

The following changes (shown by strikethrough and underline) are proposed to be made to the June 2008 Draft Strategic Workplan, under the indicated sections:

1. Page 24 in Background Section:

Contra Costa Water District

The Contra Costa Water District (CCWD) operates ~~the third largest water supply project in the Delta~~ **is the largest local in-Delta municipal diverter, serving approximately 500,000 550,000 people in central and eastern Contra Costa County.** CCWD currently diverts water from the Delta at two locations, the Rock Slough Intake and the Old River Intake Pumping Station. ~~WD's water is diverted under a combination of its own water rights and a contract with the CVP. The maximum combined rate of diversion from both the Rock Slough Intake and the Old River Intake and Pumping Station is 350 cfs. CCWD's diversions from the Rock Slough Intake are unscreened. CCWD's diversions from the Old River Intake and Pumping Facility are screened and represent~~ **diverts water as a Central Valley Project contractor and also under its own water rights, with about two-thirds of its water supply diverted at the screened Old River Intake and most of the remaining supply diverted at the Rock Slough Intake. In some years, a small amount of water is also diverted at the screened Mallard Slough Intake.** ~~CCWD's diversions from the Old River Intake and Pumping Facility are screened and represent the~~ **Old River Intake fish screen is the most protective screening facility at any current Delta intake. To further improve water quality for its customers, CCWD is building a fourth intake on Victoria Canal with a screen similar to the Old River screen.**

2. Page 40 in Workplan Elements Section, starting at line 5 of Background in Mercury Section of Total Maximum Daily Loads:

It is anticipated that the Delta Mercury TMDL will be considered by the Central Valley Regional Water Board ~~in the next several months~~ **by early 2009.**

3. Page 42 in Workplan Elements Section, starting at line 6 of Background in Drinking Water Policy for the Central Valley:

However, some constituents are not addressed, specifically pathogens, organic carbon, and bromide, **and nutrients.**

4. Page 43 in Workplan Elements Section, starting at line 6 of Background in Once-Through Cooling:

Over time, however, the Delta power plants have reduced their operations and currently only operate at the direction of the California Independent System Operator when additional power is needed to avoid power outages, primarily during the summer months ~~when fisheries concerns are reduced.~~

5. Page 85 in Workplan Elements Section, starting at line 2 of Background in Water Use Efficiency Element:

When recycled water is delivered to meet water demands in areas served by water exported from the Delta, **additional water is made available to meet other beneficial uses for water from the Delta** diversions from the Delta are reduced.

6. Page 89 in Workplan Elements Section, under Short-Term Water Conservation Activities of Water Use Efficiency Element:

January 2009-December 2012: Identify two areas or suppliers within the Delta watershed, or that receive water supplies from the Delta, one urban and one agricultural, with high water use **and where excessive agricultural water use is lost through evaporation or flows to a saline sink**, and conduct adjudicative proceedings to determine the reasonableness of such use and to prevent the waste, unreasonable use of water, unreasonable method of use, and unreasonable method of diversion of water. **For the agricultural area, identifying the quantity of evaporation (separate from transpiration) is an analytical focal point for the analysis.**

7. Page 90 in Workplan Elements Section, under Long-Term Water Recycling Activities of Water Use Efficiency Element:

July 2010–Ongoing: Adopt and implement a State policy for water quality control to require the development of Water Recycling Plans, through the NPDES/WDR renewal cycle, for wastewater treatment plants located in areas using imported water supplies and require these NPDES/WDR applicants to recycle ~~at least 25 percent of their wastewater by 2020~~ **a percentage of wastewater within a particular timeframe as may be required by the State Water Board in its water recycling policy.**

8. Page 92 in Workplan Elements Section, under Salinity Management Plan for the Central Valley (CV-SALTS) of Other Activities Element:

Future Activities: Central Valley Regional Water Board staff will continue to work with stakeholders to develop CV-SALTS. By June of 2010, the Central Valley Regional Water Board will ~~determine whether there is need to initiate a traditional Basin Planning approach to develop a salinity management plan as opposed to the stakeholder driven and funded approach currently sought~~ **review the project to evaluate its progress and if a sustainable stakeholder group-based effort has not been established, the Board may direct staff to initiate a traditional Basin Planning approach to develop a salinity management plan.**

Attachment A

The following changes (shown by strikethrough and underline) are proposed to the Background Section of the June 2008 Draft Strategic Workplan that discusses the Bay-Delta Conservation Plan, on page 31, starting at the first full paragraph:

DWR, NOAA Fisheries, USFWS, and USBR also have initiated the preparation of a joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). This environmental review process is being conducted separately from the BDCP planning process, including the hiring of a different consulting team to conduct the environmental analyses. DWR is the lead agency pursuant to CEQA and NOAA Fisheries, USFWS, and USBR are co-lead agencies pursuant to NEPA. The State Water Board, DFG, and other federal, state, and local agencies are responsible agencies. Work on the EIR/EIS is being directed by the lead agencies with detailed input from the responsible agencies. The environmental review conducted to meet the requirements of CEQA and NEPA for purposes of the lead and responsible agencies is likely to require different information and analyses than that being prepared through the BDCP planning process by the PREs through the technical workgroups. The plan prepared by the PREs will likely be one alternative analyzed in the EIR/EIS. However, other alternatives must also be analyzed to satisfy the requirements of CEQA and NEPA. Additionally, federal, state, and local entities may have their own statutory and regulatory requirements for the BDCP related activities. State Water Board staff have specifically requested DWR to evaluate, as part of its CEQA analyses, potential changes to water quality objectives included in the Bay-Delta Plan to protect fish and wildlife and other beneficial uses of water, which are discussed in detail later in this document. DWR has committed to include such analyses in the EIR/EIS being prepared for BDCP.

In March of 2008, DWR released a Notice of Preparation (NOP) pursuant to the California Environmental Quality Act (CEQA) and began CEQA scoping for the BDCP. During 2008, BDCP plans to focus on: developing biological goals and objectives; identifying existing ecological conditions; identifying habitat restoration and conservation actions; analyzing different water conveyance approaches; selecting appropriate methods for scientific analysis; addressing in-Delta water quality; creating an organizational structure for plan implementation; and developing an adaptive management and monitoring program. The basic overall conservation strategy for the BDCP is scheduled to be available by the end of 2008, with a draft of the full plan available by the middle of 2009. A draft ~~Environmental Impact Report/Environmental Impact Statement (EIR/EIS)~~ on the BDCP is scheduled to be released for public review by the end of 2009. The BDCP Steering Committee anticipates that the BDCP will be approved, and provide a basis for authorization to lawfully take threatened and endangered species by the end of 2010.

Attachment C

The following changes (shown by strikethrough and underline, with additional changes from Attachment B in double underline) to the Comprehensive Review Element of the June 2008 Draft Strategic Workplan, starting on page 73:

Comprehensive Review of the Bay-Delta Plan, Water Rights and Other Requirements to Protect Fish and Wildlife Beneficial Uses and the Public Trust

Goal: The goals of this project are for the State Water Board to:

1) establish and implement interim and long-term water quality objectives in the Bay-Delta that are protective of fish and wildlife beneficial uses and the public trust; and 2) assure that thorough environmental and technical analyses are conducted to inform any proposed changes to the CVP's and SWP's methods of diversion in the southern Delta.

Objective: The objective of this project is for the State Water Board to assure that analyses are completed of a broad range of alternatives for potential changes to the Bay-Delta Plan and its implementation to protect fish and wildlife beneficial uses and the public trust under the following scenarios: in the interim until any new conveyance facility is completed; in the long-term with new conveyance facilities, and in the long-term in the event that a new conveyance facility is not constructed. The State Water Board will also assure that adequate analyses are conducted to consider any proposed changes to conveyance of water by the CVP and SWP.

Impetus: Changes may be needed to the Bay-Delta Plan water quality objectives and the implementation measures for those objectives to adequately protect beneficial uses and accommodate potential changes to conveyance of water from the Delta.

Background: In December of 2003, the State Water Board began an effort to review the 1995 Bay-Delta Plan to determine what if any changes should be made to that plan. While numerous potential concerns were identified, adequate scientific information was not available on which to base substantive changes to the water quality objectives or the program of implementation for those objectives. As a result, the State Water Board made minimal changes to the 2006 Bay-Delta Plan and identified a number of emerging issues associated with ecosystem health and other concerns to beneficial uses in the Bay-Delta. Two of these issues (San Joaquin River flows and Delta and Central Valley salinity) are addressed in other sections of this strategic workplan.

Since adoption of the 2006 Bay-Delta Plan, concerns related to protection of beneficial uses in the Bay-Delta have escalated, as demonstrated by other processes under way to address these issues, including Delta Vision and BDCP. Flows, water quality, and other water rights issues are at the forefront among the issues that the BDCP and the other processes must address. The Water Boards have the primary regulatory authority over these issues in the Bay-Delta. At a minimum, any proposals pursuant to BDCP to modify conveyance of water through the Delta must be approved by the State Water

Board. In addition, a review of water quality objectives and implementation measures needed to protect fish and wildlife beneficial uses could also be accomplished in coordination with the environmental review for the BDCP effort.

