

Environmental Justice Focused Listening Session on State Water Board Efforts to Update and Implement the Bay-Delta Plan

March 27, 2023



Division of Water Rights

Agenda

- Opening remarks – Board Chair Joaquin Esquivel, Department of Water Resources and Department of Fish and Wildlife
- Board staff presentation on Bay-Delta Water Quality Control Plan (Bay-Delta Plan) update and implementation efforts
- California Department of Fish and Wildlife and Department of Water Resources presentation on proposed Voluntary Agreements
- Public comments
- Break from approximately 4:30 pm to 5:00 pm
- Additional public comments
- Close of listening session 7:00 pm

How to Participate in Discussion

- Must be on the Zoom platform
- Email bay-delta@waterboards.ca.gov for log in
- Please rename yourself to include your name and organization/affiliation
- Use "Raise Hand" feature to indicate that you would like to provide comment
- Chat will identify upcoming speakers, please be prepared to speak when it is your turn to avoid undue delays
- Please limit comments/questions to 3 minutes to allow time for all
- Please keep comments concise and avoid repetition
- Use Q&A feature to ask questions, not raised hand function
- Please be respectful of other participants and staff

Presentation Overview

- Bay-Delta Plan Overview
- Bay-Delta Plan Update and Implementation Processes
 - Lower San Joaquin River flows and southern Delta salinity (LSJR/SD) Updates to the Bay-Delta Plan
 - Sacramento River, Delta, and Delta Eastside Tributaries (Sacramento/Delta) Updates to the Bay-Delta Plan
 - Consideration of proposed Voluntary Agreements (VAs)
- Discussion Topics

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
- Require periodic/triennial review

