

Scoping Meeting For Possible Amendment of the Bay-Delta Plan to Incorporate Tuolumne River Voluntary Agreement

May 18, 2023
Starting at 10:00 a.m.



Division of Water Rights

Presenter Introductions

SWRCB Division of Water Rights

- Erin Foresman
- Daniel Worth
- Stephen Louie
- Diane Riddle

SWRCB Office of Chief Counsel

- Tina Leahy

Department of Water Resources

- Erik Loboschefsky

Facilitator (ICF)

- Stefanie Lyster

Meeting Logistics

- Meeting is being recorded
- Presentation by State Water Resources Control Board (State Water Board or Board) & Department of Water Resources staff
- Oral public comments
- Questions or Zoom help -
 - email: LSJR-SD-Comments@waterboards.ca.gov
- Slides will be posted to Board's website after the meeting
- Written comment period started April 11th, and **comments are due by noon on May 25th, 2023**

Oral Comments

- Each speaker has up to 3 minutes to make oral comments
- The Board has made no decision and staff are here to listen and receive comments to inform the Board's analyses and decisions
- Please be respectful to all meeting participants and staff
- Please respect the group's time and help give everyone an opportunity to be heard
- Please keep comments brief and to the point

Today's Presentation and Comment Period

- Purpose of the Meeting
- Background Information
- Process for Consideration of the Tuolumne River Voluntary Agreement (VA)
- Department of Water Resources – Overview of the Tuolumne River VA
- Public Comments
 - Reminder – written comments due by noon on May 25, 2023

Purpose of the Scoping Meeting

1. Seeking early input for the Board's CEQA* and Bay-Delta Plan** process to consider a proposed Tuolumne River VA
2. Provide information about the Board's process to consider incorporating the proposed Tuolumne River VA into the Bay-Delta Plan
 - a) The Board has made no determination as to whether to change the Bay-Delta Plan, but is beginning the process to inform its consideration

