

# Workshop on Draft Sacramento/Delta Updates to the Bay-Delta Water Quality Control Plan

December 3, 2024  
Afternoon Session



State Water Resources Control Board

# Presentation Overview



Workshop overview



Brief background on Bay-Delta Plan\*

\*Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Watershed

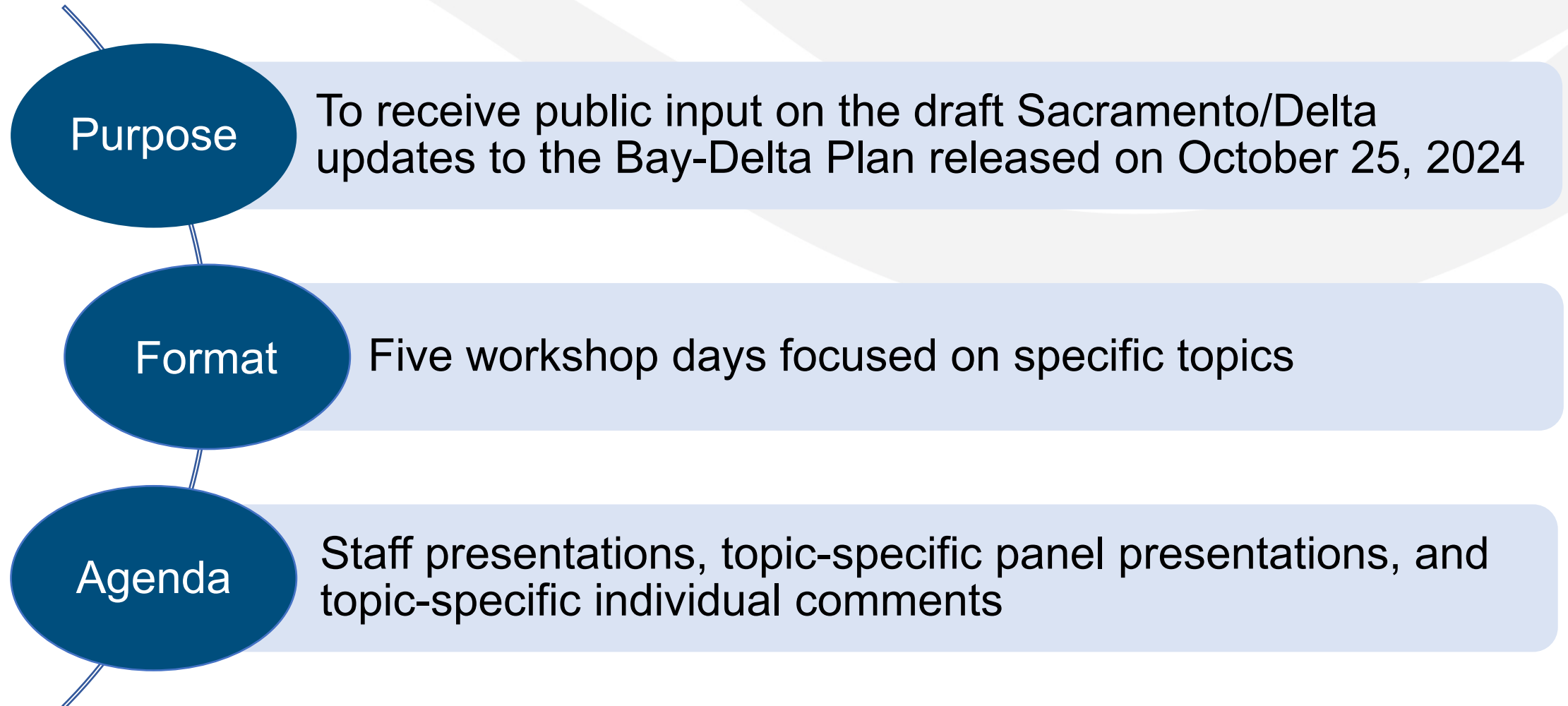


Description of tribal specific provisions



Next steps and opportunities for public input

# Workshop Overview



# Workshop Topics

<b>November 20</b>	Draft Sacramento/Delta Regulatory Provisions
<b>November 22</b>	Draft Sacramento/Delta Voluntary Agreement (VA)* Provisions <i>*Also referred to as the Healthy Rivers and Landscapes proposal</i>
<b>December 3</b>	VA Habitat Accounting (Half Day) and Tribal Focused Topics (Half Day)