In order to evaluate a reasonable range of alternatives to achieve meaningful recovery of at risk species, the environmental review for the BDCP must consider the flow and water quality needs of the ecosystem on an interim basis and over the long-term, including such issues as Delta outflows, salinity and other issues. While the State Water Board could evaluate these issues independently, it may require many of the same parties to participate in that review by providing expertise, funding, or other resources. Since many of these issues must be addressed in the environmental review for BDCP to evaluate the recovery and restoration of at risk species, the objectives of both the State Water Board and the environmental review needs for BDCP could be achieved through the same environmental review process ~~conducted as part of the BDCP~~, provided that the State Water Board can assure that a broad range of alternatives is comprehensively analyzed to consider interim and long-term measures. Such an approach could ensure that the State Water Board's water quality control planning and implementation activities complement and do not interfere with efforts by BDCP.

Scope: The State Water Board will conduct proceedings to receive evidence and make factual determinations concerning Delta ecological matters and also assure that an adequate range of alternatives is analyzed pursuant to CEQA to consider and implement potential changes to the water quality objectives in the Bay-Delta Plan or water rights, or to implement other measures to protect beneficial uses and the public trust. Specifically, the State Water Board will assure that analyses are conducted of changes to the Bay-Delta Plan and its implementation that may be needed in the interim until any new water conveyance facilities are completed, in the long-term if new conveyance is completed, and in the long-term if new conveyance is not completed. The State Water Board will also assure that adequate analyses are conducted to consider any petition to change the SWP's and CVP's water rights to accommodate potential changes to conveyance of water.

The State Water Board could initiate proceedings to produce this information independently or require that this information be provided by water right holders or other parties. The State Water Board will use parallel tracks to develop this information. The State Water Board will conduct a fact-finding proceeding on critical factual issues concerning the Delta's ecology and the impacts of water pollution and diversions on the ecology under its water quality planning authority and with testimony and cross examination under oath. Factual findings by the State Water Board, to the extent possible, will encourage and support the use of sound science in the Bay-Delta Plan review, BDCP, and Delta Vision processes.

In order to efficiently coordinate the State Water Board's efforts with other processes, however, the State Water Board will coordinate some of its analytical efforts, to the extent appropriate, with the BDCP environmental review efforts since staff

anticipates that BDCP can provide some ~~much~~ of the needed information and may potentially provide it more quickly since the process is already underway (BDCP is scheduled to complete a draft EIR/EIS by the end of 2009 with a final by the middle of 2010). However, if at any time it appears that the environmental review for BDCP is unable to will not achieve the State Water Board's objectives to analyze a broad range of alternatives needed to support modifying the Bay-Delta Plan and its implementation and reviewing potential changes to conveyance of water, the State Water Board will expand immediately ~~undertake~~ its own review of these issues. Any coordination by the State Water Board with the BDCP efforts and the environmental review for BDCP will be on a technical level to assure that the State Water Board's statutory and regulatory requirements are met. The State Water Board and its staff will not advocate for, or endorse any alternatives but will instead work to ensure that a broad range of alternatives is analyzed such that any potential environmental effects are analyzed and disclosed. The State Water Board will in no way be bound by any agreements that may be made by participants in the BDCP and will use its own quasi-legislative and quasi-judicial processes to determine what, if any, changes should be made to water quality objectives or water rights, or to implement other measures.

This activity will be closely coordinated with all of the activities described in the strategic workplan, including consideration of the reasonableness of the SWP's and CVP's methods of diversion in the southern Delta, review of the southern Delta salinity and San Joaquin River flow objectives, development and implementation of TMDLs, and other activities. In addition, this activity will be closely coordinated with Delta Vision, DRMS, CALFED and other Bay-Delta planning efforts.

Activities, Products, and Timeline:

Initial Development

- August/September 2008: State Water Board staff will solicit written input from the public as to the critical factual issues concerning the Delta's ecology and the impacts of water pollution and diversions on the Delta's ecology.
- October 2008: The State Water Board will hold a scoping meeting on the periodic review of the Bay-Delta Plan.
- **Continuous until Completion of the BDCP Environmental Review Process: Monitor-Participate in the BDCP environmental review process to assure that a reasonable range of alternatives is thoroughly analyzed in the BDCP EIS/EIR to consider proposed changes to diversions from the Delta and interim and long-term modifications to the Bay-Delta Plan and its implementation to protect fish and wildlife beneficial uses and the public interest. Monitor the BDCP environmental review process to determine whether that process will produce the scientific and technical information needed to consider interim and long-term changes to the water quality objectives and their implementation.**
 - If information indicates that the BDCP environmental review process will not provide the needed information, immediately ~~consider-undertaking~~ a

proceeding to require development of the needed information, or other appropriate activities.

