

# Tribal Listening Session State Water Board Efforts to Update and Implement the Bay-Delta Plan

May 4, 2023



State Water Resources Control Board

# Presentation Overview

- Overview of State Water Resources Control Board (State Water Board)
- Bay-Delta Water Quality Control Plan (Bay-Delta Plan) Overview
- Bay-Delta Plan Update and Implementation
- Update on Consideration of Addition of Tribal Beneficial Uses (TBUs) to the Bay-Delta Plan
- Incorporation of Traditional Ecological Knowledge (TEK) and Tribal Input in Bay-Delta Plan Update and Implementation Efforts
- Tribal Engagement Opportunities
- Discussion

# State Water Board

- Mission- preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations
- Responsible for allocating surface water rights and protecting water quality, while protecting the public trust and public interest and preventing the waste and unreasonable use of water
- Responsibilities converge in the Bay-Delta

# Bay-Delta Plan

- Identifies beneficial uses of water, water quality objectives to protect those uses, a program of implementation to achieve the objectives, and monitoring and special studies
  - Beneficial uses: municipal and industrial, agricultural, fish and wildlife
  - Water quality objectives: narrative and numeric (primarily flow-dependent)
  - Program of Implementation: flow and nonflow actions
- Requires periodic/triennial review
- Implemented through separate water right/other measures



# San Francisco Bay-Delta Watershed

## Bay-Delta Plan Updates



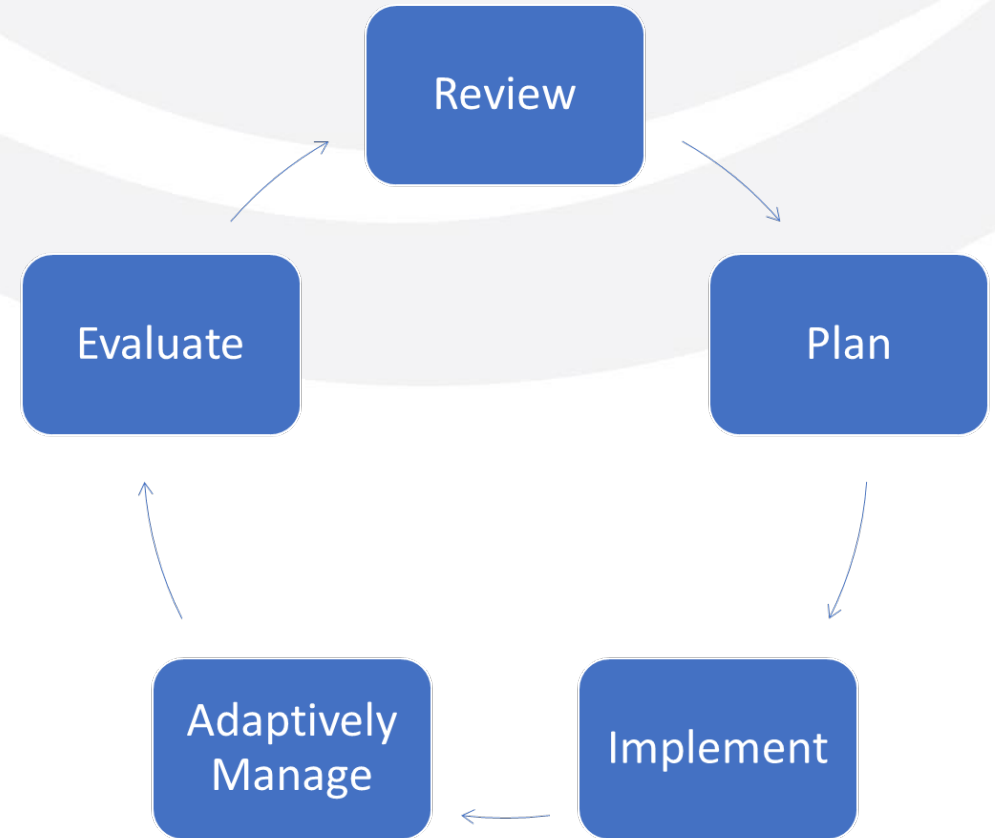
# Needs for Bay-Delta Plan/Implementation Updates

