

Bay Delta-Water Quality Control Plan
Healthy Rivers and Landscapes Program

Submitted by:

California Department of Fish and Wildlife, California Department of Water Resources, California Natural Resources Agency, California Environmental Protection Agency, East Bay Municipal Utility District, Friant Water Authority, Garden Highway Mutual Water Company, Glenn-Colusa Irrigation District, Kern County Water Agency, Metropolitan Water District of Southern California, Modesto Irrigation District, Regional Water Authority, River Garden Farms, San Francisco Public Utilities Commission, San Luis & Delta-Mendota Water Authority, Solano County Water Authority, State Water Contractors, Sutter Mutual Water Company, Tehama-Colusa Canal Authority, Turlock Irrigation District, U.S. Bureau of Reclamation – California-Great Basin Region, Western Canal Water District, Westlands Water District, Yuba Water Agency

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The Parties to the Healthy Rivers and Landscapes Program (Program) respectfully submit this package of materials in advance of the State Water Resources Control Board’s (State Water Board) workshop on the Draft Program of Implementation, anticipated to be scheduled in the fourth quarter of 2024. The package is comprised of the following documents:

- This cover memo
- Draft Strategic Plan and appendices:
 - Appendix A – Memorandum of Understanding (March 29, 2022) and associated amendments
 - Appendix C – Draft Science Plan
 - Appendix D – Draft Early Implementation Project List
 - Appendix E – Draft Flow Accounting Procedures
 - Appendix F – Draft Non-flow Measure Accounting Procedures
 - Appendix G – Draft Funding Plan*
- Draft Science Committee Charter*

The new materials (not previously submitted to the State Water Board) are marked with an * in the list above. All other materials were previously submitted to the State Water Board prior to the April 2024 Workshop on the Voluntary Agreements and have been updated in consideration of feedback received from the State Water Board members, State Water Board staff, and the public.

The Draft Governance Program and Systemwide Governance Committee Charter, an appendix to the Draft Strategic Plan (Appendix B), is anticipated to be provided prior to October 31, 2024.

The draft legal agreements provided in March 2024 (Global Agreement, Implementing Agreements and Enforcement Agreements) have not been updated as the Parties have not yet

received feedback from the State Water Board on the form or content of these agreements. These draft agreements will be updated as necessary once feedback is received.

Please refer back to the cover memo provided in the March 2024 package that provides more detail on the structure of the plans and agreements for the Healthy Rivers and Landscapes Program.

Overview of New Materials

Draft Systemwide Governance Committee Charter: This Charter provides preliminary membership and decision-making procedures for the Systemwide Governance Committee.

Draft Funding Plan: This document provides a description of the Healthy Rivers and Landscapes Funding Plan, including the revenue streams supporting the Program and how funds will be collected, directed, and disbursed. These revenues will support the acquisition of water as well as science, monitoring, and habitat projects. The Funding Plan also contemplates a financial management entity that will collect funding, track revenues and expenditures, generate reports, and adopt contracting principles while maintaining clear financial records. Finally, the Funding Plan includes detail on funding committed and spent to date in support of the Program.

Draft Science Committee Charter: This document provides a description of the Healthy Rivers and Landscapes Science Committee, its responsibilities, representation, participation principles, procedures and the process to adopt and update the Science Committee Charter. Appendices further outline the Science Committee’s oversight and development of Science Plans (Appendix A), and commitments to the use of Best Available Science (Appendix B), peer review (Appendix C), and data management (Appendix D).

These new draft materials are provided for review by State Water Board members, State Water Board staff and the public. The materials will be updated to consider any feedback received.

Overview of Updates

Draft Strategic Plan (Dated September 6, 2024): Compared to the previous version of the Draft Strategic Plan submitted to the State Water Board in September 2023, the following updates were made in this version:

- Section 1.1 (Background) and throughout – added sentence to describe name change from Voluntary Agreements to Agreements to Support Healthy Rivers and Landscapes and then made this name change throughout the Strategic Plan and appendices.
- Section 2.1.1 – Table 1 - Yuba Flow Measure quantity changed from 60 to 50 TAF – 60 TAF was incorrect and this change makes the table consistent with Draft Staff Report and Scientific Basis Report assumptions.
- Section 2.1.2 – Added sentence that State Water Board approval is needed for deployment of Flow Measures outside of the Flexibility Bracket. This makes explicit

something that was implicit because the SWB approves the Strategic Plan and signs Enforcement Agreements.

