Evolution of BDCP Purpose Statement

January 24, 2008 NOI

- I don't have a copy of this but have a document from TH that says this statement is in that NOI.
- "…Allow for projects that ***restore and protect water supply***, water quality, ecosystem, and ecosystem health to proceed within a stable regulatory framework….."

April 15, 2008 FR Amended NOI

- Doesn't have formal purpose or need statements but contains purpose and need language
- "Specifically, Reclamation seeks to improve water supply reliability for Federal water contractors while meeting its FESA obligations." (page 20326, center column).
- The BDCP Description section (page 20327) contains language about several core purposes but none of it directly addresses export volumes from the Delta.

February 13, 2009 FR

The purposes of the proposed actions are to achieve the following:

Respond to the applications for incidental take permits for the covered species that authorize take related to:

1. The operation of existing SWP Delta facilities and construction and operation of facilities for the movement of water entering the Delta from the Sacramento Valley watershed to the existing SWP and CVP pumping plants located in the southern Delta;
2. The implementation of any conservation actions that have the potential to result in take of species that are or may become listed under the ESA pursuant to the ESA at section 10(a)(1)(B) and its implementing regulations and policies;
3. The diversion and discharge of water by Mirant LLC for power generation in the Western Delta.

Improve the ecosystem of the Delta by:

1. Providing for the conservation and management of covered species through actions within the BDCP Planning Area that will contribute to the recovery of the species; and
2. Protecting, restoring, and enhancing certain aquatic riparian, and associated terrestrial natural communities and ecosystems.
3. Reducing the adverse effects to certain listed species of diverting water by relocating the intakes of the SWP and CVP.

Restore and protect the ability of the SWP and CVP to deliver up to full contract amounts, when hydrologic conditions result in the availability of sufficient water, consistent with the requirements of state and federal law and the terms and conditions of water delivery contracts held by SWP contractors and certain members of SLDMWA.

January 2010

DWR's preferred CWA 404 BASIC PURPOSE: The Bay Delta Conservation Plan (BDCP) comprehensively addresses the ongoing decline of the Sacramento-San Joaquin Delta (Delta) ecosystem and uncertainty regarding water supply reliability. The integrated purposes of the BDCP are to: 1) protect, restore and enhance aquatic, riparian, and associated terrestrial natural communities, ecosystems, and certain listed species by reducing the adverse effects associated with the State Water Project (SWP) and Central Valley Project (CVP) diversion of water from the south Delta; and 2) ***restore and protect the ability of the SWP and CVP to reliably divert and deliver water up to full contract amounts*** (emphasis added), when hydrologic conditions result in the availability of sufficient water, consistent with the requirements of state and federal law and the terms and conditions of water delivery contracts held by SWP contractors and certain members of San Luis & Delta Mendota Water Authority (SLDMWA).

Corps CWA 404 BASIC PURPOSE: The basic purpose of BDCP is 1) water supply and 2) aquatic and associated terrestrial Delta habitat improvement.

DWR's preferred CWA 404 OVERALL PURPOSE: The overall purpose of the BDCP is to establish a systematic framework to restore and enhance ecological conditions in the Delta to benefit listed and non-listed aquatic and terrestrial species, designated in accordance with the federal Endangered Species Act and California State Endangered Species Act, and to secure authorizations that would allow projects that restore and protect water supplies, water quality, and ecosystem health to proceed within a stable regulatory structure. This would be accomplished by establishing additional CVP and SWP water diversion facilities in the north Delta, reducing the loss of listed and non-listed fish at existing south Delta water diversion facilities, restoring and enhancing ecological conditions by re-establishing tidal inundation of selected lands within and adjacent to the Delta, increasing the frequency and duration of flooding in existing floodways, modifying land use and habitat management practices to enhance habitat values, and implementing actions to relieve other stressors that may contribute.

Corps CWA 404 OVERALL PURPOSE: The overall purpose of the BDCP is to 1) provide water supply to SWP contractors and members of the San Luis & Delta Mendota Water Authority and 2) improve aquatic and associated terrestrial Delta Habitat which has been impacted by the historic operations of the CVP and SWP.

March 10, 2010

Meeting with BDCP Federal Agencies (Lead = BOR, USFWS, NOAA Fisheries, Cooperating = Corps and EPA).

- Discuss EPA and Corps discomfort with the following phrases in the February 13, 2009 FR purpose statements.
    - "Restore and protect the ability of the SWP and CVP to reliably divert and deliver water up to ***full contract amounts***...."
    - Reducing the adverse effects to certain listed species of diverting water ***by relocating the intakes of the SWP and CVP***.
- EPA and Corps recommended following changes to February 13, 2009 FR language:
    - The operation of existing SWP Delta facilities. Construction and operation of facilities and/or improvements for the movement of water entering the Delta from the Sacramento Valley watershed to the existing SWP and CVP pumping plants located in the southern Delta;
    - Reducing the adverse effects to certain listed species of diverting water.
    - Alter the language regarding "full contract amounts" because it is misleading.

March 17, 2009 Preferred Federal BDCP NEPA Purpose Statement

Text below from an email from Melanie Rowland (NOAA) responding to a request from David Nawi (DOI).

This "preferred NEPA purpose statement" would be ready in case the NGOs' request to bring the P&N discussion to the Steering Committee results reopening of the discussion and a request for the federal co-lead agencies' preferred purpose statement. As you'll see, my only substantive edit is to delete "up to full contract amount" and accompanying phrases in the last purpose. We concluded yesterday that while we're all OK with the existing language, if the opportunity arises to express our preference, our preference is to go back to the language we originally drafted before negotiations with the PRE's led to the modified statement.

EPA and Corps agreed with the Preferred Federal Agency NEPA Purpose Statement by email.

<u>Preferred NEPA Purpose Statement Draft 3-17-10:</u>

The purposes of the proposed actions are to achieve the following:

A. Respond to the applications for incidental take permits for the covered species that authorize take related to:

(1) The operation of existing SWP Delta facilities;

(2) The construction and operation of facilities and/or improvements for the movement of water entering the Delta from the Sacramento Valley watershed to the existing SWP and CVP pumping plants located in the southern Delta;

(3) The implementation of any conservation actions that have the potential to result in take of species that are or may become listed under the ESA, pursuant to the ESA at section 10(a)(1)(B) and its

implementing regulations and policies; and

(4) The diversion and discharge of water by Mirant LLC for power generation in the Western Delta.

B. Improve the ecosystem of the Delta by:

(1) Providing for the conservation and management of covered species through actions within the BDCP Planning Area that will contribute to the recovery of the species;

(2) Protecting, restoring, and enhancing certain aquatic, riparian, and associated terrestrial natural communities and ecosystems; and

(3) Reducing the adverse effects to certain listed species of diverting water.

C. Restore and protect Delta water supply reliability.