<b>December 12</b>	VA Flow Accounting (Beginning of Day) and General Comments* (End of Day) <i>*Comments not specific to a workshop topic</i>
<b>January 23</b>	Potential Provision to Protect Base Delta Outflows During Drought Periods (Alternative 5a) and Potential Provision to Protect VA Flows and the Base They Are Added to From New Projects (Alternative 6a)

# December 3 Agenda – Afternoon Session

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## Topic: Tribal Focused Topics

Panel 1: Save California Salmon, California Indian Environmental Alliance, and Shingle Springs Band of Miwok Indians

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Panel 2: Department of Water Resources and East Bay Municipal Utility District

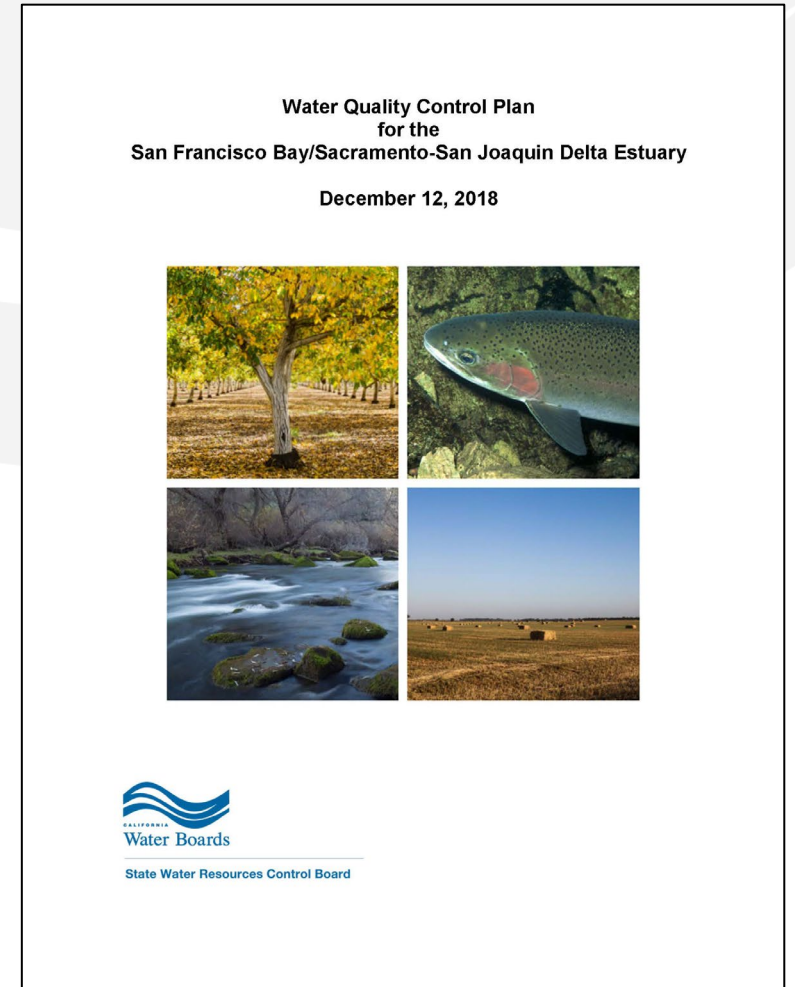
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Topic-specific individual comments (Tribal focused topics)