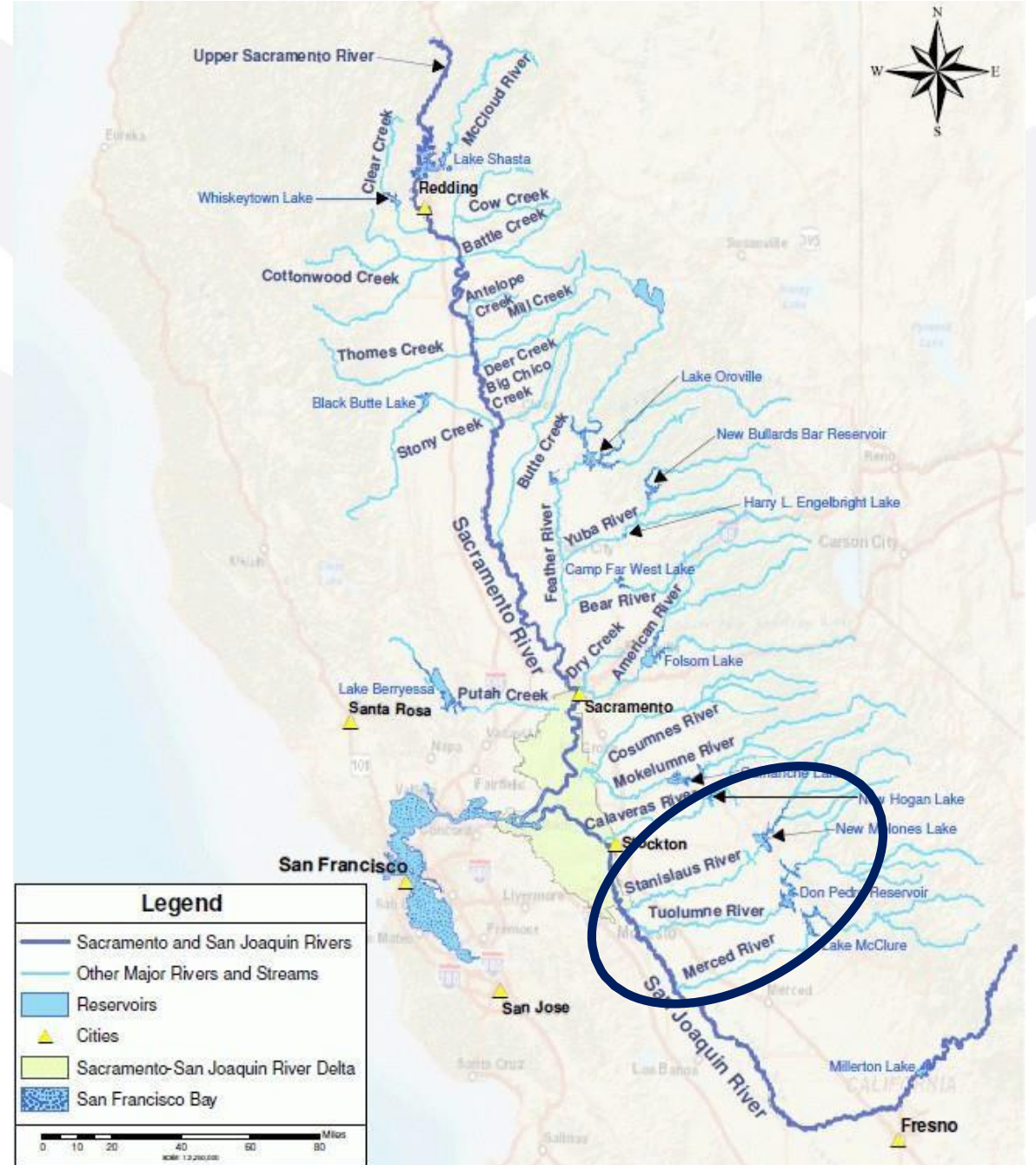
San Francisco Bay-Delta Watershed

Bay-Delta Plan Updates



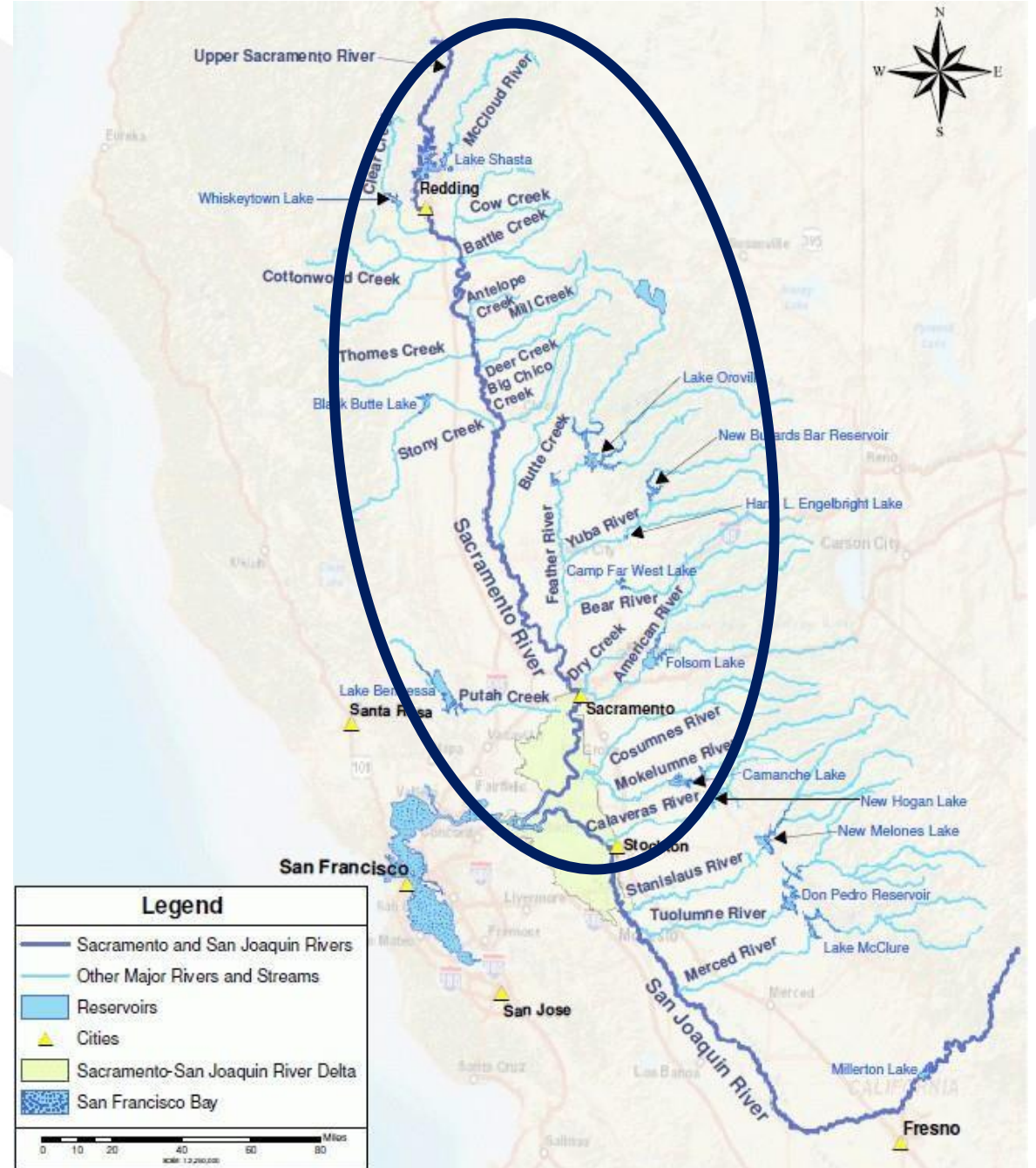
San Francisco Bay-Delta Watershed

