

Working Meetings on Draft Sacramento/Delta Updates to Bay-Delta Plan

Working Meeting #10: Voluntary
Agreement (VA) Flow
Commitments and Accounting



February 27, 2025

Attendees

Welcome to Today's Meeting

- Facilitator
 - Meagan Wylie, Zephyr Collaboration
- Presenter
 - Dr. Matt Holland, Division of Water Rights
- Additional Board staff from the Division of Water Rights and Office of Chief Counsel providing support
- One or two Board members may attend this and other meetings to observe but are not otherwise planning to participate or provide input

Reminders

Format

- 2-hour staff-led virtual meeting
- Staff will present key questions (provided in advance) and slides relevant to today's topic to guide discussion
- Focus only on the major provisions relevant to today's topic
- Participants must raise hand by using hand icon in Zoom or dialing *6 on phone if calling in and wait to speak until you are called upon

Participation Guidelines

- Use appropriate and respectful dialogue
- Stay on topic
- Share speaking time considerately
- Be as concise and specific as possible
- Be open to listening to and understanding different perspectives
- Review relevant sections of draft plan in advance
- Designate point person to speak on group's behalf, if possible
- Provide constructive input
- Avoid general comments

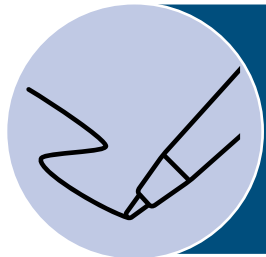
Purpose of Today's Meeting



Discuss VA flow commitments and accounting provisions in the October 2024 draft Bay-Delta Plan* updates



Hear constructive input on whether and what changes should be made to specific provisions and concepts, if any



Share input with Board to inform development of revised draft Bay-Delta Plan for additional public review and comment

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

Provisions to be Discussed Today

- VA flow commitments and schedule
- Avoiding redirected impacts from VA implementation
- General VA flow accounting provisions
- Specific VA accounting provisions to be included in Appendix B

A Note on Terminology

- VA Flow Base, Baseline Conditions, Reference Flow, Reference Operation
 - *These terms are taken to be equivalent for the purposes of flow accounting, but should not be confused with the CEQA baseline that serves as a basis for evaluating environmental impacts in the Draft Staff Report released in September 2023*
 - *The VA base for accounting purposes differs from the Staff Report Baseline, with the biggest difference in export restrictions*

Guiding Questions

- 1) What, if any, modifications should the Board consider to the process for determining and approving the schedule for VA flow commitments, within or outside the flexibility brackets (p. 79)?
- 2) What, if any, modifications should the Board consider to the provisions for avoiding redirected impacts from implementation of VA flows and for cold water habitat (pp. 79-80)?
- 3) What, if any, modifications should the Board consider to the description and requirements of VA flow commitments (pp. 81-90)?
- 4) What, if any, modifications should the Board consider to the VA flow accounting requirements (pp. 91-93)?
- 5) What concepts and provisions should the Board consider in developing the specific VA flow accounting procedures in Appendix B, including for specific VA flow commitments and purchases?

VA Flow Commitments

- In order to utilize the VA pathway, flows provided by the VA parties must be provided consistent with general and specific VA accounting procedures
 - General provisions identified in the draft Bay-Delta Plan
 - Specific provisions to be developed as part of Appendix B
- Purpose of VA flow accounting procedures to ensure VA commitments are:
 - Met consistent with water right priorities
 - Are provided in addition to flows needed to meet senior water right demands
 - Ensure VA flows are in addition to defined base flows, including flows required by D-1641, other regulatory requirements, and other non-regulatory flows that would be present absent VAs
 - Additional to flows resulting from flows provided by non-VA water right holders pursuant to the Bay-Delta Plan, including the Lower San Joaquin River flow requirements and other instream flow dedications, including Water Code section 1707 instream flow dedications to the extent applicable

VA Flow Commitments cont.