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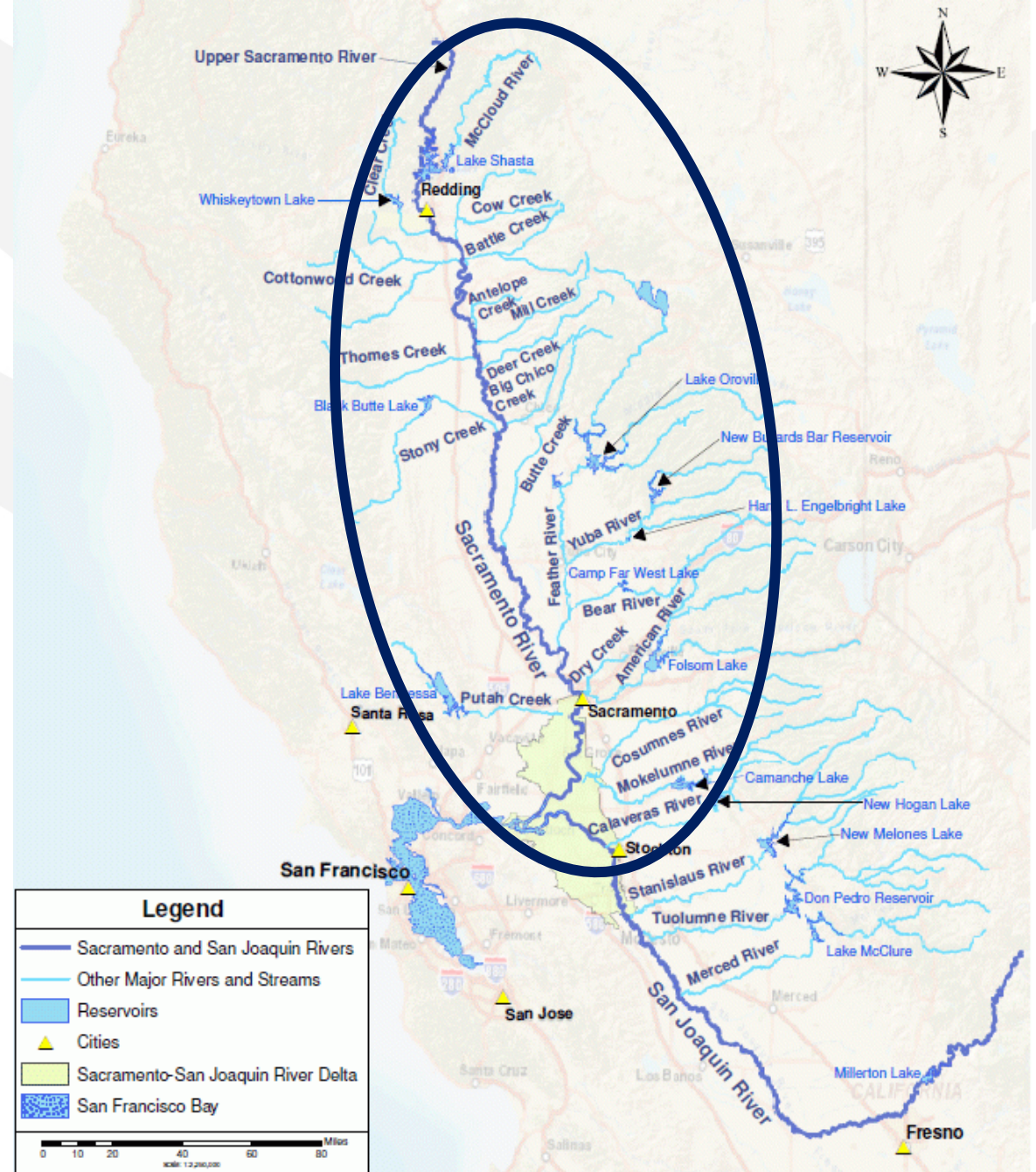
# Bay-Delta Plan

- Identifies beneficial uses, water quality objectives to protect uses, program of implementation, and monitoring provisions
  - Current beneficial uses: municipal and industrial, agricultural, fish and wildlife
  - Water quality objectives: narrative and numeric (primarily flow-dependent)
  - Program of implementation: actions by the Board and other entities to protect beneficial uses and implement objectives, including flow and nonflow actions
  - Monitoring and evaluation to assess compliance and effectiveness of implementation actions
- Requires periodic review/triennial review