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



San Francisco Bay-Delta Watershed

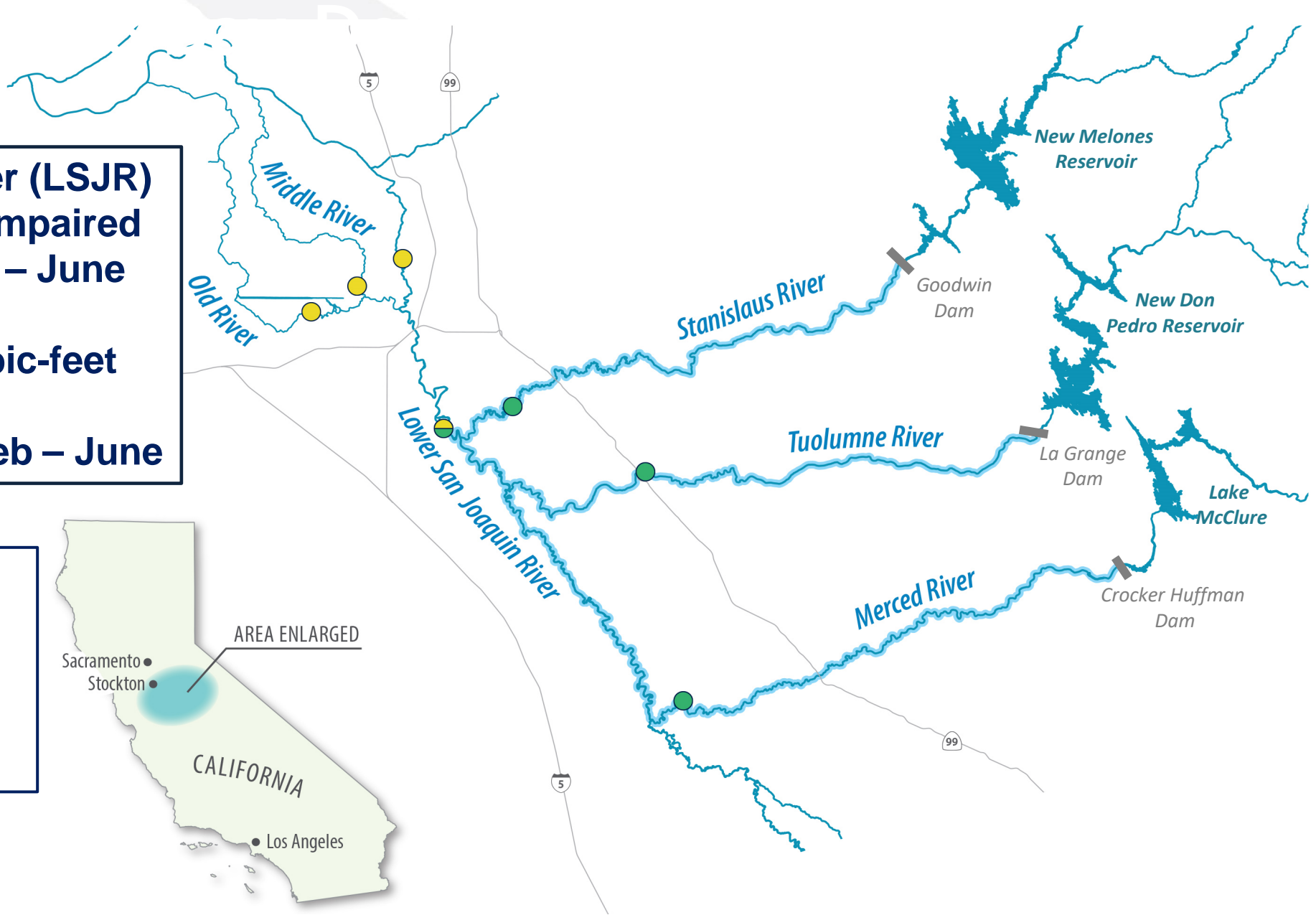
Sacramento/Delta (Sac/Delta)



