the California Department of Water Resources, and the lead agencies for compliance with NEPA are the United States Bureau

of Reclamation, the United States Fish and Wildlife Service and the United States National Marine Fisheries Service; and

WHEREAS, the CEQA and NEPA lead agencies released a joint Draft EIR/EIS and associated BDCP documents for a 180-day public review and comment period beginning on December 13, 2013 and ending on June 13, 2014; and

WHEREAS, the U.S. Department of Interior and California Natural Resources Agency released a Draft Implementing Agreement (IA) on May 30, 2014 for a 60-day public review period; and

WHEREAS, the CEQA and NEPA lead agencies have extended the public review period for the Draft EIR/EIS and associated BDCP documents until July 29, 2014 to coincide with the public review period for the Draft IA; and

WHEREAS, the Water Authority submitted a comment letter on the Draft EIR/EIS and associated BDCP documents on May 30, 2014, and will submit another comment letter on the Draft IA before the extended public review deadline with the express purpose of ensuring the Final EIR/EIS, BDCP, and IA provide a comprehensive, affordable and lasting solution to conflicts between ecosystem protection and water supply reliability.

NOW THEREFORE, the Board of Directors of the San Diego County Water Authority resolves to support the prompt completion of the environmental review process by the CEQA and NEPA lead agencies, including the Final EIR/EIS, BDCP, and Implementing Agreement for the Bay Delta Conservation Plan.

PASSED, APPROVED, and ADOPTED by the Board of Directors of the San Diego County Water Authority at a regular Board meeting held on this 26th day of June, 2014 by the following roll call vote:

Ayes:
Noes:
Abstain:
Absent:

Thomas V. Wornham, Chair

ATTEST:

Michael T. Hogan, Secretary

I, Doria F. Lore, Clerk of the Board of the San Diego County Water Authority, certify that the vote shown above is correct and this Resolution No. 2014-_____ was duly adopted at the meeting of the Board of Directors on the date stated above.

Doria F. Lore,
Clerk of the Board