



# Frequently Asked Questions

## **Draft Scientific Basis Report Supplement in Support of Proposed Voluntary Agreements for the Sacramento River, Delta, and Tributaries Update to the San Francisco Bay/Sacramento-San Joaquin Delta Water Quality Control Plan**

### **Overview**

The State Water Resources Control Board is responsible for protecting beneficial uses of water in the San Francisco Bay/Sacramento–San Joaquin Delta Estuary (Bay-Delta) in part through its Water Quality Control Plan for the Bay-Delta (Bay-Delta Plan). The Bay-Delta Plan establishes beneficial uses of water in the Bay-Delta, water quality and flow objectives to reasonably protect those uses, and a program of implementation to achieve the objectives. This program includes actions the State Water Board will take (e.g., implementing flow requirements), actions the board will take with others, or recommendations to others for actions they should take (e.g., habitat restoration actions).

The Bay-Delta Plan is currently in the process of being updated and implemented. In 2018, the board updated the Bay-Delta Plan’s Lower San Joaquin River (LSJR) flow and southern Delta (SD) salinity components to provide for the reasonable protection of fish and wildlife and agriculture, respectively (referred to as the LSJR flow/SD salinity update to the Bay-Delta Plan). The board is currently in the process of implementing the LSJR flow/SD salinity updates to the Bay-Delta Plan. The board is also in the process of considering updates to the Bay-Delta Plan for Sacramento River and Delta eastside tributary (including the Mokelumne, Calaveras, and Cosumnes Rivers) inflows and cold water habitat, Delta outflows, interior Delta flow, and other associated requirements (referred to as the Sacramento/Delta update to the Bay-Delta Plan).

In 2022, the board [received](#) a Memorandum of Understanding (MOU) for proposed Voluntary Agreements (VAs) for updating and implementing the Bay-Delta Plan from various water users in the watershed, and several state and federal agencies. The VAs are being considered in the board’s efforts to update and implement the Bay-Delta Plan. The first step in considering the VAs is the development of a scientific basis report pursuant to the requirements of the Public Health and Safety Code.

Board staff in coordination with staff from the Department of Water Resources and Department of Fish and Wildlife have developed a [Draft Scientific Basis Report Supplement in Support of Proposed Voluntary Agreements for the Sacramento River](#).



[Delta, and Tributaries Update to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta](#) (Draft Scientific Basis Report Supplement) for public review and comment in support of possible Sacramento/Delta updates to the Bay-Delta Plan consistent with the VAs. This report is a supplement to the board's 2017 [Scientific Basis Report is Support of New and Modified Requirements for Inflows from the Sacramento River and its Tributaries and Eastside Tributaries to the Delta, Delta Outflows, Cold Water Habitat, and Interior Delta Flows](#) (2017 Scientific Basis Report). The 2017 Scientific Basis Report describes the science supporting possible Sacramento/Delta updates to the Bay-Delta Plan that were proposed prior to receipt of VAs.

The Draft Scientific Basis Report Supplement was released for public comment on January 5, 2023, with public comments due by February 8, 2023. Following receipt of public comments, any appropriate updates to the Scientific Basis Report Supplement will be made and the report will be submitted for independent peer review pursuant to requirements described further below. Additional edits to the supplement report may be made based on the peer review. Following which the report will inform the Board's Sacramento/Delta updates to the Bay-Delta Plan.

The following are frequently asked questions about the Sacramento/Delta Update to the Bay-Delta Plan, the VAs, and the supplement report.

### **When was the Bay-Delta Plan last updated?**

The Bay-Delta Plan was last updated in 2018. Those revisions addressed flows for the protection of fish and wildlife beneficial uses in the Lower San Joaquin River and southern Delta salinity for the reasonable protection of agricultural beneficial uses. The 2018 Bay-Delta Plan update did not include updates for the Sacramento River and its tributaries, Delta eastside tributaries, Delta outflows, or interior Delta flows.

### **What is the status of the Sacramento/Delta Update to the Bay-Delta Plan?**

Currently, the Board is updating the Bay-Delta Plan with respect to the Sacramento River and its tributaries, Delta eastside tributaries, Delta outflows, and interior Delta flows (Sacramento/Delta Update to the Bay-Delta Plan). In 2017, as part of that process, the board prepared a final Scientific Basis Report. The Scientific Basis Report described the science supporting possible changes being considered at the time. Thereafter, in July 2018, the Board released a [Framework for a possible Sacramento/Delta Update to the Bay-Delta Plan](#) that identifies a staff proposal at the time for Sacramento/Delta updates to the Bay-Delta Plan, including Sacramento River tributary and Delta eastside tributary (including Calaveras, Cosumnes, and Mokelumne Rivers) inflows and cold water habitat measures, Delta outflows, and interior Delta flows (Framework Proposal).

Board staff is currently preparing a Staff Report, including environmental, economic, and other analyses that supports the Sacramento/Delta Update to the Bay-Delta Plan.

The Staff Report will evaluate the VAs as an alternative for the Sacramento/Delta update to the Bay-Delta Plan, as well as the Framework Proposal and other alternatives. The Tuolumne River portion of the VAs will be evaluated in subsequent analyses.

