

Public Hearing: Sacramento/Delta Update to the Bay-Delta Water Quality Control Plan (Bay-Delta Plan)

November 17, 2023



State Water Resources Control Board

Presentation Overview

- State Water Resources Control Board (State Water Board or Board) introduction
- Bay-Delta Water Quality Control Plan (Bay-Delta Plan)
 - Sacramento River and Delta (Sacramento/Delta) updates to the Bay-Delta Plan
- Draft Staff Report in support of Sacramento/Delta updates to the Bay-Delta Plan
- Next steps and opportunities to participate

State Water Board

- Mission – To preserve, enhance, and restore the quality of California's water resources and drinking water for the protection of the environment, public health, and all beneficial uses, and to ensure proper water resource allocation and efficient use, for the benefit of present and future generations
- Responsible for allocating surface water rights and protecting water quality, while protecting the public trust and public interest and preventing the waste and unreasonable use of water
- Responsibilities converge in the Bay-Delta

Bay-Delta Plan

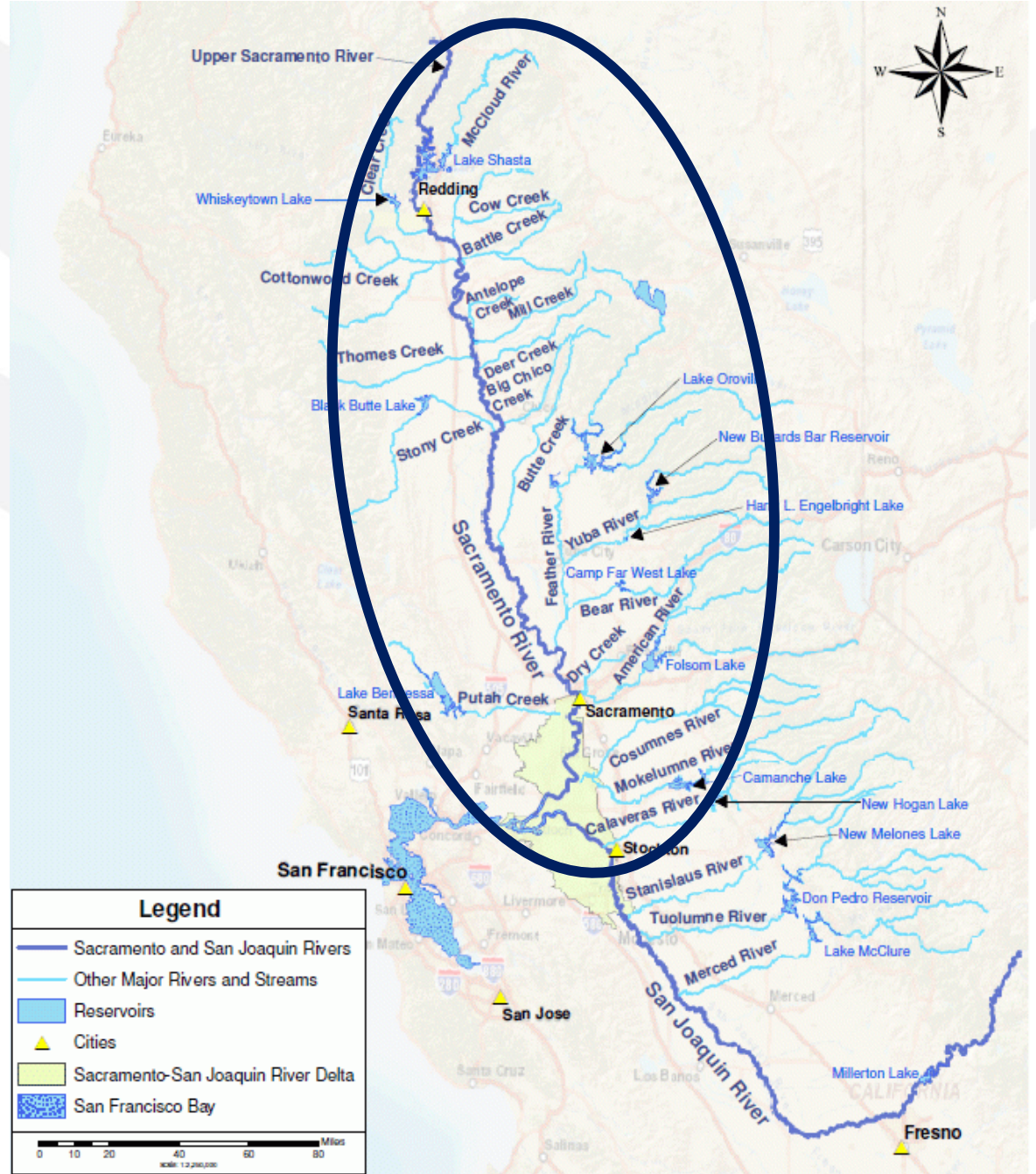
- Identifies beneficial uses of water, water quality objectives to protect those uses, a program of implementation to achieve the objectives, and monitoring and special studies
 - Beneficial uses: municipal and industrial, agricultural, fish and wildlife
 - Water quality objectives: narrative and numeric (primarily flow-dependent)
 - Program of implementation: flow and nonflow actions
 - Monitoring and evaluation to assess compliance and effectiveness of implementation actions