Lower San Joaquin River (LSJR)
Tributary Flow: 40% unimpaired
flow, 30-50% range, Feb – June

Vernalis Flow: 1,000 cubic-feet
per second (cfs),
800 – 1,200 cfs range, Feb – June

Southern Delta Salinity
(SDS): 1.0 dS/meter
Electrical Conductivity
(EC)
Year-round



2018 Bay-Delta Plan Update: Past Activities for LSJR Flows

2019: Draft Initial Biological Goals for LSJR Flows

2019

2019: Draft Initial Unimpaired Flow Compliance Methods for LSJR Flows

2020

2021

2022: Notice of Preparation for Implementing Regulation for LSJR Flows and SDS

2022

2022: Formation of Stanislaus, Tuolumne, & Merced (STM) Working Group

2022: Receipt of Tuolumne River Voluntary Agreement (VA)

2018 Bay-Delta Plan Update: Next Steps for Initial Implementation of LSJR Flows and Opportunities for Public Engagement

- Biological Goals for LSJR Flows
 - Review public comments on Draft Initial Biological Goals
 - Board workshop for public comment on Final Draft Initial Biological Goals Report
 - Board meeting for consideration and action
- Unimpaired Flow Compliance Methods and Procedures for Adaptive Implementation
 - Draft report for public comment
 - Executive Director action

2018 Bay-Delta Plan Update: Implementing Regulation/Possible VA Plan Amendments and Opportunities for Public Engagement

- Implementing Regulation
 - Public comments and public workshops on draft regulation and draft Environmental Impact Report (EIR)
 - Final EIR and final regulation
 - Board consideration and action
- Tuolumne River VA
 - Notice of potential Plan amendment and scoping meeting
 - Public comments on draft scientific basis report and draft Staff Report/environmental document
 - Final reports with response to public comments
 - Board consideration and action

Timeline for Implementation of 2018 Bay-Delta Plan and Considering Tuolumne River VA

Spring 2023: Final Draft Initial Biological Goals for LSJR Flows and Board Workshop

Summer 2023: Board meeting to act on Biological Goals for LSJR

Fall 2023: Draft regulation and Draft EIR for implementing LSJR Flows and SDS

Winter/Spring 2024: Final draft EIR & regulation implementing LSJR flows and SDS and Board Consideration

2023

2024

Spring 2023: Notice of possible Tuolumne River VA Plan Amendments

Summer 2023: Draft unimpaired flow compliance methods & procedures for adaptive implementation

Fall 2023: Draft Staff Report for Bay-Delta Plan amendment for Tuolumne River VA

Winter/Spring 2024: Final Draft Staff Report for Tuolumne River VA and Board Workshop

Sac/Delta Update to Bay-Delta Plan: Past Activities

- 2017 Peer-reviewed Scientific Basis Report
- 2018 Framework for possible Sac/Delta Updates to the Bay-Delta Plan (Framework)
- 2022 Memorandum of Understanding (MOU) Advancing a Term Sheet for VAs to Update and Implement Sac/Delta elements of the Bay-Delta Plan
- January 2023 Draft VA Scientific Basis Report Supplement released for public comment and workshop

Sac/Delta Update to the Bay-Delta Plan

Possible Sac/Delta Plan Amendments

- 2018 Sac/Delta Framework
 - Sacramento River & Delta Eastside (Cosumnes, Mokelumne, and Calaveras) tributary inflows: 55% of unimpaired flows with adaptive range from 45-65%
 - Sacramento River & Delta Eastside tributary cold-water habitat
 - Delta outflows – inflow-based outflows
 - Interior Delta flows- State Water Project and Central Valley Project operational constraints
- 2022 VA Memorandum of Understanding
 - 8-year term with possible extension, modification, or regulatory paths following
 - Sacramento River and Delta tributary inflows (Tuolumne River VA would be considered separately)
 - Delta outflows
 - Habitat restoration