- Section 2.1.2 – Change in default plan and flexibility bracket for Feather River. Change in flexibility bracket in June for the SWP/CVP Exports. These changes are to align the Flow Measures with the ITP.
- Section 2.1.2 – Tables 2 to 5 – Updated summary rows given change in Yuba and Feather River described above.
- Section 2.1.3 – Table 6 – Update to the SWGC decision making process for State Water Purchases.
- Section 2.1.4 – Flow accounting edits to reflect Appendix E development and to improve communication of reference flows.
- Sections 2.2 to 2.12 – Added short descriptions of each Flow Measure before the Default Plan and Flexibility sub-sections to provide more context to the rest of the content in the sections. Some water sources had requested these additional intros and so Compass made intros for all water sources for consistency.
- Section 2.2 – Additional information on Friant Flow Measures, in response to questions in summer meetings with SWB staff.
- Section 2.3 – Updated the Default Plan for the Sacramento Flow Measures and the description of agencies that need to approve a shift in timing for Sacramento Flow Measures.
- Section 2.7 – Better explanation of the two parts to Mokelumne Flow Measures.
- Section 3.1.3 – Clarifications to Non-flow Measure accounting terminology, updates to Hypothesis numbering to correspond with Science Plan updates.
- Section 3.1.4 – Moved more technical content in Section 3.1.4 (Non-flow Measure Accounting) to Appendix F so that all technical procedures are consolidated (and better organized) in this appendix.
- Section 3.1.4 – Removed the sentence that reads: “For accounting purposes...”.
- Section 3.7.3 – Update on Mokelumne habitat implementation status.
- Added Section 4 on Annual and Triennial Reports.

Appendix B – Draft Governance Program

- Addition of tribal engagement as a responsibility of Tributary/Delta Governance Entities.
- Addition of a Systemwide Governance Committee Charter (described above).

Appendix C – Draft Science Plan: Compared to the September 2023 version of the Science Plan, the following additions have been made:

- Section 1.2 – Addition of a framework for articulating Program Objectives, Metrics, and Targets, including details on the Science Committee’s commitment to develop targets.

- Sections 1.1 and 2.1 – Addition of clarity on the role of and process for system- and project-specific Science Plans.
- Section 1.3 – New “big question” to focus specifically on outcomes in the Delta for native fish (Big Question 3).
- Section 2.2 – Expansion of the Local Tier hypotheses related to the Non-flow Measure habitat assessments described in the Strategic Plan.
- Section 2.3 – Addition of new hypotheses related to tributary ecosystem health, Longfin smelt, and native fish spawning success in the Yolo Bypass.
- Sections 3.2 and 3.3 – Addition of programmatic minimum and “gold” standards for tributary monitoring for juvenile production and adult population estimates, to facilitate comparable estimates and inform system-wide analyses, as well as updates to the current status of participating tributaries monitoring methods.

Appendix D – Early Implementation Project List: Each of the implementing entities have updated their respective projects to more accurately reflect acreage estimates, the status of Early Implementation projects, and to remove projects that no longer meet the Early Implementation timeline. Acreage designations were modified for clarity, with “N/A” designations used for habitat types that do not apply (previously “^”).

Appendix E – Draft Flow Accounting Procedures: Early working drafts of flow accounting procedures were provided in advance of the April 2024 State Water Board workshop. Following the workshop, representatives from all water sources met with State Water Board staff to receive comments and questions. In response to feedback received, an updated package of flow accounting procedures is provided in this package. The main topics for feedback were the definition of reference flows and the quantification of additional water from the reference flows.

Appendix F – Non-flow Measure Accounting Procedures: Accounting procedures for Non-flow Measure projects were provided in advance of the April 2024 State Water Board workshop. Changes to Appendix F since then have consisted of consolidating and better organizing technical details on methodologies from the Strategic Plan into this appendix.

