

## **Charge to the Independent Science Board Regarding its Review of the BDCP EIR/S**

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**Summary:** Delta Lead Scientist Peter Goodwin will provide the Council with the preliminary draft charge questions he developed for the Delta Independent Science Board's review of the draft Bay Delta Conservation Plan (BDCP) EIR/S.

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### **Delta Independent Science Board (Delta ISB) Review of the BDCP EIR/S**

The Sacramento-San Joaquin Delta Reform Act of 2009 states that the Bay Delta Conservation Plan (BDCP) shall be included in the Delta Plan as long as certain criteria are met. It further states:

85320(c) The department [DWR] shall consult with the council and the Delta Independent Science Board during the development of the BDCP. The council shall be a responsible agency in the development of the environmental impact report. The Delta Independent Science Board shall review the draft environmental impact report and submit its comments to the council and the Department of Fish and Game.

In accordance with this requirement the Lead Scientist for the Delta Science Program has developed a preliminary draft charge to the Delta ISB (Attachment 1) that will guide its review of the draft BDCP EIR (and to the extent necessary, the BDCP). This charge focuses on a high level review of the scientific basis, including completeness of the scientific evaluation of the alternatives, appropriateness of the tools and models used to perform the scientific evaluation, and the incorporation of an adaptive management plan that includes appropriate monitoring and data management, analysis, reporting and decision-making processes.

The charge specifically requests that the Delta ISB address the scientific aspects of compliance with the Water Code Section 85320(b)(2) requirements e.g., provision of a reasonable range of flow criteria, rates of diversion, and other operational criteria; a reasonable range of Delta conveyance alternatives; the potential effects on migratory fish and aquatic resources; and the potential effects of each Delta conveyance alternative on Delta water quality.

The Delta ISB will contribute to the interpretation of the scientific soundness of the BDCP Plan and EIR/S with respect to the categories specified in Section 2820 Subdivision (a) of the Fish and Game Code (which are cross-referenced in the 85320(b)(2)(A) requirement), but the Delta ISB will not make any finding of "adequacy", i.e., not make any declaration that the DFG can use in place of its own judgment.

The Delta ISB will utilize material from other reviews and services from consultants in developing its report, including Arcadis US and the Delta Science Program (DSP) BDCP Effects Analysis Review Panel (<http://deltacouncil.ca.gov/science-program/independent-review-draft-bay-delta-conservation-plan-effects-analysis>). The DSP BDCP Effects Analysis Review Panel has been asked to perform a Phase 3 Review of the draft BDCP associated with the draft BDCP EIR/S.

The draft charge is presented for the Council's review and discussion. Review of the draft charge by the Department of Fish and Game, to which the Delta ISB will also provide its comments, is also being sought.

### **List of Attachments**

Attachment 1: Preliminary Draft Charge to Delta ISB for Review of the Draft BDCP EIR/S

### **Contact**

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