

Environmental Justice Listening Session State Water Board Efforts to Update and Implement the Bay-Delta Plan

June 7, 2023



State Water Resources Control Board

Presentation Overview

- Bay-Delta Water Quality Control Plan (Bay-Delta Plan) Overview
- Bay-Delta Plan Update and Implementation
- Opportunities for Public Participation
- Frequently Asked Questions

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, consideration of tribal beneficial uses
 - Water quality objectives: narrative and numeric (primarily flow-dependent)
 - Program of Implementation: flow and nonflow actions
- Requires periodic/triennial review
- Implemented through separate water right/other measures

San Francisco Bay-Delta Watershed

Bay-Delta Plan Updates



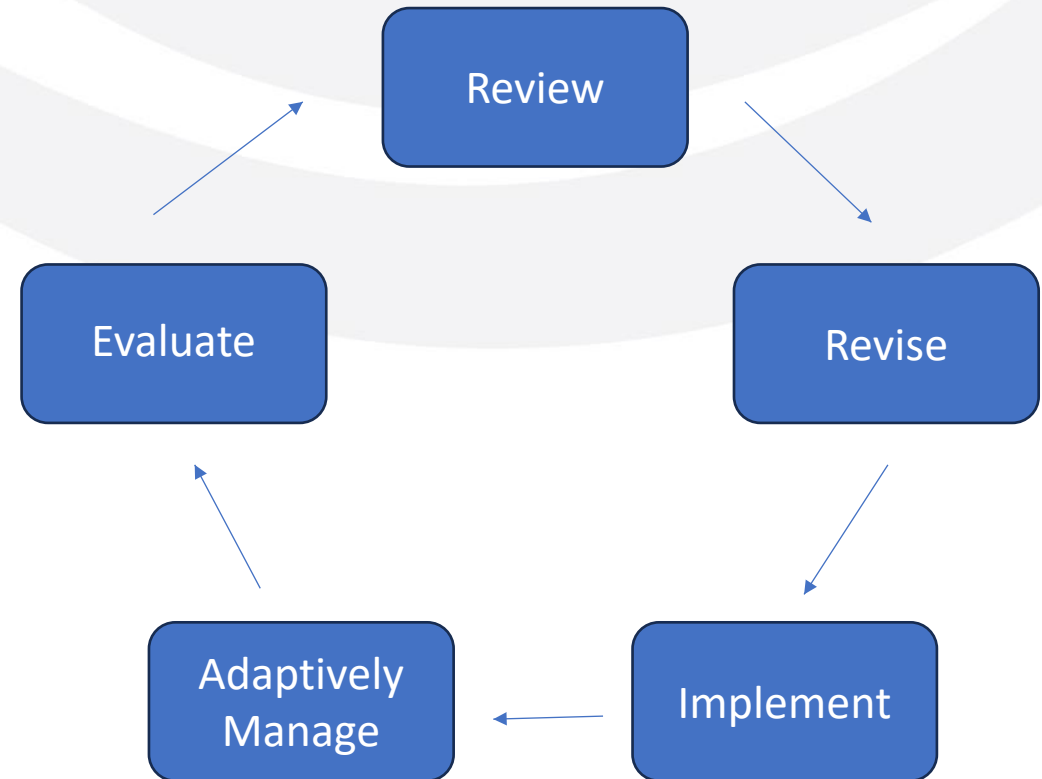
Needs for Bay-Delta Plan/Implementation Updates

- 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/other measures to protect native species, those measures are then implemented through subsequent water right/water quality actions



Planning and Implementation Process

1. Review: regularly review Bay-Delta Plan to determine if changes should be considered
2. Revise: develop updates to the Bay-Delta Plan
3. Implement: with water right/water quality actions
4. Adaptively Manage: based on ongoing monitoring and assessment
5. Evaluate: if changes to Bay-Delta Plan or implementation are needed