**Strategic Plan and the Term Sheet
to the 2022 Memorandum of Understanding**

The Term Sheet to the 2022 Memorandum of Understanding provided the framework for the development of the Strategic Plan and appendices. The Strategic Plan is consistent with the Term Sheet except for the following instances that have required updates:

- **Yuba Flow Measure Volume:** The Yuba flow contribution was identified as 60 TAF in Dry, Below Normal and Above Normal years in the March 2022 Term Sheet. The Strategic Plan identifies the Yuba flow contribution as 50 TAF in these same water year types. The 50 TAF value is consistent with the assumptions used for the Draft Staff

Report and Scientific Basis Report Supplement. The State continues to work with water districts that would provide an additional 10 TAF towards Delta Outflow.

- **Sacramento Flow Measure Volume:** In the March 2022 Term Sheet, 2 TAF was identified in Dry and Critical water years for the Sacramento flow contribution that was in addition to the 100 TAF flow contribution in Dry, Below Normal, and Above Normal water year types. The 2 TAF was subject to ongoing discussions. These discussions have been concluded and the 2 TAF is not available because there has been no agreement with the water districts on Deer and Mill Creeks. Table 1 in the Strategic Plan has been updated accordingly.
- **Sacramento Flow Measure Timing & Approval Process:** In the March 2022 Term Sheet, Footnote 7 to Table 1a states *“VA parties agree that the Sacramento River flow contribution of 100 TAF will be provided during the January through June period, except when it is recommended through the VA governance process that shifting the timing of a portion of this contribution would be in the best interest of the fishery. Recommendations by the VA governance group require approval from the following agencies: National Marine Fisheries Service, California Department of Fish and Wildlife, and the State Water Board.”* The Strategic Plan updates the proposed approval process for shifting the timing of the Sacramento Flow Measure in Section 2.3.1 to: *“Responsible Parties agree that the Sacramento River flow contribution of 100 TAF will be provided during the January through June period, except when it is recommended through the Healthy Rivers and Landscapes governance process that shifting the timing of a portion of this contribution would be in the best interest of the fishery. Recommendations by the governance group require approval from the State Water Board if they fall outside of Table 9 and also require approval from the National Marine Fisheries Service or California Department of Fish and Wildlife.”*
- **American River Flow Measure:** The American River Water Providers will make the flow contributions of 10 TAF in a combined total of three Below Normal and Above Normal years, and a combined total of three Critical (30 TAF) and Dry (40 TAF) years. Depending on the resulting water year types over the eight-year term of the Healthy Rivers and Landscapes Program, there could be six call years (consistent with historical averages). Should additional Dry or Critical years occur during the eight-year term of the Healthy Rivers and Landscapes Program, the American River Water Providers will meet and confer with the California Department of Water Resources and Reclamation in good faith to consider whether and to what extent any flows in additional Dry or Critical years over the Healthy Rivers and Landscapes Program term could be made available.

Also note that Section 4.1 of the 2022 Term Sheet states: *“The VA flows described in Appendix 1 will be additive to the Delta outflows required by Revised Water Rights Decision 1641 (Revised D- 1641) and resulting from the 2019 Biological Opinions, although the 2019 Biological Opinions may be modified, including to resolve litigation concerning those opinions.”* After the Term Sheet was written, a Biological Assessment (BA) of the Proposed Action for the Long-term

Operation of the CVP/SWP was released on November 8, 2023. Consistent with the Term Sheet, which expected that a revision to the Biological Opinions may occur, a proposed process to address the expected new Biological Opinions is included in the Export Flow Accounting Procedure (Strategic Plan Appendix E – Flow Accounting Procedures). The Export Flow Measure is the only water source in the Healthy Rivers and Landscapes Program that may be affected by the updating of the Biological Opinions.

Next Steps

The Parties welcome any feedback on these materials from State Water Board members, State Water Board staff, and the public. The Parties will consider all feedback received and finalize Program materials on a schedule consistent with the State Water Board's taking final action in the Bay-Delta Plan update.