Bay-Delta Plan Relationship to Regional Water Board Basin Plans

- Bay-Delta Plan overlays two Basin Plans:
 - Water Quality Control Plan for the Sacramento and San Joaquin River Basins developed by the Central Valley Regional Water Quality Control Board (Regional Water Board)
 - Water Quality Control Plan for the San Francisco Bay Region developed by the San Francisco Bay Regional Water Board
- Regional Water Boards focus on National Pollutant Discharge Elimination System (NPDES) and Waste Discharge Requirements (WDR)
- All three plans are intended to be complimentary to one another and require periodic/triennial review

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

Sacramento/Delta Update to the Bay-Delta Plan



Purpose of Updates to the Bay-Delta Plan

- Native species have undergone substantial population declines
- Aquatic ecosystem stressors:
 - Flow alteration
 - Habitat loss
 - Water quality
- Bay-Delta Plan updates are intended to establish flow and related measures to protect native species
- Those measures are then implemented through subsequent water right/water quality actions



Sacramento/Delta Update Background

- 2012: Supplemental Notice of Preparation for Sacramento/Delta update to the Bay-Delta Plan
- 2012–2016: Workshops and public meetings to inform Sacramento/Delta updates to the Bay-Delta Plan and draft Scientific Basis Report development
- 2017: Peer-reviewed Scientific Basis Report Completed
 - Evaluates Sacramento and Delta eastside tributary (Mokelumne, Cosumnes, and Calaveras Rivers) inflows and cold water habitat, Delta outflows, and interior Delta flows
- 2018: Framework for possible Sacramento/Delta updates to the Bay-Delta Plan

Proposed Plan Amendments

- Possible Sacramento/Delta changes to the Bay-Delta Plan identified in 2018 Framework referred to as “proposed Plan amendments”
 - Year-round inflows of 55% of unimpaired inflows with an adaptive range from 45–65% that would apply to Sacramento River and Delta salmon bearing tributaries (Mokelumne, Cosumnes, Calaveras)
 - Narrative cold water habitat objective and implementation measures
 - Year-round inflow-based Delta outflows that would provide for required inflows and outflows
 - Interior Delta flows to avoid export related impacts
 - Science, monitoring, evaluation, reporting and other provisions
- Board has not decided on changes to the Bay-Delta Plan, which will be informed by public comments and other information