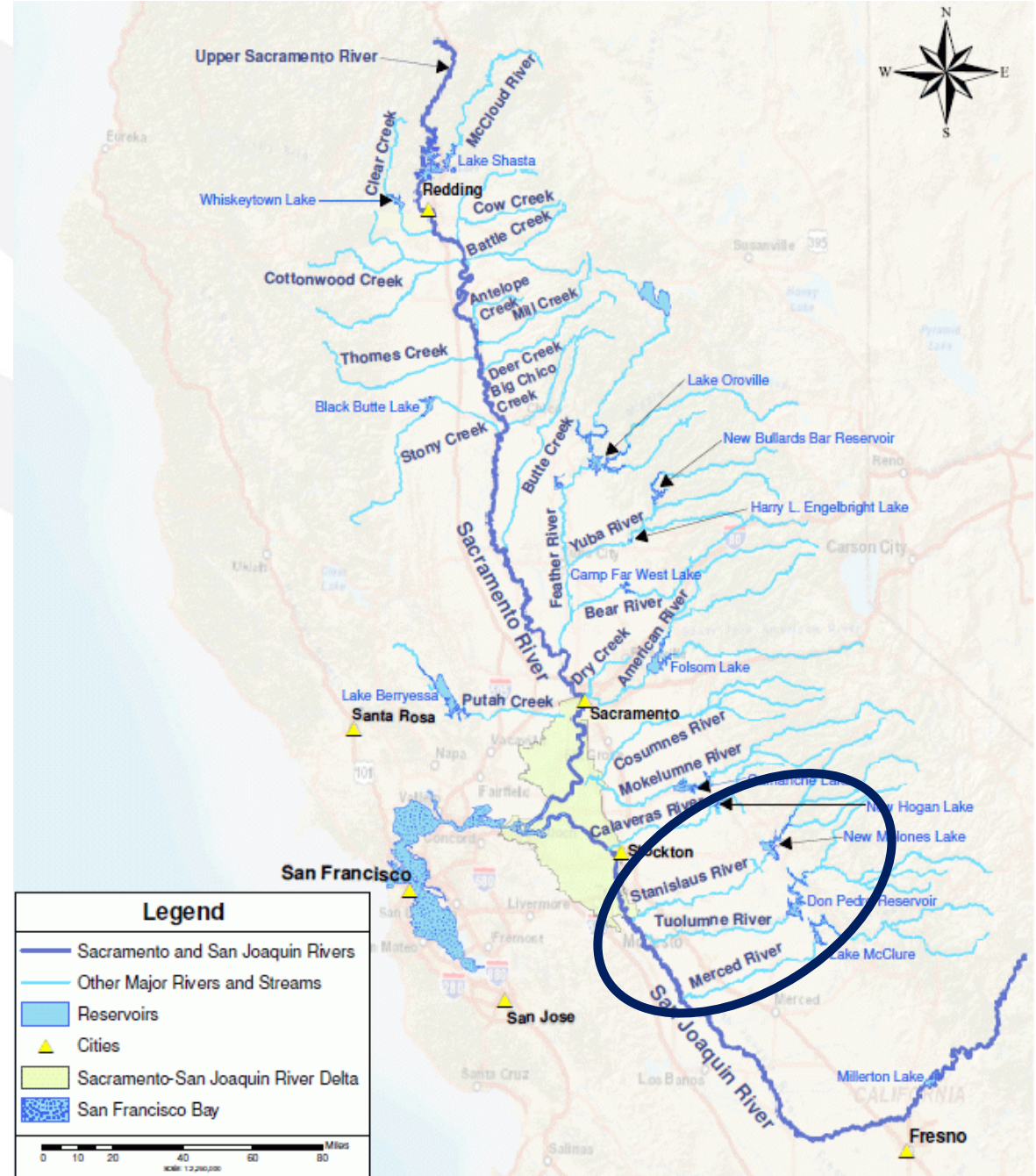


Bay-Delta Planning and Implementation Efforts

- Implementation of **Lower San Joaquin River Flows**
 - (Step 3 - Implement)
- Consideration of **Tuolumne River Voluntary Agreement (VA)**
 - (Step 2 – Potential Revision)
- **Sacramento/Delta and Tributaries (Sac/Delta) Updates** to the Bay-Delta Plan, including consideration of Sac/Delta Voluntary Agreements
 - (Step 2 – Plan)

San Francisco Bay-Delta Watershed

Lower San Joaquin River
Flow/Southern Delta Salinity
Updates to the Bay-Delta Plan