- Native species have undergone substantial population declines
- Aquatic ecosystem stressors:
  - Flow alteration
  - Habitat loss
  - Water quality
- Bay-Delta Plan updates are intended to establish flow/other measures to protect native species, those measures are then implemented through subsequent water right/water quality actions



# Planning and Implementation Process

1. Review- review Bay-Delta Plan to determine if changes needed
2. Plan- update Bay-Delta Plan flow/other provisions
3. Implement- with water right/water quality actions
4. Adaptively Manage- based on ongoing assessment
5. Evaluate- if changes to Bay-Delta Plan or implementation needed
6. Begin Again



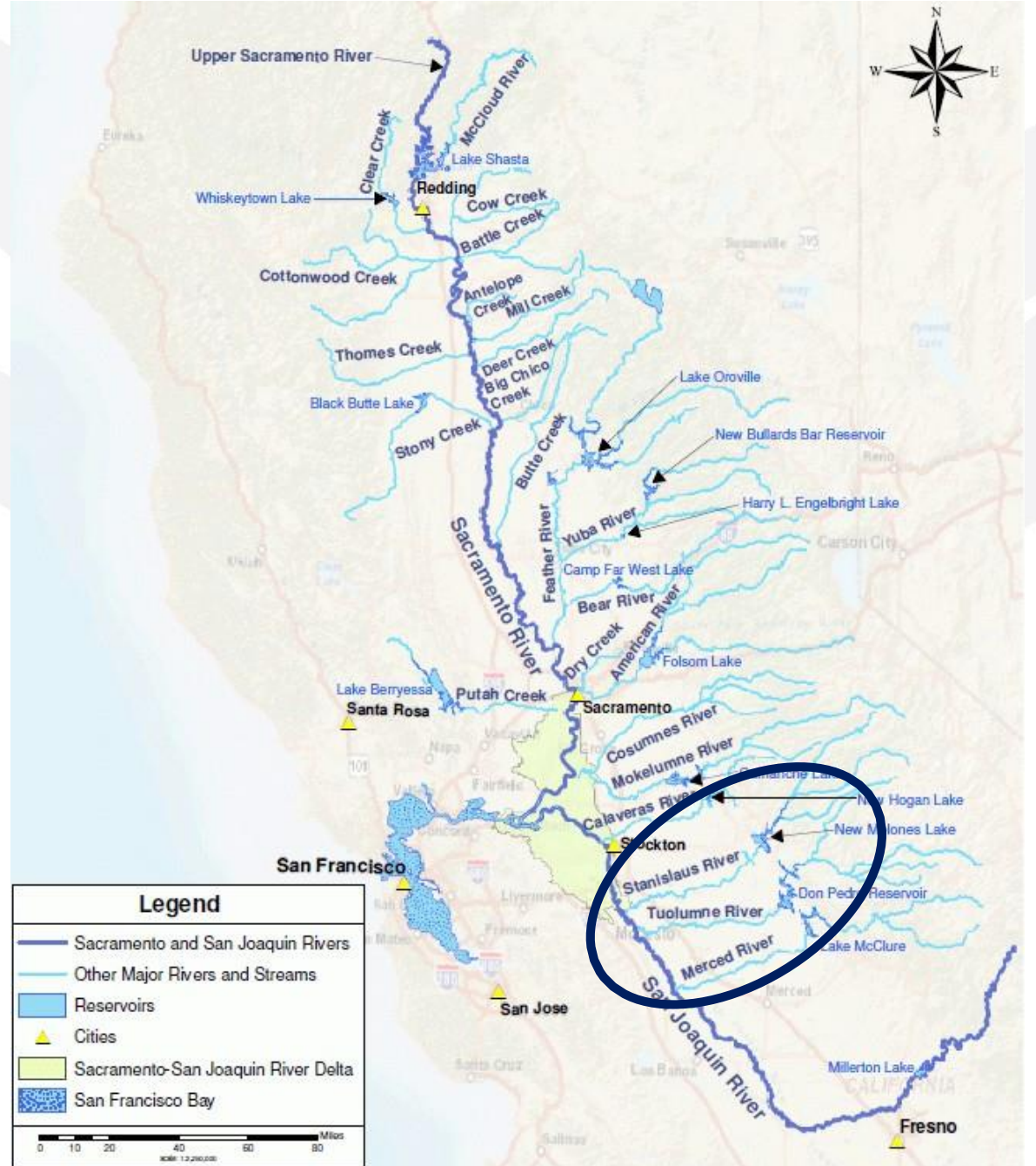
# Three Update Processes in Different Stages of Planning and Implementation