VA Background: Key Provisions

- A new narrative objective to achieve the viability of native fish populations and proposal to contribute to existing Salmon Protection (salmon doubling) objective
- Flow and habitat assets, with science and governance
- Dual compliance pathways
 - VA path
 - Regulatory path
- Annual and triennial reports to State Water Board
- “Green, yellow, and red light” decision structure at year 8

Sac/Delta Update: Key Milestones and Opportunities for Public Engagement

Spring/Summer 2023: Draft Staff Report/Substitute Environmental Document public review and comment

Summer 2023: Public workshop on Draft Staff Report/Substitute Environmental Document

Summer/Fall 2024: Board consideration of adoption of proposed Sacramento/Delta updates to the Bay-Delta Plan

2023

2024

Summer 2023: Sac/Delta VA Scientific Basis Report Supplement submitted for peer review

Spring/Summer 2024: Response to comments and development of proposed final changes to the Bay-Delta Plan

Discussion Topics

- What questions do you have about the State Water Board's process to update and implement the Bay-Delta Plan, including the proposed Voluntary Agreements?
- Is there information on environmental justice issues that has not already been shared with the State Water Board that should be considering during the process of updating and implementing the Bay-Delta Plan?
- Send additional questions and comments to:
 - Bay-Delta@waterboards.ca.gov
 - Subject line: "3/27/23 Listening Session Questions and Comments"

Resources – Contact the State Water Board

Send Questions and Comments to:

Bay-Delta@waterboards.ca.gov

Subject line: “3/27/23 Listening Session Questions and Comments”


Webpages:

Bay-Delta Watershed Efforts:

www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/

Bay-Delta Notices Email Subscription List:

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)