Recent Sacramento/Delta Update Activities

- 2022: Proposed Voluntary Agreements (VAs)
 - Proposed by water users, the Secretaries of the CA Natural Resources Agency and Environmental Protection Agency, and U.S. Bureau of Reclamation
 - Propose flow and habitat restoration actions
 - Proposed strategic planning, governance, science, and adaptive management provisions
- 2023: Draft Scientific Basis Report Supplement for proposed Sacramento/Delta VAs
 - Documents science supporting Sacramento/Delta provisions of proposed VAs
 - Supplements 2017 Scientific Basis Report
 - Revised based on public input and included as appendix to draft Staff Report and submitted for independent scientific peer review
- September 2023: Draft Staff Report in support of Sacramento/Delta updates to the Bay-Delta Plan

Proposed VAs

- 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
- Draft Staff Report identifies proposed regulatory pathway consistent with the inflow, outflow, and cold water habitat provisions of 2018 Framework, assumes pathway applies to non-VA regions, and applies if VAs not continued after initial implementation

Draft Staff Report

- Evaluates potential benefits and environmental/economic impacts of possible alternatives for updating the Sacramento/Delta components of the Bay-Delta Plan
- Assesses a range of alternatives, including proposed Plan amendments, proposed VAs, and others
- Identifies proposed inclusion of tribal and subsistence fishing beneficial uses in the Plan
- Complies with California Environmental Quality Act (CEQA), Water Code, and other laws
- Public's opportunity to review and comment on analyses
- Public input will inform the State Water Board's planning process and eventual consideration of adoption of Sacramento/Delta updates

California Environmental Quality Act (CEQA)

- Staff Report fulfills the requirements of CEQA and the State Water Board's CEQA regulations, and other applicable requirements
- CEQA's basic purposes:
 - Inform governmental decision makers and the public about potential significant environmental effects of foreseeable compliance and response actions
 - Identify mitigation measures to avoid or reduce impacts
- Environmental analyses consider range of possible outcomes and conservative impact conclusions
- Potential environmental impacts should be viewed in light over the overall purpose and goals of the Sacramento/Delta update to the Bay-Delta Plan, which is a restoration action

Water Quality Planning Factors

- Certain factors must be evaluated when establishing water quality objectives:
 - Past, present, and probable future beneficial uses of water
 - Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto
 - Water quality conditions that could reasonably be achieved through the coordinated control of all factors that affect water quality in the area
 - Economic considerations
 - The need for developing housing within the region
 - The need to develop and use recycled water
- Climate change is a relevant factor that also merits consideration