- Implementation of Lower San Joaquin River Flows
  - (Step 3 - Implement)
- Consideration of Tuolumne River Voluntary Agreement (VA)
  - (Step 2 – Plan)
- Sacramento/Delta and Tributaries (Sac/Delta) Updates to the Bay-Delta Plan, including consideration of Sac/Delta VAs
  - (Step 2 – Plan)



# San Francisco Bay-Delta Watershed

Lower San Joaquin River  
Flow/Southern  
Delta Salinity  
(LSJR/SD) Updates  
to the  
Bay-Delta Plan

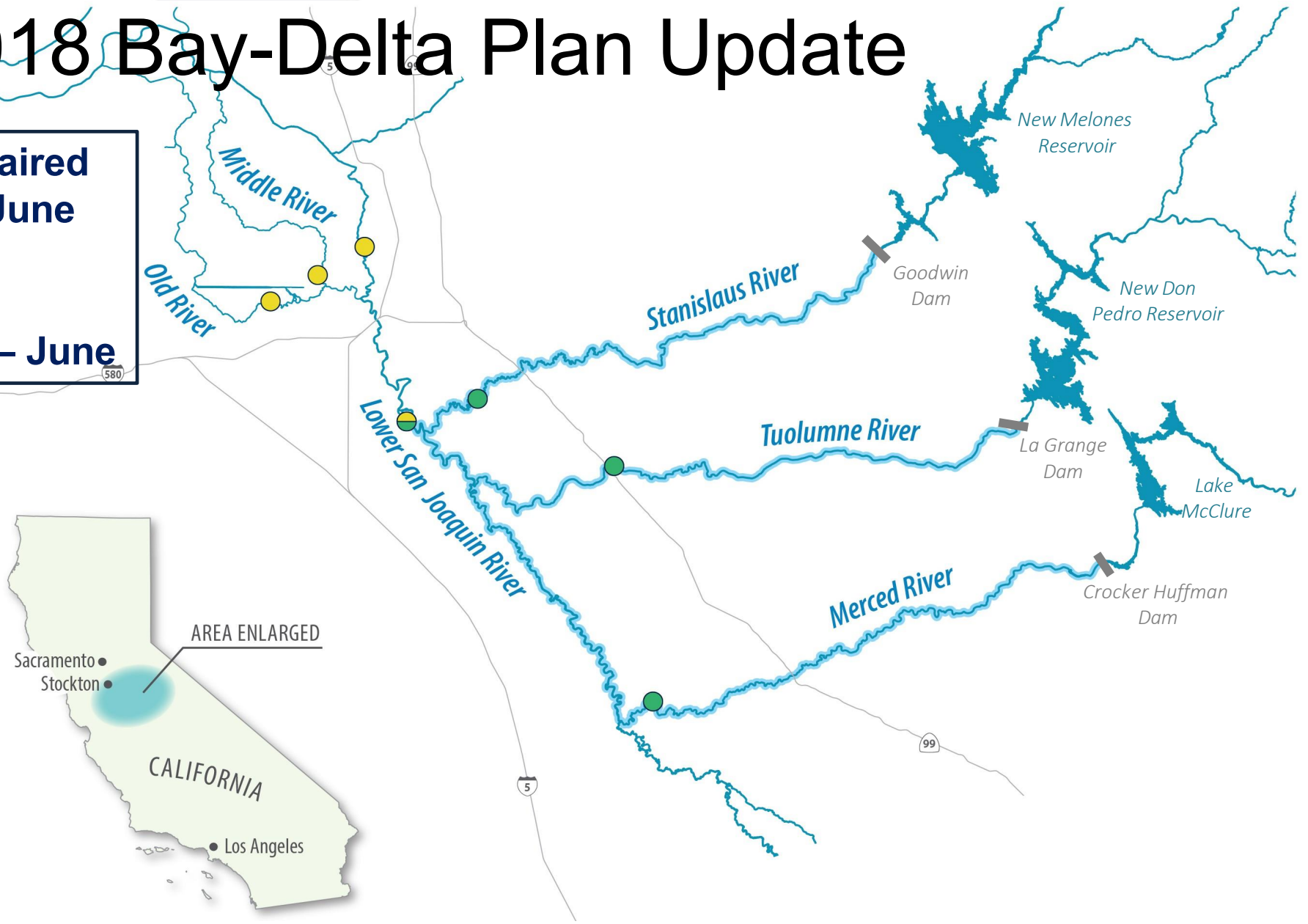


# 2018 Bay-Delta Plan Update

**Tributary Flow: 40% unimpaired flow, 30-50% range, Feb – June**

**Vernalis Flow: 1,000 cfs, 800 – 1,200 cfs range, Feb – June**

**Salinity: 1.0 dS/meter  
Electrical Conductivity  
Year-round**



# Early Implementation Actions for LSJR Flows

- Stanislaus, Tuolumne, and Merced (STM) Working Group: Advisory group with expertise to help inform implementation, including the below
  - Can request to be members of this group at any time
- Biological Goals: Goals to inform the effectiveness of the LSJR flows and related actions and inform adaptive management and future changes to the Bay-Delta Plan
  - Written comments requested by May 12
  - Consideration of Board adoption Summer 2023
  - Continuing review and update
- Procedures for implementing flow requirements, including adaptive management actions planned for release Summer 2023

# Implementation of LSJR Flows

- Planning to implement LSJR flows through a regulation requiring water right holders to bypass water to meet minimum flow levels
  - Regulation would require 40% (with an adaptive range from 30-50%) of the flow of each LSJR tributary (Merced, Tuolumne, and Stanislaus) to remain in the river for fish and wildlife and other measures to protect cold water for salmon and steelhead
- Notice of Preparation for the preparation of an Environmental Impact Report (EIR) was issued last summer
- Tribal consultation letters also sent last year
- Draft EIR and draft regulations planned for release this winter