- All VA flows must be additive Delta outflow above defined base Delta outflows as approved by the Board
 - Unless otherwise specified below, VA flows to be provided according to the Sacramento Valley Water Year Hydrologic Classification defined in Figure 2
- Water rights under which VA flow commitments are to be provided for instream flow and Delta outflow purposes must be identified at least 90 days in advance in order to confirm that water is available under the right without impacting other legal users of water
- VA flow commitments
 - must not be provided from a water right that is duplicative of another right still being used for consumptive purposes and the VA instream flow dedication
 - must not otherwise injure other legal users of water or unreasonably impact fish and wildlife
- Water Code section 1707 petitions are not required to protect this water from subsequent diversions

VA Flow Commitments cont.

- Implementation of VA flow commitments subject to a default schedule and flexibility brackets for each water source and water year type
- Default schedule defines the proportion of the annual VA flow commitments to be provided in each month on a default basis
- Each VA flow commitment may also be shaped for the benefit of native fish and wildlife within defined flexibility brackets
- VA parties to determine the proposed schedule for release of VA flow commitments on a tributary/water source basis each year in consultation with the Board to protect this water from subsequent diversions

VA Flow Commitments cont.

- Any proposal to release VA flows outside the flexibility brackets or outside January through June, regardless of flexibility brackets, is subject to approval by the Executive Director
- Any such proposal must include an analysis demonstrating that the release of VA flow outside the flexibility brackets or outside January through June is needed for the protection of fish and wildlife, and is consistent with the narrative native fish viability and salmon protection objectives, and the supporting information must provide the biological rationale for the proposed change

Avoiding Redirected Impacts

VA flows must be implemented in a manner consistent with water right priorities avoiding injury to other legal users of water and native aquatic species, including the following specific provisions:

- In order to protect VA flows from diversion by other water right holders and to ensure that implementation of VAs does not impact other legal users of water, VA water rights are subject to curtailment when water is not available at that priority of right
- VAs must be implemented in a manner consistent with SGMA and must not result in redirected impacts to fish and wildlife from groundwater substitution, including reductions in streamflow
- VAs are not authorized to be implemented in a manner that results in any redirected impacts to the Trinity River watershed
- VAs are required to be implemented in a manner to improve temperatures to the extent possible and avoid redirected impacts to water temperatures

Additive Flows Above the Base

- VA commitments identified in Table 9 are based on the 2022 VA MOU (excluding commitments without a committed VA signatory) that identified volumes of additive Delta outflows above Delta outflows required by D-1641 and resulting from the 2019 Biological Opinions

Additive Flows Above the Base: Table 9

LOCATION	ADDITIVE DELTA OUTFLOWS (TAF) BY WATER YEAR TYPE				
	C	D	BN	AN	W
Sacramento		100	100	100	
American	30	40	10	10	
Yuba		60	60	60	
Feather		60	60	60	
Putah	7	6	6	6	
Mokelumne		5	5	7	
Delta foregone exports		125	125	175	
Friant (by San Joaquin Water Year Type)		50	50	50	
PWA Water Purchases	3	113.5	144.5	182.5	27
Permanent State Water Purchases	65	108	9	52	123

Flow Accounting

- VA flow commitments to be provided consistent with accounting to be included in Appendix B (currently being developed), as approved by Board, including conditions to ensure full VA flows are met consistent with water right priorities
- VA flow commitments must be in addition to flows needed to meet senior water right demands and in addition to approved base flows defined in Appendix B, including both required base flows and other base flows that may not be required (compliance buffers, flood flows, uncontrolled flows, hydropower generation flows, and other flows that would have been present absent VAs)

Flow Accounting, cont.

- VA flow accounting must demonstrate all VA flows are overall or seasonally new additive water over base flow by demonstrating that the water came from:
 1. a new source of water (e.g., groundwater substitution);
 2. a reduction in consumptive water use of water relative to base conditions (e.g., land fallowing, an overall reduction in exports that would have occurred relative to base conditions); or
 3. a reoperation of a reservoir that increases net releases from January through June in all years except wet water year types

Flow Accounting – General Requirements

- i. Transparent reporting of base conditions and additive VA flows posted on a common user-friendly website for the VAs on at least a weekly basis with monthly running summaries culminating in annual reports;
- ii. Documentation of the assumptions and rationale used to define base operations as compared to operations with VAs;
- iii. Documentation that VAs do not and have not affected base operations, including on a seasonal basis and from year to year;
- iv. Demonstration that water use has not expanded to reduce base flows in a manner inconsistent with the provision to protect the VA flow base described above in section 4.4.10.1;

Flow Accounting – General Requirements, cont.