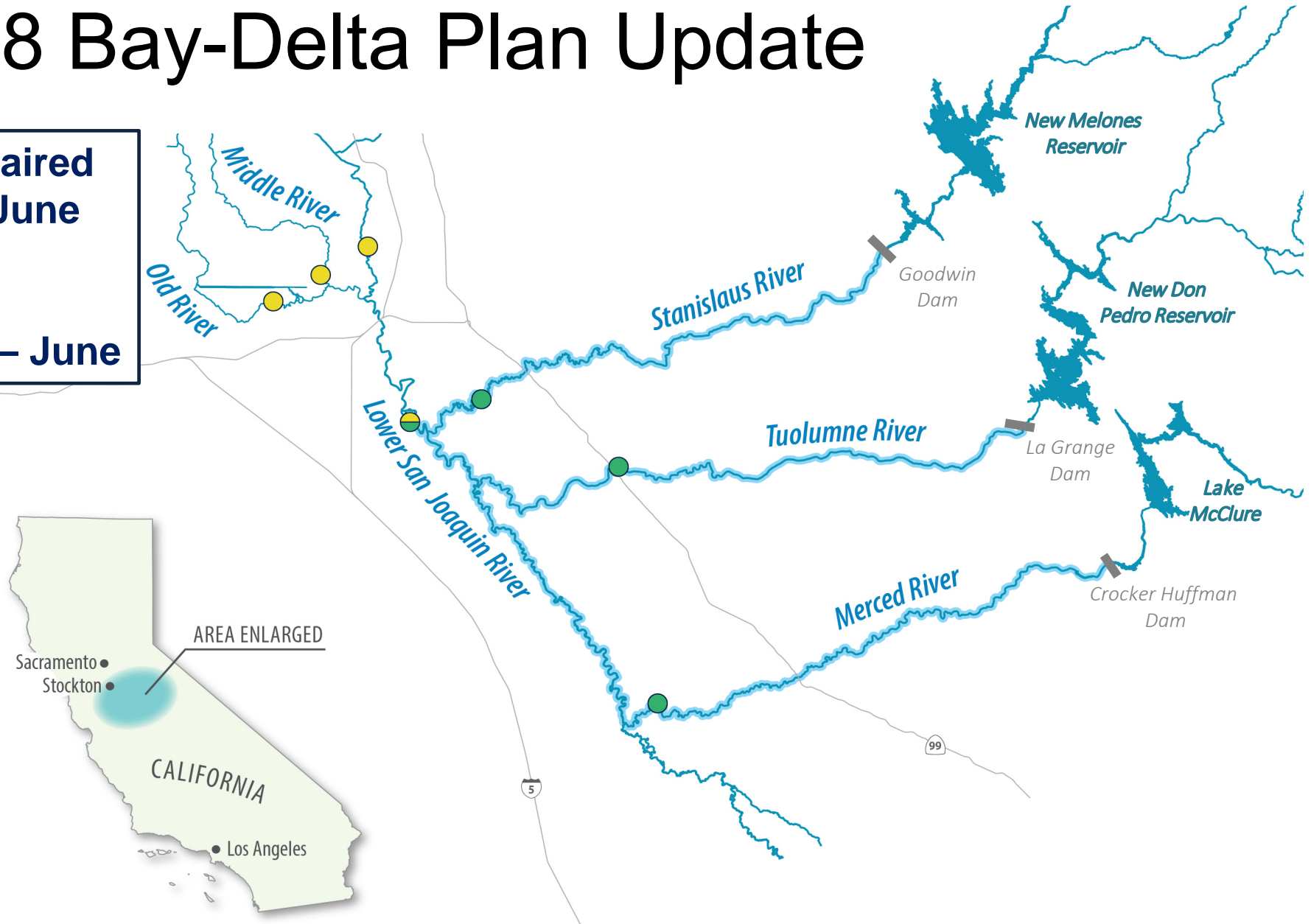


2018 Bay-Delta Plan Update

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

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

**Salinity: 1.0 dS/meter
Electrical Conductivity
Year-round**



Early Implementation Actions for Lower San Joaquin River Flows

- Stanislaus, Tuolumne, and Merced Working Group: Advisory group with expertise to help inform implementation, including the below
- Biological Goals: Goals to inform the effectiveness of the Lower San Joaquin River flows and related actions and inform adaptive management and future changes to the Bay-Delta Plan
 - Consideration of Board adoption Summer 2023

Implementation of Lower San Joaquin River Flows

- Planning to implement Lower San Joaquin River flows through a regulation requiring water right holders to bypass water to meet minimum flow levels
 - Regulation would require 40% (with an adaptive range from 30-50%) of the flow of each Lower San Joaquin River tributary (Merced, Tuolumne, and Stanislaus) to remain in the river for fish and wildlife and other measures to protect cold water for salmon and steelhead
- Notice of Preparation for an Environmental Impact Report was issued last summer
- Draft Environmental Impact Report and draft regulations planned for release this winter

Opportunities for Public Participation

- Summer/Fall 2023: Board meeting to consider final Biological Goals for Lower San Joaquin River flows
- Early 2024: Draft regulation and Draft Environmental Impact Report in support of a regulation for implementation of Lower San Joaquin River flows

