

# Workshop on Draft Sacramento/Delta Updates to the Bay-Delta Water Quality Control Plan

January 23, 2025



State Water Resources Control Board

# Presentation Overview



Workshop overview

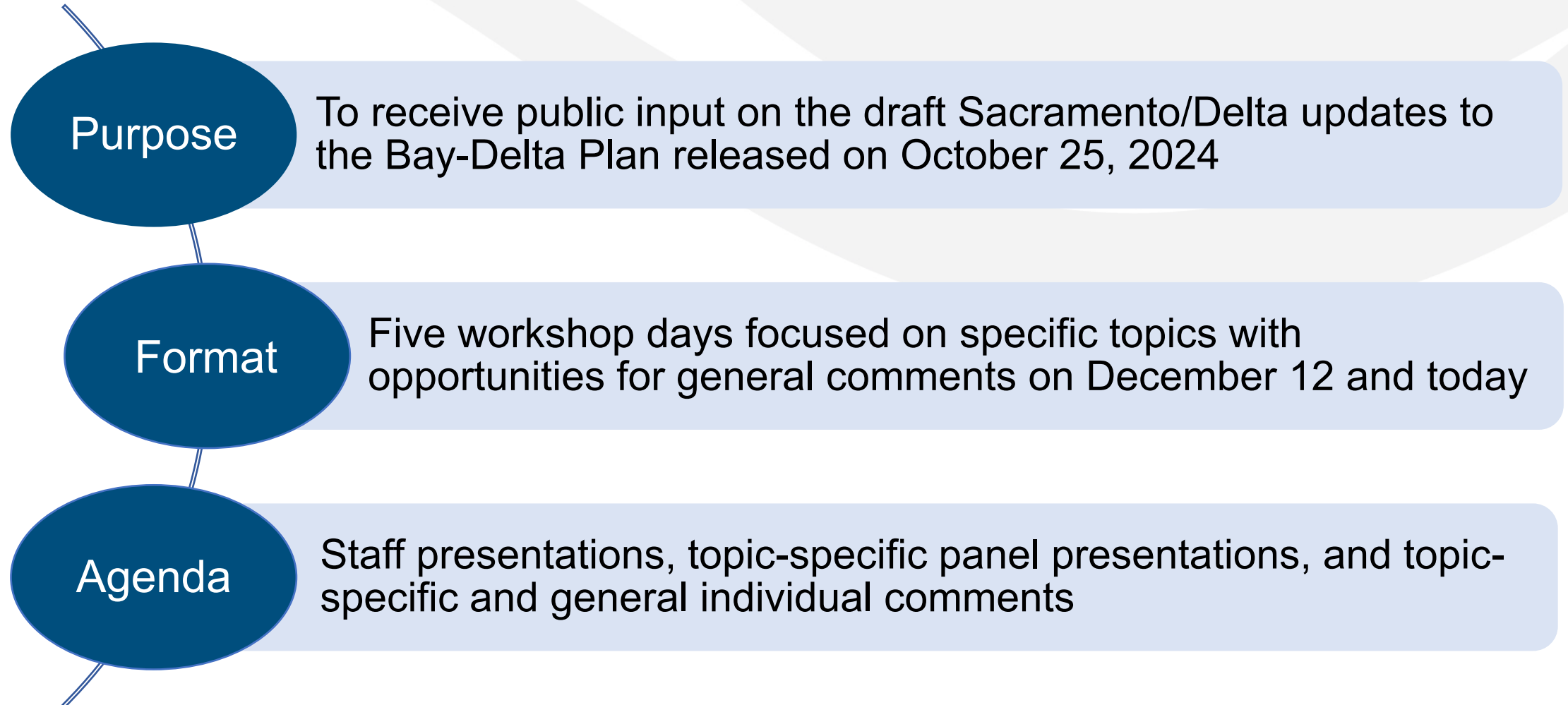


Overview of Potential Provisions to Protect Base Delta Outflows During Drought and Voluntary Agreement (VA) Flows and their Base From New Projects



Next steps and opportunities for public input

# Workshop Overview



# January 23 Agenda

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Board opening remarks and staff presentation

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Panel 1: Delta Tribal Environmental Coalition

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Panel 2: Department of Water Resources & State Water Contractors

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Panel 3: California Sportfishing Protection Alliance, Golden State Salmon Association, Friends of the River & Baykeeper

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Panel 4: Central Delta Water Agency

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Individual comments (topic-specific and general)

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# Purpose of Workshop

To receive public input on: 1) possible instream flow protection provision; and 2) possible options to protect VA flow base, including:

- Should the Board incorporate provisions based on either of the above concepts described in the draft Bay-Delta Plan into the plan?
- Are there other alternatives the Board should consider that would achieve similar purposes, including: 1) avoiding the need to modify minimum Delta outflows and other minimum water quality requirements during drought conditions; and 2) protecting the base VA flows are intended to be added to from new water supply projects that may result in increased diversions from the Bay-Delta watershed that diminish overall additive VA flows except during wetter conditions?