Organization of Draft Staff Report

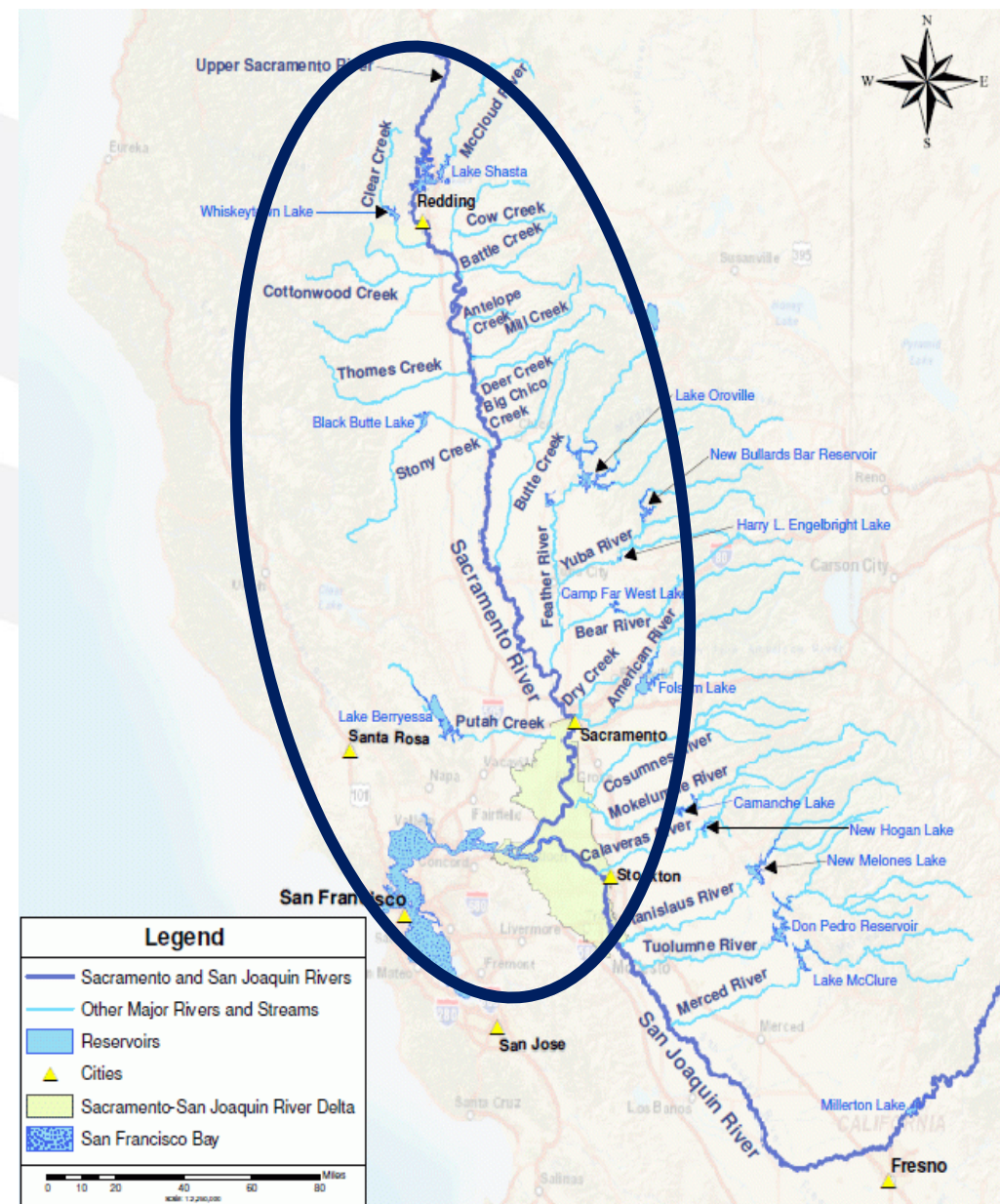
- Chapter 1: Executive Summary
- Chapter 2: Hydrology and Water Supply
- Chapter 3: Scientific Knowledge to Inform Fish and Wildlife Flow Recommendations
- Chapter 4: Other Aquatic Ecosystem Stressors
- Chapter 5: Proposed Changes to the Bay-Delta Plan for the Sacramento/Delta
- Chapter 6: Changes in Hydrology and Water Supply
- Chapter 7: Environmental Analysis
- Chapter 8: Economic Analysis and Other Considerations
- Chapter 9: Proposed Voluntary Agreements
- Chapter 10: Economically Disadvantaged Communities
- Chapter 11: Tribal Engagement
- Chapter 12: Public Participation
- Appendices (Modeling results, Scientific Basis Report, VA Scientific Basis Report Supplement, VA MOU and other draft VA components)

Draft Staff Report Alternatives

- See Section 7.2, *Alternatives Description*
- Stand-Alone Alternatives:
 - Proposed Plan Amendments (based on 2018 Framework)
 - Proposed VAs (based on VA MOU)
 - Low Flow Alternative – same as Proposed Plan Amendments but inflows of 35-45% of unimpaired flow
 - High Flow Alternative – same as Proposed Plan Amendments but inflows of 65-75% of unimpaired flow
 - No Project Alternative
- Modular Alternatives:
 - Interior Delta Flow and Fall Delta Outflow Variations
 - Drought Alternatives
 - Protection of VA Flows Alternative
- State Water Board has not yet made any decisions on how to move forward, and all alternatives are available for consideration