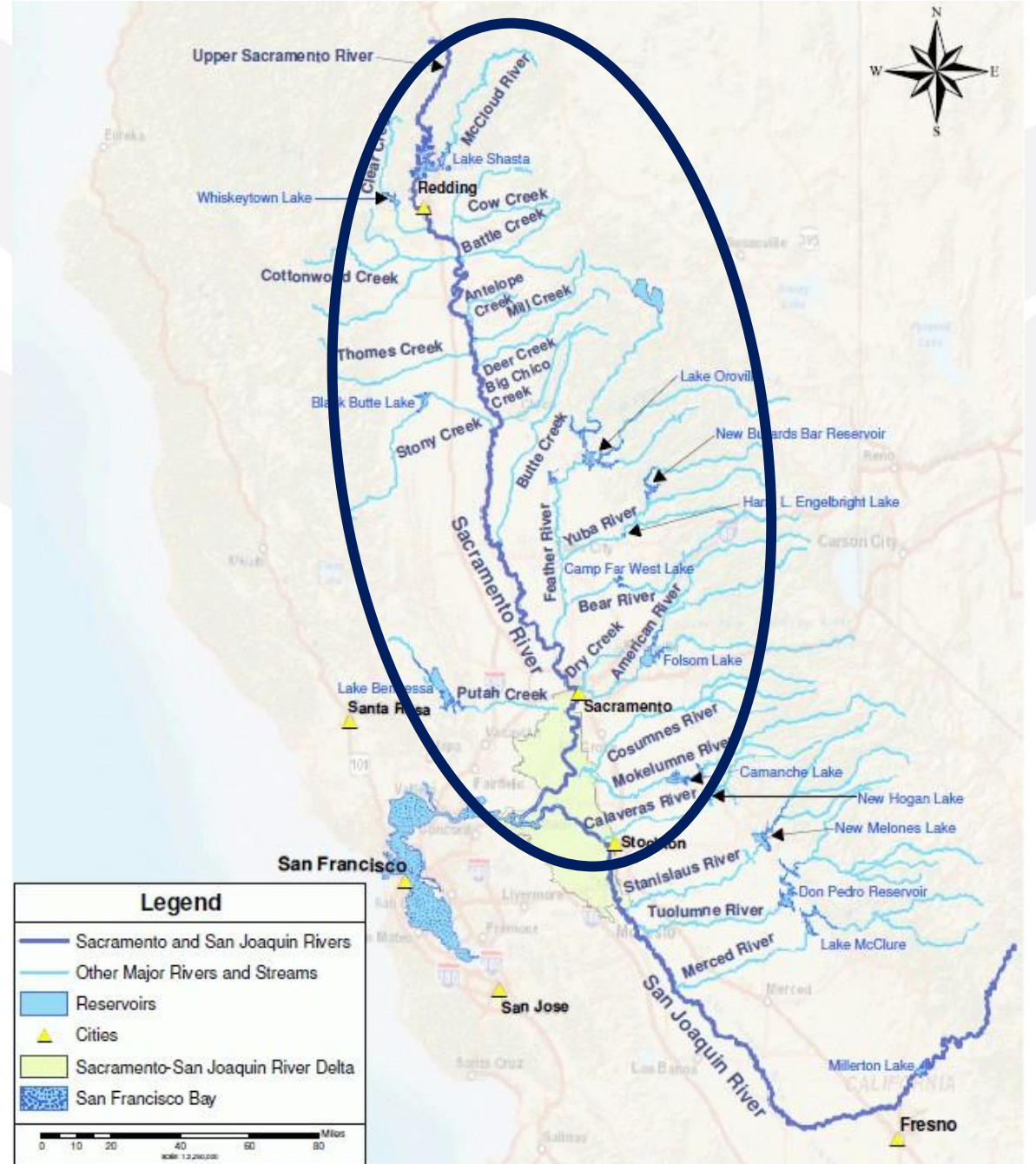


# Consideration of Tuolumne River Voluntary Agreement

- Tuolumne River proposed VA submitted that is being considered that includes flow and habitat restoration measures
  - VA would require changes to Bay-Delta Plan if approved because it does not fully conform to LSJR flow objectives adopted in 2018 (low end range of 30% of unimpaired flow)
  - NOP was issued in April
  - Tribal consultation letters also sent in April
  - Public scoping meeting scheduled for May 18
  - Written comments requested by May 25

# San Francisco Bay-Delta Watershed

Sacramento/Delta and Tributaries (Sac/Delta) Updates to the Bay-Delta Plan



# Sac/Delta Update to the Bay-Delta Plan

- Draft Staff report/environmental analysis planned for release this summer identifying possible alternatives, including:
- Proposal based upon 2018 Framework:
  - Sacramento River & Delta Eastside tributaries (Cosumnes, Mokelumne, and Calaveras) tributary inflows: 55% of unimpaired flows
  - Sacramento River & Delta Eastside tributary cold-water habitat
  - Tributary inflows protected as Delta outflow
  - Interior Delta flow requirements for Delta exports

# Voluntary Agreement Proposal

- Voluntary Agreement Proposal: 8- year voluntary water contributions/habitat measures from
  - Sacramento River
  - Feather River
  - American River
  - Yuba River
  - Mokelumne River
  - Tuolumne River
  - Putah Creek
  - Friant Dam
  - State/Federal Water Project Contractor export reductions
- Includes Regulatory Backstop



# Bay-Delta Plan Beneficial Uses

- Beneficial Use Protections
  - Beneficial uses identified within the Bay-Delta Plan apply broadly throughout the watershed
  - Protections established through flow and related requirements