### **What is the status of the proposed Voluntary Agreements?**

On March 29, 2022, the Board *received* a *Memorandum of Understanding (MOU) Advancing a Term Sheet for the Voluntary Agreements to Update and Implement the Bay-Delta Water Quality Control Plan, and Other Related Actions*. Subsequently, the Board received updates to the MOU on Aug. 11, 2022, and again on Nov. 10, 2022, to include additional parties. Signatories to the MOU include several state and federal agencies and water users (Parties). The Parties submitted the VAs as an alternative for the update of the Bay-Delta Plan proposed as a voluntary pathway to achieve reasonable protection of fish and wildlife beneficial uses. However, no voluntary agreement proposals have been approved by the Board at this time. The Board will consider the VA alternative along with other alternatives as part of the public process to update the Bay-Delta Plan. Release of the supplement report on Jan. 5, 2023 is part of this public process.

### **What is the Draft Scientific Basis Report Supplement?**

The Draft Scientific Basis Report Supplement documents the science supporting the provisions included in the proposed VAs and is the first step to considering the VAs as an alternative for the update and implementation of the Bay-Delta Plan. The report is intended to supplement and not revise or duplicate the science documented in the 2017 Scientific Basis Report.

### **Who prepared the Draft Scientific Basis Report Supplement?**

The Draft Scientific Basis Report Supplement was developed by board staff in collaboration with staff from the California Department of Fish and Wildlife (DFW) and the Department of Water Resources (DWR). DFW led the analysis of limiting factors and the description of VA assets on the Sacramento River and tributaries. DWR headed the analysis for limiting factors in the Bay-Delta Estuary, hydrology and modeling, analytical approach, and anticipated VA outcomes.

### **What are the main conclusions of the Draft Scientific Basis Report Supplement?**

The main conclusions of the supplement report are:

- Native aquatic species have been declining in tributaries and the Bay-Delta due to anthropogenic stressors, including changes in flows and habitat degradation.
- Analysis in the report indicates expected increases in suitable spawning and rearing habitat for salmonids and increases in suitable habitat and population abundance indices for estuarine species. In conducting this analysis, staff reviewed the contributions of the proposed flow and restoration assets toward

habitat and population increases for salmonids and estuarine fishes using quantitative and qualitative methods.

- The magnitude of indicated increases varies with water year type and tributary such that not all habitat categories will have increases in all water year types.
- Certain assumptions and simplifications may make the actual outcomes of the VAs uncertain at this time.
- If adopted, the VAs would include a set of implementation criteria and habitat suitability and utilization criteria, along with a monitoring program, to ascertain the actual benefits realized and overall program success.

### **What will happen after public comments are submitted on the Draft Scientific Basis Report Supplement?**

The Draft Scientific Basis Report Supplement will be revised as appropriate and a final report will be submitted for scientific peer review pursuant to the requirements of California Public Health and Safety Code Section 57004, which requires that the scientific basis of any statewide plan, basin plan, plan amendment, guideline, policy, or regulation undergo external scientific peer review before adoption. Following peer review, the supplement report may be further revised. The final supplement report would then inform possible Sacramento/Delta updates to the Bay-Delta Plan, including consideration of the VAs.

### **How can the public provide comments on the Draft Scientific Basis Report Supplement?**

The Draft Scientific Basis Report Supplement can be accessed at [https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/docs/2023/202301-bd-draft-sbrsupp.pdf](https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/docs/2023/202301-bd-draft-sbrsupp.pdf). You may also request a copy of the supplement report by contacting board staff at: [Bay-Delta@waterboards.ca.gov](mailto:Bay-Delta@waterboards.ca.gov).

The board is accepting both written and oral comments on the supplement report. To submit written comments, please use the subject line: "Comment Letter – Draft Scientific Basis Report Supplement". Written comments must be received by 12:00 p.m. (noon) on Wednesday, February 8, 2023, and should be submitted via email to [Bay-Delta@waterboards.ca.gov](mailto:Bay-Delta@waterboards.ca.gov).

In addition, a workshop will be held on January 19, 2023, at the CalEPA Headquarters Building in Sacramento with an option to participate remotely via video and teleconference. At the Board Workshop, commenters will be given an opportunity to make oral comments to the board or to summarize and supplement their written materials. If you would like to provide oral comments, please follow the remote participation guidelines available at: [https://www.waterboards.ca.gov/board\\_info/remote\\_meeting/#provide\\_comments](https://www.waterboards.ca.gov/board_info/remote_meeting/#provide_comments).

A Notice of Opportunity for Public Comment and Board Workshop on Draft Scientific Basis Report Supplement provides more information about the workshop and public comment period, and is available at:

[https://www.waterboards.ca.gov/public\\_notices/comments/docs/2023/notice\\_va\\_sbr.pdf](https://www.waterboards.ca.gov/public_notices/comments/docs/2023/notice_va_sbr.pdf)

More information on the board's Bay-Delta planning and implementation processes is available at:

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

*(This fact sheet was last updated Jan. 5, 2023).*