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

Bay-Delta Plan Public Listening Session – Voluntary Agreements

Louise Conrad – DWR

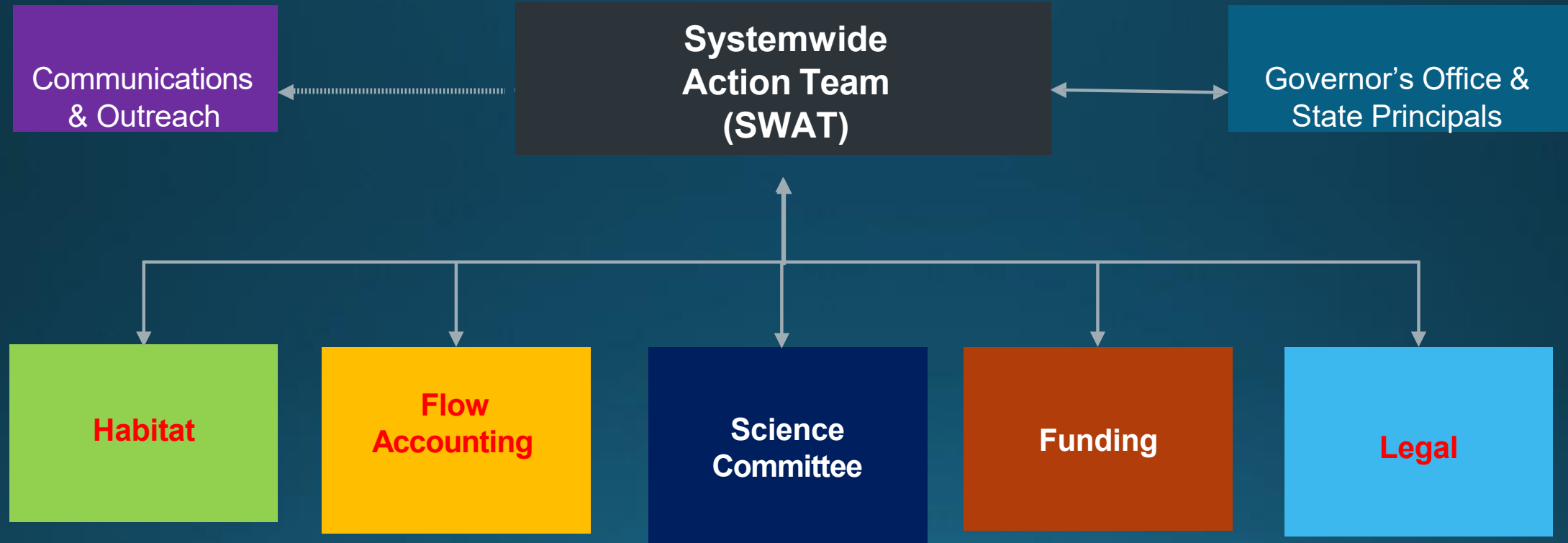
Bjarni Serup – DFW



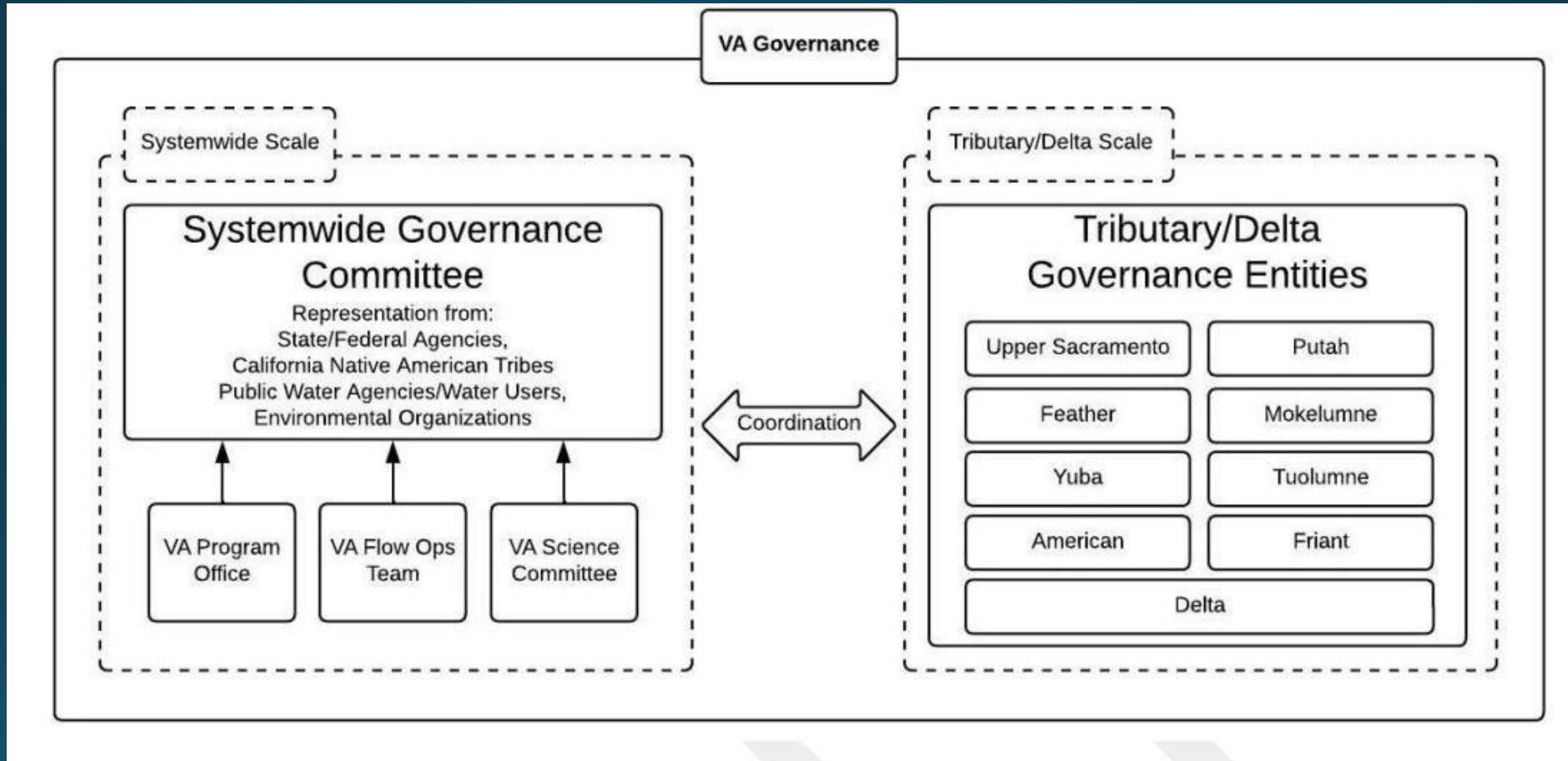
Proposed Voluntary Agreements

- MOU submitted to Board March 2022 w/ updates Aug/Nov 2022
 - 8-year term
 - Contributes to Board's narrative objectives
 - Doubling of salmon population
 - Viability of native fish populations
 - Tributary/Delta flow and habitat restoration actions in:
 - Sacramento, Feather, Yuba, American, Putah, Mokelumne, Tuolumne, Friant
 - Water Purchases, Export Reductions
 - Governance, Science, Monitoring, and Review

VA-related Workgroups



VA Governance Structure



VA Science Committee

- **Committee**

- Group of technical staff responsible for guiding science to evaluate VA actions.