# Consideration of Tribal Beneficial Uses

- State Water Board Informational Item June 7
  - Staff presentation on possible incorporation of TBUs into the Bay-Delta Plan
  - Opportunity for Tribes and public to comment to the Board
  - Possible Tribal representative panel
- Draft Staff Report
  - Draft Sac/Delta Staff Report would evaluate possible inclusion of TBUs and provide opportunity for written comment - planned for this summer
- Board Consideration of addition TBUs to the Bay-Delta Plan
  - Would occur with consideration of Sac/Delta updates to the Bay-Delta Plan planned for mid to late 2024

# Tribal Beneficial Uses

- Tribal Tradition and Culture (CUL)
  - Support the cultural, spiritual, ceremonial, or traditional rights or lifeways of California Native American Tribes
- Tribal Subsistence Fishing (T-SUB)
  - Non-commercial catching or gathering of natural aquatic resources for consumption by individuals, households, or communities of California Native American Tribes to meet needs for sustenance.
- Subsistence Fishing (SUB)
  - Non-commercial catching or gathering of natural aquatic resources, including fish and shellfish, for consumption by individuals, households, or communities, to meet needs for sustenance

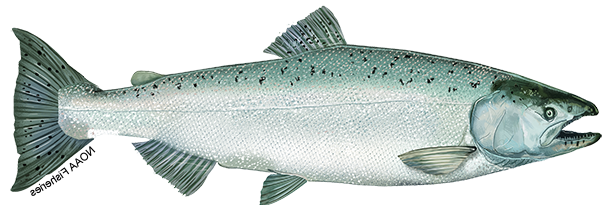
# Traditional Ecological Knowledge (TEK) and Other Tribal Input

- Knowledge of historical and lived experiences in the environment, passed down through many generations
- Can inform technical and policy considerations on:
  - The update and implementation efforts for the Bay-Delta Plan
  - Adaptive management decisions
  - Monitoring and evaluation for effectiveness
  - Future updates to the Bay-Delta Plan and its implementation provisions



# Traditional Ecological Knowledge

- TEK currently incorporated in update process based on literature review:
  - Which aquatic resources are significant to tribes
  - Historical information about the status of those aquatic resources
  - How ecosystem stressors, including changes to flow, have impacted the health of aquatic resources
  - How impacts to aquatic resources have affected tribes



# Ongoing Tribal Engagement

- Commitment to ongoing engagement with tribes throughout the planning and implementation process for updating the Bay-Delta Plan
- Relationship building and interviews with tribal representatives
- Potential contracting resources
- Focus on gathering TEK for our upcoming reports and to inform biological goals, and adaptive implementation of flow objectives

# Resources – Contact the State Water Board

## State Water Board Point of Contact:

**Rob McCarthy**

[Robert.McCarthy@waterboards.ca.gov](mailto:Robert.McCarthy@waterboards.ca.gov)

916-341-5408

## Webpages:

### Bay-Delta Watershed Efforts:

[www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/)

### Consultation with California Native American Tribes on Efforts to Update and Implement the Bay-Delta Plan:

[www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/tribal\\_coordination.html](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/tribal_coordination.html)

## Bay-Delta Notices Email Subscription List:

[www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/)

### Subscribe to our Email Lists

To receive updates on the Bay Delta Notices, subscribe to the Water Rights – Bay Delta Notices email list.

Email Address: *(required)*

Your Full Name: *(required)*

*(e.g. John Smith)*

**SUBSCRIBE**

Check your email account for a confirmation email to complete your subscription.

# Discussion Topics

1. What aquatic resources in the Bay-Delta area do you consider important to your cultural heritage, and how have they shaped your community's identity and way of life?
2. In what ways have changes in stream flow, habitat conditions, and native fish species impacted your community's ability to access and utilize these resources? Are there specific geographic areas you've noticed the most significant changes?
3. Are there any traditional resource management practices or knowledge that you believe could be useful to inform current Bay-Delta Plan update and implementation efforts?
4. How can we ensure that tribal voices and perspectives are included in decision-making processes related to the Bay-Delta Plan update and implementation efforts?