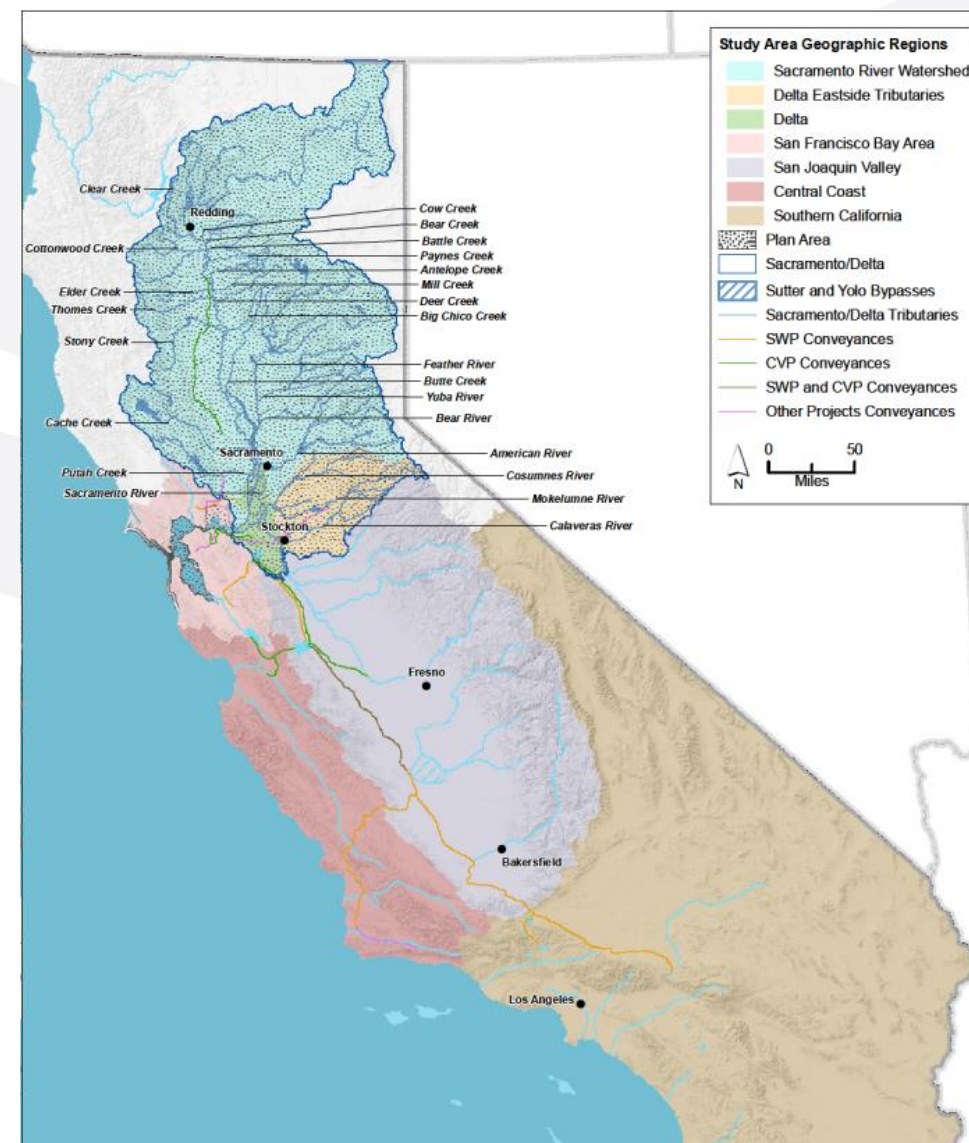
Staff Report Plan Area

- Includes Sacramento/Delta and continues west through Delta, downstream through Suisun Marsh and adjoining bays, out to Pacific Ocean
- Encompasses areas where Sacramento/Delta Plan amendments may apply and the ecosystem that the Plan is intended to protect



Staff Report Study Area

- Larger study area is also defined to ensure that environmental and economic impacts are evaluated in all areas where impacts may occur
- Divided into 7 regions based on geography and water supply
 - Sacramento River watershed, Delta eastside tributaries, Delta, San Francisco Bay, San Joaquin Valley, Central Coast, and Southern California