*California Environmental Quality Act

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

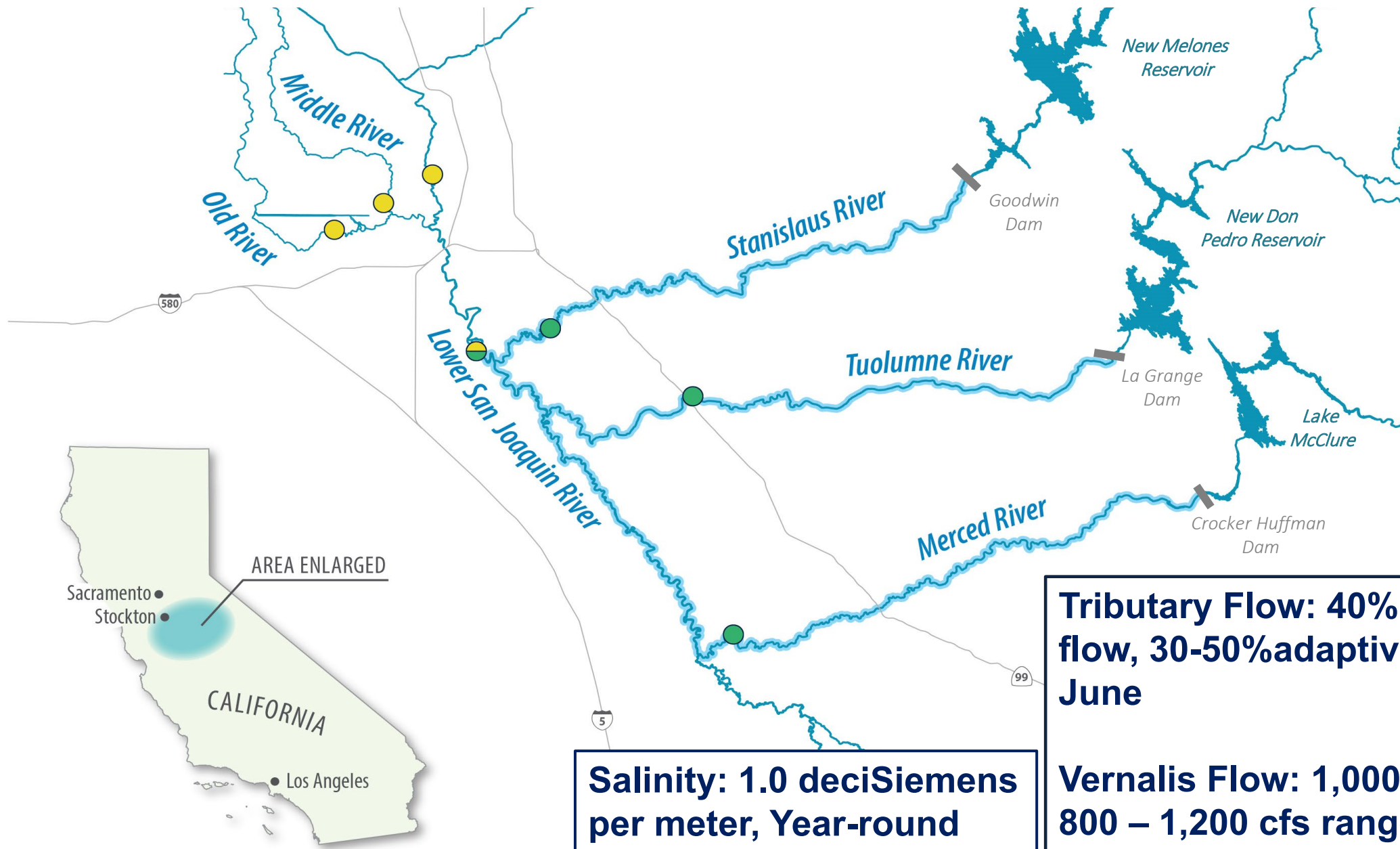
Bay-Delta Plan*

- 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
- Implemented through separate water rights or other process(s)



*https://www.waterboards.ca.gov/plans_policies/docs/2018wqcp.pdf

2018 Bay-Delta Plan Update



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

Salinity: 1.0 deciSiemens per meter, Year-round

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

Multiple Bay-Delta Planning and Implementation Efforts

Sacramento/Delta

- Considering plan amendments, ***including potential voluntary agreements***, focused on flow and other related actions in the Sacramento River, Delta, and tributaries

LSJR* Watershed

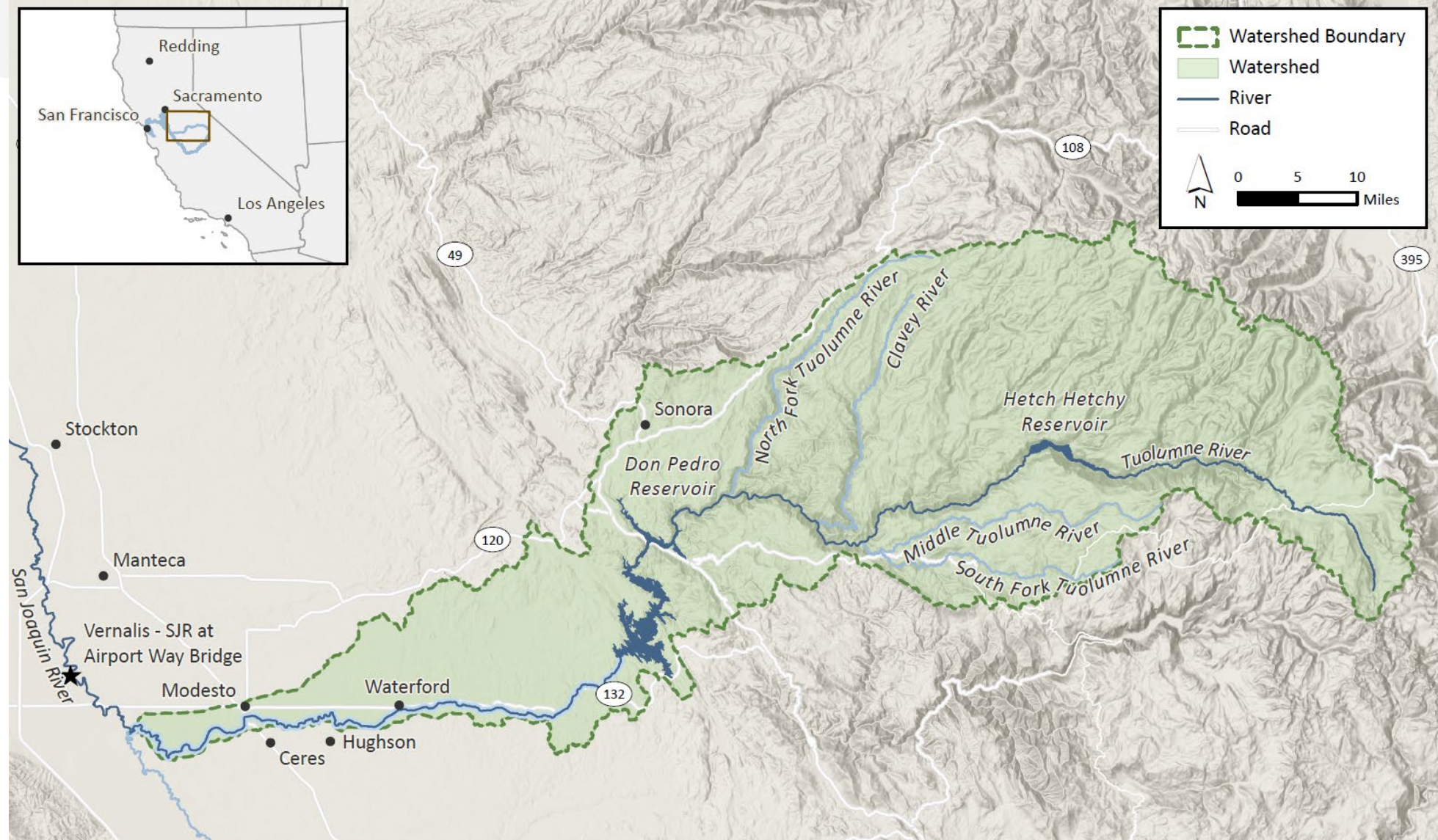
- Bay-Delta Plan updated in 2018
- Regulation to implement the LSJR flow and southern Delta salinity components of the 2018 Bay-Delta Plan
- **Considering plan amendments to incorporate the Tuolumne River VA**

