



Agenda Item No. _____
Meeting Date: May 16, 2007
Resolution: (X) Yes () No

AGENDA DOCKET FORM

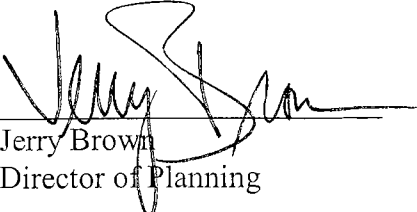
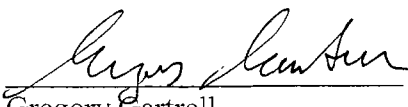
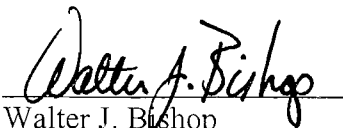
SUBJECT: DISTRICT'S PARTICIPATION IN BAY-DELTA CONSERVATION PLAN

SUMMARY: Delta stakeholders, along with state and federal agencies, have convened a group to develop the Bay-Delta Conservation Plan (BDCP). The BDCP will evaluate and then implement many Delta projects through a binding implementation agreement. The scope and alternatives of the BDCP are broad and projects that come out of the process could benefit or impact the District. Later this year, the BDCP will select a preferred alternative and will integrate with the state administration's Delta Vision process, which is charged with determining a long-term sustainable solution to conflicts in the Delta. Staff recommends that the District become a member of the BDCP Steering Committee to ensure our interests are met. The actions in this docket fulfill the requirements for joining the Steering Committee.

The District's role in the BDCP would be to ensure proper investment in the Delta, and that Delta drinking water quality and the District's water supply are addressed and not negatively impacted. Membership on the committee is the best way to directly engage in the BDCP process and negotiate alternatives. (Members of the public cannot meaningfully participate.) Applicants for membership are required to commit to supporting the BDCP and to sign the existing Planning Agreement (summarized in Attachment 2). Signing the Planning Agreement only obligates the District to support the BDCP, while not requiring any participation or funding to any particular BDCP project. Further, the District could resign from the Steering Committee at any time, and oppose the BDCP, if the District found the BDCP to be against its interests. *(continued on page 2)*

FISCAL IMPACT: There is no cost associated with joining the Steering Committee and participating in the development of the BDCP. Staff time for this activity is in the existing FY07 and FY08 operating budgets.

RECOMMENDED ACTION: a) Adopt Resolution No. 07-12 supporting development of the Bay Delta Conservation Plan, and b) Authorize execution of the Bay Delta Conservation Plan Planning Agreement.

 Jerry Brown Director of Planning	 Gregory Gartrell Assistant General Manager	 Walter J. Bishop General Manager
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Attachments: 1) Resolution 07-12
2) Summary of Key Terms of Planning Agreement

Board of Directors

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SUMMARY: *(continued from page 1)*

The existing Planning Agreement was negotiated in 2006 among the exporter contractors, the federal and state agencies, and several non-government organizations. The document mostly serves to frame the process and outline how certain regulatory assurances may be granted for new projects after certain conservation measures are implemented. No projects or measures are identified or authorized in the Planning Agreement.

RESOLUTION NO. 07-12

**A RESOLUTION OF THE BOARD OF DIRECTORS OF CONTRA COSTA WATER
DISTRICT SUPPORTING DEVELOPMENT OF THE BAY-DELTA
CONSERVATION PLAN**

WHEREAS, Delta stakeholders along with state and federal agencies have convened a forum to develop a binding implementation agreement entitled the Bay-Delta Conservation Plan (BDCP) which will implement water supply projects and other actions in a manner that complies with federal and state wildlife protection laws, similar to the functions of a Habitat Conservation Plan (HCP) and Natural Communities Conservation Plan (NCCP), respectively; and

WHEREAS, the development of the BDCP will consider a range of projects in the Delta and associated conservation plans for specific species, culminating with the selection of a preferred alternative in October 2007; and

WHEREAS, the District's interests in the BDCP process are to ensure proper investment in the Delta, improvement to Delta drinking water quality, and protection of the District's water supply; and

WHEREAS, under some alternatives still under consideration within the BDCP could advance the District's interests; and

WHEREAS the District has an interest in ensuring that the District is not harmed by any alternative and can help ensure that by participation in the BDCP; and

WHEREAS, a Steering Committee for the BDCP has been established consisting of representatives from water users, conservation groups, and governmental agencies to coordinate the development of the BDCP; and

WHEREAS, District participation on the BDCP Steering Committee would allow the District to more effectively engage in the BDCP process and negotiate alternatives to better meet the District's objectives compared to being a non-member; and

WHEREAS, although membership on the Steering Committee would obligate the District to support the BDCP, it would not require any participation in or funding for any particular BDCP project; and

WHEREAS, the District may resign from the Steering Committee at any time, and oppose the BDCP, should the District find the BDCP to be against its interests; and

WHEREAS, there would be no fiscal impact on the District from participating on the Steering Committee; and

WHEREAS, membership on the Steering Committee requires the applicant's Board of Directors to adopt a policy of support for the development of the BDCP; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Contra Costa Water District that the District supports the development of the BDCP and desires participation on the Steering Committee as an opportunity to ensure proper investment in the Delta, improvement to Delta drinking water quality, and protection of the District's water supply.

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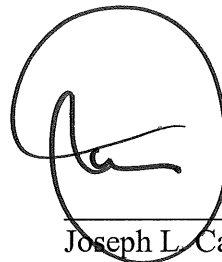
The foregoing resolution was duly and regularly adopted at a meeting held on the 16th of May, 2007 by the Board of Directors of Contra Costa Water District by the following vote:

Ayes: Boatmun, Anello, Burgh, Campbell, Wandry

Noes: None

Abstain: None

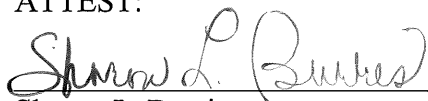
Absent: None



A handwritten signature in black ink, enclosed within a hand-drawn oval. The signature is cursive and appears to read 'Joe Campbell'.

Joseph L. Campbell, President

ATTEST:



Sharon L. Burris
District Secretary

Summary of Key Terms of the Planning Agreement

Scope

- The BDCP will provide the means to implement water user projects in the Delta in a manner that complies with state and federal fish and wildlife protection law, including CESA, ESA, NEPA, and CEQA.
- No specific projects or conservation measures are identified, nor is the timeline for regulatory coverage specified.
- Regulatory assurances for project operations can be granted by the appropriate regulatory agency if specific conditions are met; this would effectively give project operators a “no surprises” permit term.
- The Planning Area for the BDCP is nominally the statutory Delta, but the Planning Agreement provides for expanding this area to include areas upstream and downstream of the Delta if needed to accommodate conservation measures.

Decision Making and Responsibilities

- The Steering Committee of the BDCP has the responsibility to develop and implement the BDCP.
- A subset of the Steering Committee, referred to as the Potentially Regulated Entities (PREs), are seeking specific regulatory coverage and assurances as part of the BDCP. The PREs include the export water contractors, the State Water Project, and the Bureau of Reclamation.
- Decisions regarding the BDCP will be made by the Steering Committee. If consensus is not reached, the PREs through consultation with the regulatory agencies will address any outstanding matters.
- The District holds biological opinions and other agreements for its existing and planned operation and does not need additional assurances through the BDCP. The District would therefore not benefit from being a PRE.
- The PREs fund a portion of the administrative costs to develop the BDCP. Other funding is provided by state and federal agencies participating in the BDCP.
- Commitment to include independent scientific input and analysis to assist in the preparation of the BDCP.