Environmental Impact Analyses

- Changes in hydrology
 - Magnitude and timing of tributary flows, Delta inflows, and Delta outflows; reservoir levels; interior Delta flows
- Changes in water supply
 - Sacramento/Delta supplies
 - Agricultural, municipal, and wildlife refuge supplies
 - Groundwater
 - Other water management actions
 - Groundwater storage and recovery, water transfers, water recycling, and water conservation measures
- Habitat restoration and other ecosystem projects
- New or modified facilities
- Impact summary tables: Tables 1-1, 1-2, 7.21-1, 7.22-2, Appendix F

Modeling Tools to Support Environmental Analysis

- Several modeling tools used:
 - Sacramento Water Allocation Model (SacWAM), Delta Simulation Model 2 (DSM2), Statewide Agricultural Production Model (SWAP), and others
- SacWAM
 - Hydrologic and system operations model
 - Used to assess potential changes in flows, reservoir levels, and water supply under the proposed Plan amendments and proposed VAs
 - SacWAM results are used as input to other models in the draft Staff Report
- Model results are used in a comparative manner to assess possible incremental effects of scenarios compared to a base scenario
- Model results are not intended to be used in a predictive manner
- Modeling workshop Nov. 2, 2023, video recording

Tribal Engagement and Feedback

- Tribal outreach and engagement activities, including listening sessions, meetings, and individual discussions
 - March and May 2023 Tribal Listening Sessions
 - June 2023 Tribal and Subsistence Fishing Beneficial Uses of Water (TBUs) Informational Item
- Draft Staff Report identifies proposed incorporation of TBUs into the Bay-Delta Plan
- Draft Staff Report documents traditional ecological knowledge (TEK)
- Letters offering formal consultation on Bay-Delta processes
 - Tribal representatives may contact Rob McCarthy at Robert.McCarthy@waterboards.ca.gov
- See Draft Staff Report Chapter 11, *Tribal Engagement*

Public Participation

- Several previous opportunities for interested parties to provide input on Sacramento/Delta updates
 - CEQA scoping meetings, informational workshops, informational items, workshops and comment periods on Scientific Basis Report and Scientific Basis Report Supplement, listening sessions, meetings
- State Water Board has received valuable input that has informed the Sacramento/Delta updates to the Bay-Delta Plan and will be further considered through the planning process
- See Draft Staff Report Chapter 12, *Public Participation*
- Public input through oral and written comments will inform the Sacramento/Delta update processes

Recent and Upcoming Participation Opportunities

- **Oct. 19, 2023:** Public Workshop – Draft Staff Report Overview
- **Nov. 2, 2023:** Public Workshop – Modeling
- **November 2023:** Tribal Meeting and Workshop (tribal representatives only)
- **Nov. 17, 2023:** Board Hearing Day 1 (9:30 a.m.)
- **Dec. 1, 2023:** Board Hearing Day 2 (9:30 a.m.)
- **Dec. 11, 2023:** Board Hearing Day 3 (beginning at 12:00 p.m. and extending past business hours)
- **January 19, 2024:** Written comments due (extended from Dec. 15, 2023)

Anticipated Timeline

- **Fall 2023:** VA Scientific Basis Report Supplement Report submitted for independent scientific peer review
- **Late 2023:** VA parties submit additional draft components of VA proposal (flow accounting, various agreements, governance charter) to the Board and for public review
- **Early to Mid 2024:** Release specific draft changes to Bay-Delta Plan, including program of implementation language, for public review and comment, and hold public meeting
- **Late 2024:** Develop responses to public comments on draft Staff Report and any needed changes to Staff Report and proposed changes to the Bay-Delta Plan for Board consideration
- **Late 2024:** Board meeting to consider adoption of Sacramento/Delta updates to Bay-Delta Plan and final Staff Report

Resources and Contact Information

For questions and to submit written comments:

SacDeltaComments@waterboards.ca.gov

Webpages:

Bay-Delta Watershed:
waterboards.ca.gov/bay_delta/

Sacramento/Delta Updates:
waterboards.ca.gov/bay_delta/comp_review.html

Draft Staff Report:
waterboards.ca.gov/bay_delta/staff_report.html

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