- **Continuous until Completion of all BDCP Processes:** The Water Boards will provide BDCP information on its efforts regarding review and potential modification of the southern Delta salinity and San Joaquin River flow objectives and other activities to assure that appropriate information is provided to the BDCP planning and environmental review processes.
- **Fall 2007 until Completion of BDCP:** State Water Board staff will continue to participate in the BDCP Steering Committee to advise the BDCP process regarding the State Water Boards' activities and statutory and regulatory information requirements and to assure that an adequate range of alternatives is thoroughly analyzed in the BDCP EIS/EIR to consider proposed changes to diversions from the Delta and interim and long-term modifications to the Bay-Delta Plan and its implementation to protect fish and wildlife beneficial uses and the public interest.
- **Winter/Spring 08 until Completion of BDCP:** State Water Board staff will continue to participate in the BDCP working groups and technical teams (~~Public Outreach Working Group, Conveyance Working Group, Habitat Restoration Technical Team, Analytical Tools Technical Team, Other Stressors Working Group, Governance Working Group~~) as appropriate to assure that an adequate range of interim and long-term alternatives is thoroughly analyzed in the BDCP EIS/EIR.
- **May 30, 2008:** State Water Board staff provided written comments in response to the March 17, 2008, BDCP NOP outlining issues that should be analyzed in the EIR/EIS.
- **October 2008 until Completion of the all BDCP Processes:** Review the need for course corrections as the result of Delta Vision or other such activities.
- **Third Quarter 2009:** Water Board staff will review and comment, as appropriate, on the first draft BDCP.
- **Fourth Quarter 2009:** Water Board staff will review and comment on the BDCP's Public Draft EIS/EIR and Public Draft BDCP.
- **First Quarter 2010:** Hold a water quality control planning workshop to consider potential changes to the Bay-Delta Plan.
- **Second Quarter 2010:** Water Board staff will review the Final BDCP EIS/EIR.

Implementation

- November 2008: The State Water Board or, where appropriate, an authorized member will conduct an evidentiary hearing on the issues listed below and any other appropriate issues based on input received during Initial Development. These issues shall include, at minimum: sources of salt to the Bay-Delta Estuary, biological impacts of constant or variability salinity on fisheries, biological benefits (if any) of fish screens in the legally defined Delta, biological impacts of ammonia discharges, biological impacts of toxic substances (other than ammonia), and biological impacts of net outflow objectives. The purpose of the hearing will be to receive

evidence on these issues and any others identified during Initial Development, and to render findings of fact, including statements that the science is as yet inconclusive, when appropriate.

- As soon as possible after October 2008: State Water Board staff will finalize a detailed scope of services for the periodic review of the Bay-Delta Plan and obtain a written commitment from the BDCP Managers for any portion of the final scope of services they choose to perform. State Water Board staff shall initiate other portions of the periodic review scope through other venues.
- The State Water Board will review and revise the Bay-Delta Plan when necessary.
- The State Water Board will evaluate and consider environmental and other analyses conducted through the BDCP processes. Where the State Water Board relies on analyses prepared by other agencies, the Board will conduct a public and independent proceeding to consider whether the analyses and the use of the analyses are appropriate for the Board's proceedings. .
- **Second Quarter 2010 through Third Quarter 2010:** Hold water right hearings to consider potential changes to water right license/permit requirements and other measures to implement potential changes to the Bay-Delta Plan.
- **Fourth Quarter 2010 through Third Quarter 2011:** Prepare proposed changes to the Bay-Delta Plan and water right decision or order.
- **End of Third Quarter 2011:** Release draft changes to the Bay-Delta Plan and draft water right decision or order for public review.
- **Fourth Quarter 2011:** Make any needed changes to the drafts.
- **End of Fourth Quarter 2011:** Consider adoption of draft changes to the Bay-Delta Plan and draft water right decision or order at State Water Board meeting.
- **Unspecified:** Proceeding to consider any petitions to change related to changes in conveyance of water through the Delta.

*This timeline may change as the result of changes to the BDCP timeline or other issues. The timeline for consideration of any proposed changes to diversions in the Delta will depend on the details surrounding any such proposal.

Resources: 4 or 5 PYs will be needed until completion of the BDCP EIR/EIS to assure complete and comprehensive review of the BDCP processes. Following completion of the BDCP EIR/EIS, 4 PYs will be needed to work on potential changes to the water quality objectives and water right modifications and other implementation measures.