# San Francisco Bay/ Sacramento-San Joaquin Delta (Bay-Delta) Watershed

## Sacramento/Delta Update to the Bay-Delta Plan



# Bay-Delta Plan Processes

- Update and implementation occurring through separate processes:
  - Sacramento/Delta Update
  - Implementation of 2018 Lower San Joaquin River/Southern Delta Salinity Update
  - Consideration of Tuolumne River Voluntary Agreement



Refer to our FAQs for more information:

[waterboards.ca.gov/bay\\_delta/docs/2024/faq-bdplan.pdf](https://waterboards.ca.gov/bay_delta/docs/2024/faq-bdplan.pdf)



# Sacramento/Delta Update Process to Date

- 2017 – Completion of Scientific Basis Report supporting the draft Sacramento/Delta regulatory provisions of the Bay-Delta Plan
- 2018 – Framework for possible regulatory provisions
- 2022 – Voluntary Agreements (VA) Memorandum of Understanding
- 2023 – Draft VA Scientific Basis Report Supplement
- 2023 – Draft Staff Report/Substitute Environmental Document

# Draft Sacramento/Delta Updates

- On October 25, 2024, staff released for public comment draft Sacramento/Delta updates to the Bay-Delta Plan including options for:
  - VAs proposed by water users and state and federal agencies (Healthy Rivers and Landscapes proposal)
  - Regulatory provisions that could apply 1) if VAs are not approved; or 2a) if VAs are approved would apply to non-VA parties; and 2b) if VAs are approved could apply to VA parties if VAs are discontinued
  - General provisions that would apply to all water users regardless of whether VAs are approved
- Board has not yet made any decisions on these options and is seeking public input to inform its decisions

# Summary of Draft Updates

- Intended to address aquatic ecosystem stressors within the Board's responsibilities to provide for the reasonable protection of fish and wildlife in the Sacramento/Delta
- Includes options based on alternatives described in September 2023 draft Staff Report for Sacramento/Delta updates to the Bay-Delta Plan, which analyzes potential benefits and impacts of possible updates
- Includes specificity and refinements from the options described in draft Staff Report, informed by public comments
- No substantive changes associated with measures to protect municipal, industrial, or agricultural uses, or Lower San Joaquin River fish and wildlife flows (updated in 2018)



# Major Regulatory Provisions

- Referred to as “proposed Plan amendments” in draft Staff Report
- Narrative and numeric objectives and implementation provisions requiring inflows from the Sacramento River, its tributaries, and Delta eastside tributaries\*
- Narrative cold water habitat objective and implementation provisions to protect cold water habitat for salmonids\*
- Inflow-based Delta outflow objective and implementation provisions that would require required inflows to be provided as outflows\*
- Narrative interior Delta flow objective and implementation provisions
- Changes to the existing Delta Cross Channel Gate closure objective and implementation provisions

\*If VAs are adopted, these objectives may either remain as objectives or move to program of implementation

# Voluntary Agreements Proposal

- Propose flow, habitat restoration, and other actions on Sacramento, Feather, American, Yuba, and Mokelumne Rivers, Putah Creek, and in Delta
- Propose: (1) a new narrative objective to achieve viability of native fish populations, and (2) to provide participating parties' share to contribute to achieving the existing narrative objective to double salmon populations by 2050
- Initial 8-year term proposed, following which VAs could be extended or modified, or regulatory pathway could apply if proposed VAs are not found to be effective
- Regulatory pathway provisions consistent with the inflow, outflow, and cold water habitat provisions could apply if VAs are discontinued or could be incorporated with VAs
- The Board is currently considering a Tuolumne River VA proposal, which is being considered in a separate process

# General Provisions

- Incorporation of tribal beneficial uses
- Drought provision (January 23 workshop)
- Implementation methodology
- Annual and periodic review
- Biological goals
- Monitoring, special study, evaluation, and reporting
- Trinity River