*Lower San Joaquin River

Tuolumne River Voluntary Agreement

- November 2022 – Board received a revised Memorandum of Understanding (MOU) that included a proposed Tuolumne River VA
 - The Tuolumne VA Parties* submitted the MOU so that the Board may consider including the VA in the Bay-Delta Plan as the pathway to implement the LSJR objectives for the Tuolumne River specifically
- April 11, 2023 –
 - Notice of Preparation to start the process to evaluate and consider the Tuolumne River VA
 - Letters requesting Tribal Consultation

*San Francisco Public Utilities Commission, Modesto Irrigation District, and Turlock Irrigation District



Project Area: Tuolumne River Watershed (green area on map) as well as the LSJR and through the Bay-Delta. The project area also covers areas receiving water exported from the Tuolumne River watershed, LSJR, and Bay-Delta that could be impacted by implementation of the Tuolumne River VA

Consideration of the Tuolumne River VA

Potential process to update the Bay-Delta Plan:

1. Notice of Preparation and Scoping
2. Tribal Consultation
3. Draft Staff Report
 - a) Draft Scientific Basis Report
 - b) Draft Substitute Environmental Document (SED)
 - c) Public hearing and comment period
4. Peer Review of Science Supporting Potential Plan Update
5. Board Consideration
 - a) Final Staff Report
 - b) Plan Amendment to Incorporate Tuolumne VA
6. Submittal to the Office of Administrative Law*

Multiple opportunities for public input throughout this process

*If the process continues to move forward and the Board adopts Bay-Delta Plan amendments

Timeline

- Written Scoping Comments Due – May 25th, 2023
- Draft Tuolumne River VA Scientific Basis Report – Late Summer/Fall, 2023
- Draft Staff Report – Early 2024
- Scientific Basis Report Peer Review – Early 2024

Scoping Input

- Early input from public agencies, California Native American Tribes, and members of the public
- Seeking input on:
 - Range of project actions
 - Reasonable alternatives
 - Reasonably foreseeable methods of compliance
 - Significant environmental issues
 - Cumulative impacts
 - Mitigation measures that will reduce impacts to a less than significant level