Consideration of Tuolumne River Voluntary Agreement

- A proposed Voluntary Agreement for the Tuolumne River is being considered that includes flow and habitat restoration measures
 - Voluntary Agreement would require revisions to Bay-Delta Plan if approved because it does not fully conform to Lower San Joaquin River flow objectives adopted in 2018 (low end range of 30% of unimpaired flow)
- Opportunities for public participation:
 - Notice of Preparation was issued in April
 - Public scoping meeting held May 18
 - Fall 2023: Draft Scientific Basis Report for Tuolumne River Voluntary Agreement

Sac/Delta Updates to the Bay-Delta Plan

- Draft Staff Report/Substitute Environmental Document planned for release this summer identifying possible alternatives, including proposal based upon 2018 Framework:
 - Sacramento River & Delta Eastside tributaries (Cosumnes, Mokelumne, and Calaveras) tributary inflows: 55% of unimpaired flows
 - Sacramento River & Delta Eastside tributary cold-water habitat
 - Tributary inflows protected as Delta outflow
 - Interior Delta flow requirements for Delta exports

Voluntary Agreement Proposal

- Voluntary Agreement Proposal: 8 - year voluntary water contributions and habitat measures from:
 - Sacramento River
 - Feather River
 - American River
 - Yuba River
 - Mokelumne River
 - Tuolumne River
 - Putah Creek
 - Friant Dam
 - State/Federal Water Project Contractor export reductions
- Includes Regulatory Backstop

Opportunities for Public Participation

- Summer 2023: Draft Sacramento/Delta Update Staff Report public review and comment
- Summer/Fall 2023: Public hearings on Draft Staff Report/ Substitute Environmental Document evaluating 2018 Framework Proposal and Voluntary Agreements proposal and other alternatives

Frequently Asked Questions from March 27, 2023, Public Listening Session

- Incorporation of environmental justice considerations
- Protection of fish and wildlife beneficial uses
- Harmful algal blooms
- Tribal beneficial uses and traditional ecological knowledge

How is the Board considering environmental justice in updates to the Bay-Delta Plan?

- Received comments at listening sessions from representatives of economically disadvantaged communities, black and indigenous people of color, and environmental justice organizations
- Working to address concerns regarding impacts to subsistence fishing, declines in native fish populations, and the presence of harmful algal blooms
- Bay-Delta Plan updates and implementation intended to provide for reasonable protection of fish and wildlife beneficial uses

What is the Board doing to address Harmful Algal Blooms (HABs) in the Delta?

- Investigating ways to reduce negative effects of HABs through Bay-Delta Plan updates and implementation
- Investing in new monitoring strategies to improve understanding of environmental conditions that contribute to HABs formation
- Collaborating with Central Valley Regional Water Quality Control Board and other state and federal agencies on monitoring and mitigation measures
- Evaluating how potential alternatives for updating and implementing the Bay-Delta Plan may contribute to HABs

How is the Board incorporating tribal input and perspectives in updates to the Bay-Delta Plan?

- Engaging with California Native American tribes through listening sessions and formal consultation
- Considering inclusion of tribal beneficial uses in Bay-Delta Plan
 - Subject of Board Informational Item earlier today
- Working to incorporate traditional ecological knowledge into Bay-Delta planning and implementation processes through literature review and possible contracting with tribes
- Encourage tribes to join Stanislaus, Tuolumne, and Merced Working Group to provide input on implementation of Lower San Joaquin River flows

How can I stay informed?

Bay-Delta Watershed Efforts:


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

Bay-Delta Notices Email Subscription List:

https://www.waterboards.ca.gov/resources/email_subscriptions/

Contact State Water Board Staff:

Bay-Delta@waterboards.ca.gov

 **Subscribe to our Email Lists**

To receive updates on the Bay Delta Notices, subscribe to the Water Rights – Bay Delta Notices email list.

Email Address: *(required)*

Your Full Name: *(required)*

(e.g. John Smith)

Check your email account for a confirmation email to complete your subscription.

Breakout Discussions

- How to participate on Zoom during the breakout session or public forum:
 - Rename yourself to include your name and organization/affiliation
 - Use the "Raise Hand" feature to indicate your wish to speak
 - Turn on your video if possible
 - Stay muted when not speaking
- We have limited time today so please keep comments concise and relevant to environmental justice issues
- Please listen actively and respect the perspectives and ideas shared by others

Guiding Questions for Breakout Discussions

- What environmental justice issues should the Board consider when updating and implementing the Bay-Delta Plan?
- Are the issues specific to the (1) implementation of Lower San Joaquin River flows/southern Delta salinity; (2) consideration of the Tuolumne River voluntary agreement, and/or (3) consideration of the Sacramento/Delta updates, including related Sacramento/Delta voluntary agreements?