Photo provided by CA Dept. of Fish and Wildlife

# Tribal Input in Bay-Delta Plan

- Tribal focused provisions reflect tribal input received to date
- Recognition of the significance of Bay-Delta ecosystem to tribal subsistence, spiritual, and cultural lifeways and practices
- Protection of Tribal Beneficial Uses (TBUs) and fish and wildlife beneficial uses must be informed by Traditional Ecological Knowledge (TEK) and Indigenous Knowledge
- Protection of beneficial uses will require further tribal input in the Bay-Delta Plan

# Tribal Beneficial Uses

- Incorporation of Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing (SUB) beneficial uses as they relate to the reasonable protection of fish and wildlife
- Consideration of formal designation of CUL in the Bay-Delta Plan or through another appropriate process, and seeking input on that matter
- State Water Board would work with the Regional Water Quality Control Boards to expedite designation of T-SUB and SUB through appropriate processes



Photo provided by Douglas Killam, CA Dept. of Fish and Wildlife



# Traditional Ecological Knowledge

- Board to develop and update a tribal engagement plan with California Native American Tribes
- Annual tribal listening sessions
- Draft Bay-Delta Plan includes descriptions of how TEK will be considered in Bay-Delta Plan updates
- Incorporation of TEK in Bay-Delta Plan will follow CARE principles for indigenous data governance

# Bay-Delta Tribal Advisory Group

- Developed in response to comments on 2023 Draft Staff Report
- Will be developed in conjunction with Tribes
- Provides input to State Water Board on Bay-Delta Plan update and implementation
- Composition, structure, and meeting frequency is determined by members
- Not intended to replace formal government-to-government consultation

# VA Tribal Engagement Requirements

- Development of tribal engagement plan with California Native American Tribes
  - Includes descriptions of tribal engagement opportunities related to VA milestones
- Regular tribal engagement meetings and opportunities for tribal representatives to provide feedback on implementation and adaptive management of the VAs
- Designation of a VA tribal coordinator
- Creation of a TEK subcommittee of the VA Science Committee
  - Includes seats for tribal members

# Harmful Algal Blooms (HABs)

- Board to continue to implement the Freshwater Harmful Algal Bloom (HAB) Monitoring Strategy
- Board to coordinate with the Central Valley and San Francisco Bay Regional Boards, other agencies, Tribes, and other parties to implement the Delta Cyanobacteria HABs Monitoring Strategy
- Board to support efforts to improve HAB science, research, and monitoring; develop HAB models; and identify possible management and mitigation measures to control HABs in the Delta
- Requirements for HAB monitoring in the Delta, including phytoplankton measurements and cyanobacterial toxin testing
- Requirements for VA parties to contribute to HAB monitoring in the VA tributaries and in the Delta, if VAs are implemented

# Major Next Steps



Receive public comments in writing and orally at multiday workshop



Develop a revised draft of proposed updates to Bay-Delta Plan based on public comments



Continue to review comments on draft Staff Report and develop final Staff Report



Board meeting to consider adoption of Sacramento/Delta updates to Bay-Delta Plan and final Staff Report

# Resources and Contact Information

- Bay-Delta Watershed: [waterboards.ca.gov/bay\\_delta/](http://waterboards.ca.gov/bay_delta/)
- Sacramento/Delta Update to Bay-Delta Plan: [waterboards.ca.gov/bay\\_delta/comp\\_review.html](http://waterboards.ca.gov/bay_delta/comp_review.html)
- Proposed VAs: [waterboards.ca.gov/bay\\_delta/proposed\\_voluntary\\_agreements.html](http://waterboards.ca.gov/bay_delta/proposed_voluntary_agreements.html)
- Bay-Delta Tribal Coordination: [waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/tribal\\_coordination.html](http://waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/tribal_coordination.html)
- Rob McCarthy, Tribal Coordinator for Bay-Delta Plan Update and Implementation Processes: [Robert.McCarthy@waterboards.ca.gov](mailto:Robert.McCarthy@waterboards.ca.gov)
- Email: [SacDeltaComments@waterboards.ca.gov](mailto:SacDeltaComments@waterboards.ca.gov)



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