

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER RIGHTS
DECEMBER 12, 2018**

ITEM 13 (UPDATED)

**Continuation of Item 4 from the August 21-22, 2018 meeting and Item 10 from the
November 6-7, 2018 meeting**

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION TO ADOPT AMENDMENTS TO THE WATER QUALITY CONTROL PLAN FOR THE SAN FRANCISCO BAY/SACRAMENTO-SAN JOAQUIN DELTA ESTUARY AND ADOPT THE FINAL SUBSTITUTE ENVIRONMENTAL DOCUMENT

DISCUSSION

The San Francisco Bay/Sacramento-San Joaquin Delta Estuary Water Quality Control Plan (Bay-Delta Plan) establishes water quality objectives to protect beneficial uses of water in the Bay-Delta watershed, including fish and wildlife, municipal, and agricultural uses. The Bay-Delta is a critical part of California's water supply system and an ecosystem in crisis. The State Water Board identified the need for evaluating revised San Joaquin River flow objectives and southern Delta salinity objectives in the 2006 Bay-Delta Plan amendments, 2008 Strategic Workplan for Activities in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Strategic Workplan), 2009 Periodic Review of the 2006 Bay-Delta Plan, and related processes.

The State Water Board has engaged in a multi-year process to amend the Bay-Delta Plan to revise outdated objectives for the protection of fish and wildlife beneficial uses in the Lower San Joaquin River and agricultural beneficial uses in the southern Delta. This process included extensive public outreach, comment, and revision. In 2012 the State Water Board released draft plan amendments and a draft Substitute Environmental Document (SED) analyzing the potential effects of the action in compliance with the California Environmental Quality Act. Based on the public comments received and additional information, the draft plan amendments and draft SED were revised. In September 2016 the State Water Board released revised draft plan amendments and a recirculated SED. The State Water Board ultimately provided a 6-month comment period and conducted a public hearing over five days and in four locations. It received over 1,400 unique comment letters from local, state, and federal agencies, the public, and elected officials, including 17 different form letters signed by numerous individuals, which amounted to approximately 10,500 unique comments requiring responses. On July 6, 2018, the State Water Board released the proposed final plan amendments and proposed Final SED, which includes written responses to comments, and provided notice that it would consider adoption at the August 21, 2018, Board meeting. It provided the public with a three-week period (to July 27, 2018) to submit written comments on the revisions to the September 2016 draft plan amendments. Prior to the Board meeting, State Water Board staff provided a comment summary and response document that responded to the significant comments received in accordance with the July 6 notice, and that subsequently was revised to correct typographic and grammatic errors. The State Water Board heard two days of oral comments at the August 21-22, 2018, board meeting, and subsequently continued final action on the item to ~~November 7~~ December 12, 2018.

The proposed plan amendments would revise two elements of the Bay-Delta Plan:

- Lower San Joaquin River flow objectives for the protection of fish and wildlife: the proposed plan amendments would require unimpaired flow to be maintained on three main salmon-bearing tributaries to the Lower San Joaquin River, the Stanislaus, Tuolumne, and Merced Rivers, during the critical February through June period, as well as increasing the variability of those flows and allowing the flows to be adaptively implemented to better achieve successful ecological functions. The update would also add compliance locations on the three tributaries instead of only on the Lower San Joaquin River at Vernalis.

- Southern Delta salinity objectives for the protection of agriculture: the proposed plan amendments would adjust the salinity water quality objectives to a slightly higher level to reflect updated scientific knowledge of southern Delta salinity levels that reasonably protect agricultural beneficial uses. Monitoring and compliance locations would be changed to river segments instead of single locations in order to better reflect overall salinity levels and protection of agriculture.

POLICY ISSUE

Should the State Water Board adopt the proposed resolution amending the Bay-Delta Plan and adopting the final SED?

FISCAL IMPACT

The proposed amendments to the Bay-Delta Plan are expected to be implemented through existing State Water Board and Central Valley Regional Water Quality Control Board (collectively, Water Boards) programs. No additional resources are proposed at this time.

REGIONAL BOARD IMPACT

The plan amendments include direction to the Central Valley Regional Water Quality Control Board to regulate discharges of salts consistent with applicable state and federal law and identify ongoing efforts that will assist in implementing the southern Delta salinity objective. Implementation of the southern Delta salinity objectives is consistent with the Water Boards' 2008 Strategic Workplan and other planning decisions. The Proposed Final Amendments will be implemented through the existing processes, including NPDES permits and waste discharge requirements. No additional resources are proposed.

STAFF RECOMMENDATION

Staff recommends that the State Water Board adopt the proposed resolution adopting the amendments to the Bay-Delta Plan and the final SED.

State Water Board action on this item will assist the Water Boards in reaching Goal 4 of the Water Board's Strategic Plan: to comprehensively address water quality protection and restoration, and the relationship between water supply and water quality, and describe the connections between water quality, water quantity, and climate change, throughout California's water planning processes. This effort is also consistent with activities committed to in the Water Boards' Strategic Workplan: Southern Delta Salinity and San Joaquin River Flow Objectives.