- v. Verification that implementation of the VAs has not resulted in another VA party or water user reducing the amount of flow they bypass or release from storage, including to meet other regulatory obligations, due to the provision of VA flow commitments;
- vi. Demonstration that flows provided by non-VA parties that are subject to regulatory provisions of the Bay-Delta Plan (including Lower San Joaquin River flow requirements) are additive to VA flows;
- vii. Documentation of the specific methods used to determine export limits in order to bypass other VA flows, VA flows provided by export reductions, other regulatory flows provided to meet Bay-Delta Plan requirements and other instream flow dedications; and
- viii. Documentation of all other methods needed to account for the addition of VA flows to approved base conditions on a near real-time basis and annually

Flow Accounting – Groundwater Substitution Requirements

- i. Measurement and reporting of the amount of increased groundwater pumping conducted to provide VA flows;
- ii. Identification of the location and characteristics of the groundwater wells used;
- iii. Historical groundwater pumping records for identified wells used for that pumping;
- iv. Development of a monitoring plan to assess the effects of groundwater pumping; and
- v. Verification methods to ensure that any water made available through groundwater substitution is producing additive flows without redirected impacts to stream flows and consistent with SGMA

Flow Accounting – Land Fallowing Requirements

- i. Identification of the specific fallowed parcels by March 1 of each year;
- ii. Verification of the baseline cropland planting conditions absent VA actions;
- iii. Documented calculations of the volume of water provided by fallowing over approved base conditions using assumptions approved by the Executive Director; and
- iv. Crop maps and monitoring methods used to conduct field monitoring activities to confirm fallowing

Flow Accounting – Reservoir Reoperation Requirements

- i. Verification that net additive flows are provided during January through June above approved base conditions; and
- ii. Reservoir refill provisions that avoid reductions in flows during the January through June time period in all years except wet water year types

Development of Flow Accounting in Appendix B

- Work underway to develop specific draft accounting procedures by tributary and water source for further public review and comment
- Based on initial accounting received from VA parties
- Refinements to address needs for clarity, consistency, transparency, reproducibility, and enforceability

Guiding Questions

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Next Meeting

Jan. 28	<i>Inflow Objective and Program of Implementation</i>	Feb. 13	<i>Provisions for Continuation, Modification, or Termination of VAs*</i>
Jan. 29	<i>Cold Water Habitat Objective and Program of Implementation</i>	Feb. 19	<i>VA* Habitat Commitments and Accounting Provisions</i>
Jan. 30	<i>Inflow-Based Delta Outflow Objective and Program of Implementation</i>	Feb. 20	<i>Monitoring and Evaluation for VA* Provisions</i>
Feb. 4	<i>Methodology to Determine Water Unavailability and Implement Bay-Delta Plan</i>	Feb. 27	<i>VA* Flow Commitments and Accounting</i>
Feb. 5	<i>Monitoring and Evaluation for Regulatory Provisions</i>	Mar. 4	Tribal Provisions



Register via links provided in January 3 letter:

www.waterboards.ca.gov/bay_delta/docs/2025/ltr-baydeltaplan-workmtgs.pdf

**Voluntary Agreements, also referred to as the Healthy Rivers and Landscapes Proposal*

Resources and Contact Information

- Sacramento/Delta Update to Bay-Delta Plan: waterboards.ca.gov/bay_delta/comp_review.html
- Proposed VAs: waterboards.ca.gov/bay_delta/proposed_voluntary_agreements.html
- Bay-Delta Watershed: waterboards.ca.gov/bay_delta/
- Email: SacDeltaComments@waterboards.ca.gov



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