# A Note on Terminology

- "D-1641" refers to State Water Board Decision 1641
- "Project" or "Projects" refer to the Central Valley Project and State Water Project, collectively
- "Term 91" refers to standard water right term 91
- "TUCP" refers to temporary urgency change petition
- "Voluntary Agreements," "VAs," or "Healthy Rivers and Landscapes Proposal (HRL)" refer to the proposal submitted to the State Water Board in March 2022

# Possible Instream Flow Protection Provision

# Purpose of Possible Instream Flow Protection Provision

- During drought years since 1995 Bay-Delta Plan implementation there have been difficulties meeting flow-based water quality objectives in the Delta
- Project water rights are the only rights conditioned to achieve Bay-Delta Plan objectives pursuant to D-1641
- In many drought years, Projects have had difficulty meeting all Project obligations and have submitted TUCPs to modify the terms of their water rights to reduce Delta outflow and associated water quality protections



# Use of Term 91 Curtailments

- Term 91 curtailments included in small number of junior water rights (~115 of ~17,000 rights) in the Bay-Delta watershed with priority dates of 1965 or later
- Term was added to these rights to ensure that water is not diverted when the Projects are releasing previously stored water to meet flow and water quality requirements and other inbasin uses
- Term 91 is invoked when stored water is being released by the Projects to maintain Delta outflow/water quality requirements and other inbasin uses (referred to as Supplemental Project Water or SPW)
- Expansion of Term 91 would require complex data inputs
- Due to these data limitations other options were explored

# Instream Flow Protection Provision Overview

- Instream Flow Protection Provision would require water right holders to bypass flows in order of water right priority during critical water years and declared drought emergencies to meet minimum base Delta outflows
- The Projects would continue to be the first to bypass flows to meet base Delta outflow requirements and other existing requirements, but the Projects would need to release less previously stored water
- Similar in purpose to existing standard water right Term 91 but would have more limited applicability applying only to base Delta outflows and only applying during very dry conditions

# Possible Bypass Flow Provisions

- Proposal would only require bypassing flows to contribute to minimum Delta outflow requirements from Table 3 of the existing Bay-Delta Plan and D-1641
  - Year-round flows range from 3,000 cfs to 7,100 cfs depending on month and hydrologic conditions
  - Flows in the range of 3,000 cfs to up to 5,000 cfs or more generally provide for salinity control in the Delta and higher flows provide minimal levels of fisheries protection
- Proposal would only include critical water year types and declared drought periods when there have historically been issues meeting minimum water quality and flow requirements
- Does not include Table 4 requirements including flow requirements from 11,400 cfs – 29,200 cfs

# Possible Provisions to Protect VA Flows and VA Flow Base From New Projects

# Voluntary Agreement Flows

- VA flows are proposed to be required to be additive to Delta outflows required by D-1641 and resulting from the 2019/2024 Biological Opinions
- New water supply projects and expanded points of diversion could diminish the VA flows and the base to which the VAs are intended to be added
- Unintended reductions in the VA flows and base could result in fewer overall benefits
- The draft Bay-Delta Plan updates describe two possible options to protect the VA flows and the VA flow base

# VA Flow Commitments

Location or Source	Additive Delta Outflow (thousand acre-feet) 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 Forgone Exports		125	125	175	
Friant		50	50	50	
PWA Water Purchases	3	113.5	144.5	182.5	27
Permanent State Water Purchases	65	108	9	52	123

\* Modified to 50 TAF D/BN/AN in October 2024 Draft Strategic Plan

# Protection of VA Flow Base

## *Option 1:*

- Any water right application, or water right change petition approved by the State Water Board after January 1, 2025, involving new or expanded diversions of water would not be authorized to divert water in a manner that changes the magnitude or timing of inflows or outflow to the Bay-Delta watershed during the January through June time period unless the Net Delta Outflow Index is at least 42,800 cubic feet per second

# Protection of VA Flow Base

## *Option 2:*

- Any water right application or water right change petition approved by the State Water Board after January 1, 2025, involving new or expanded diversions of water would be subject to the tributary inflow, cold water habitat, and inflow-based Delta outflow provisions in the same manner as non-VA water rights



# Major Next Steps



Receive public comments in writing and orally at multiday workshop and working group meetings



Develop a revised draft of proposed updates to Bay-Delta Plan based on public comments




Continue to review comments on draft Staff Report and develop final Staff Report



Board meeting to consider adoption of Sacramento/Delta updates to Bay-Delta Plan and final Staff Report

# Resources and Contact Information

- Sacramento/Delta Update to Bay-Delta Plan: [waterboards.ca.gov/bay\\_delta/comp\\_review.html](http://waterboards.ca.gov/bay_delta/comp_review.html)
- Proposed VAs: [waterboards.ca.gov/bay\\_delta/proposed\\_voluntary\\_agreements.html](http://waterboards.ca.gov/bay_delta/proposed_voluntary_agreements.html)
- Bay-Delta Watershed: [waterboards.ca.gov/bay\\_delta/](http://waterboards.ca.gov/bay_delta/)
- Email: [SacDeltaComments@waterboards.ca.gov](mailto:SacDeltaComments@waterboards.ca.gov)

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