Potential Environmental Effects

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology / Soils
- Greenhouse Gas Emissions
- Hazard and Hazardous Materials
- Hydrology / Water Quality
- Land Use / Planning
- Mineral Resources
- Noise
- Population / Housing
- Public Services
- Recreation
- Transportation / Traffic
- Tribal Cultural Resources
- Utilities / Service Systems
- Wildfire
- Mandatory Findings of Significance

Tuolumne River Proposed VA: Overview

- The Tuolumne Parties include:
 - Modesto Irrigation District
 - Turlock Irrigation District
 - San Francisco Public Utilities Commission (represents City and County of San Francisco)
- Proposal consists of new January-June flows and non-flow measures.
- No Tuolumne River VA has been adopted or yet considered by the Water Board members.
- Further details of the Tuolumne River VA will be forthcoming in upcoming documents (e.g., Scientific Basis report, etc.).



Tuolumne River Proposed VA: Proposed Flow Measures

Critical	Dry	Below Normal	Above Normal	Wet
86 (17) TAF	140 (40) TAF	127 (98) TAF	138 TAF	138 TAF

- Flows are additive to the average January-June minimum instream flows on the Lower Tuolumne River (FERC license for the Don Pedro Project), measured downstream of La Grange Dam.
- Flows include a minimum instream base flow and spring pulse flows.
- Parenthetical volumes apply during successive critical, dry, or below normal water years.
- Additive flow volumes intended to be protected in the Tuolumne River and contribute to Delta outflow.

TAF= Thousand Acre-Feet



Tuolumne River Proposed VA: Proposed Flow Measures (cont'd)

- Additional maximum volume contributions to Tuolumne River, the actual amount guided by real-time hydrology and operations:

Critical	Dry	Below Normal	Above Normal	Wet
16 TAF	19 TAF	30 TAF	8 TAF	0 TAF

- The Tuolumne Parties will work collaboratively with DWR, Bureau of Reclamation and other VA parties to set the terms and conditions of providing these volumes (e.g., Delta conditions).

TAF= Thousand Acre-Feet



Tuolumne River Proposed VA: Proposed Non-Flow Measures

- 75,000 tons (approx.) of new gravel between river mile 52 and 39.
- 25,000 tons (approx.) of new gravel between river mile 39 and 24.5.
- 77 acres of newly constructed rearing/floodplain habitat which will be inundated at the proposed Tuolumne River VA flows.
- Addition of large woody debris.
- Gravel cleaning.
- Predator control program.
- Redd superimposition reduction.
- Infiltration galleries (at RM 26) June-October to assist summer rearing habitat for salmonids.



Tuolumne River Proposed VA: Proposed Non-Flow Measures (cont'd)

- The Tuolumne Parties will collaborate with the California Department of Fish and Wildlife and federal fishery agencies in further defining non-flow measure projects.
- The Tuolumne Parties will self-fund non-flow measures implementation and associated operation/maintenance for the 8-year term of the VA.
 - Approximately \$64 Million for project implementation.
 - Approximately \$17 Million for operations and maintenance over the 8-year term.



Public Comments

- Oral Comments Today
- Electronic submittals to LSJR-SD-Comments@waterboards.ca.gov
(if less than 15 megabytes in total size)
- **Written comments due by Thursday, May 25, 2023, at 12:00 p.m. PDT (noon)**

How to Stay Informed

Frequently Visited Websites

Bay-Delta Home:

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

LSJR/Southern Delta Salinity:

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

Voluntary Agreements:

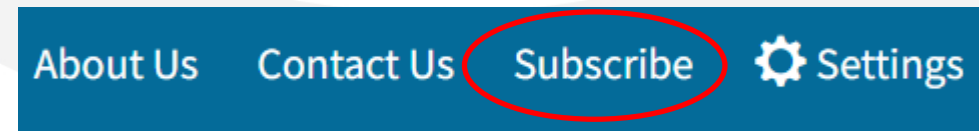
www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/proposed_voluntary_agreements.html

Contact Staff:

LSJR/Southern Delta Salinity:

LSJR-SD-Comments@waterboards.ca.gov

Email Subscription for “**Bay-Delta Notices**”. Use the “Subscribe” feature in upper right corner of any State Water Board webpage:



Water Rights

Instream Flow Guidelines for Northern Coastal Streams (AB 2121)

Bay Delta Notices

Upcoming Commenters

Closing Remarks