- Makes recommendations to the governance group.
- Responsible for reports synthesizing responses to VA actions (Years 3 and 6)

- **VA Science Plan**

- Clear description of hypotheses, metrics, baselines, and monitoring for understanding outcomes of VA actions
- Currently being drafted

- **VA Science Program**

- The collective of monitoring programs and knowledge sources used to inform VA actions

VA Science Program: Big Questions

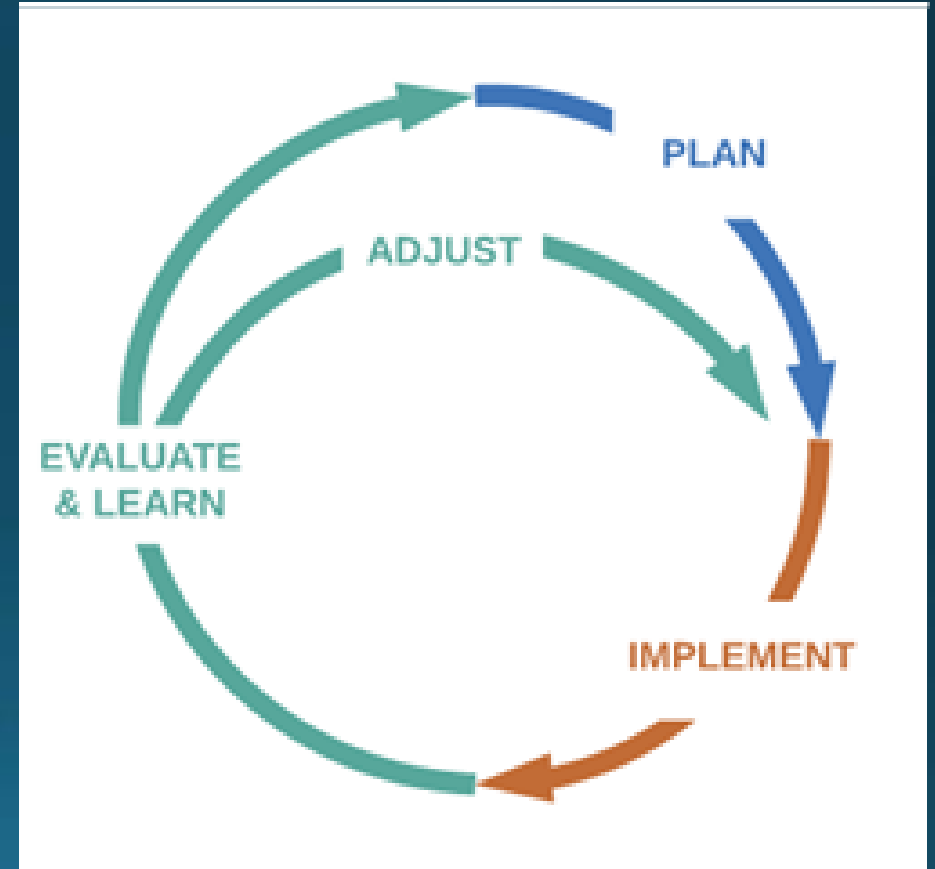
Are there trends for native species populations that support the State Water Board narrative objectives?



Are flow and non-flow measures having intended outcomes for Chinook salmon (and other species) at the tributary scale?



Are flow and non-flow measures having intended biological and physical effects at the site-scale?



**Thank You for Listening
Questions?**