

Tribal Listening Session on State Water Board Efforts to Update and Implement the Bay-Delta Plan

March 15, 2023



Division of Water Rights

Presentation Overview

- Agency Overview
 - California Environmental Protection Agency (CalEPA)
 - State Water Resources Control Board (State Water Board)
- Bay-Delta Plan Overview
- Bay-Delta Plan Update and Implementation Processes
 - Lower San Joaquin River flows and southern Delta salinity (LSJR/SD) Updates to the Bay-Delta Plan
 - Sacramento River, Delta, and Delta Eastside Tributaries (Sacramento/Delta) Updates to the Bay-Delta Plan
 - Consideration of proposed Voluntary Agreements (VAs)
- Tribal Consultation and Engagement Opportunities

CalEPA

- Mission- restore, protect and enhance the environment, to ensure public health, environmental quality and economic vitality
- Consists of the following offices, boards, and departments:
 - **State Water Resources Control Board**
 - Air Resources Board
 - Department of Resources Recycling and Recovery
 - Department of Pesticide Regulation
 - Department of Toxic Substances Control
 - Office of Environmental Health and Hazard Assessment



State Water Board

- Mission- 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
- Require periodic/triennial review

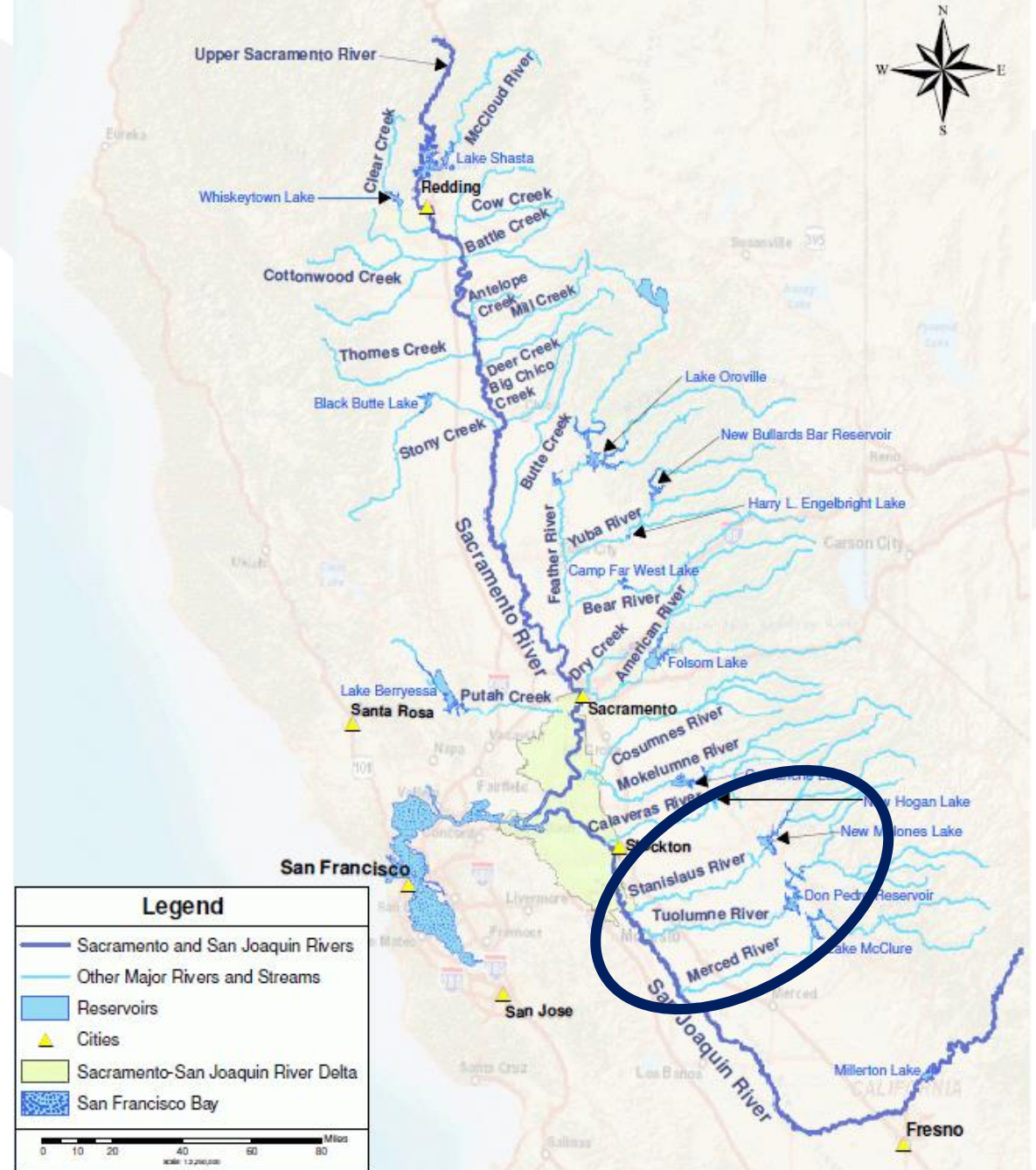
San Francisco Bay-Delta Watershed

Bay-Delta Plan Updates



San Francisco Bay-Delta Watershed

Lower San Joaquin River Flow/Southern Delta Salinity (LSJR/SD) Updates to the Bay-Delta Plan



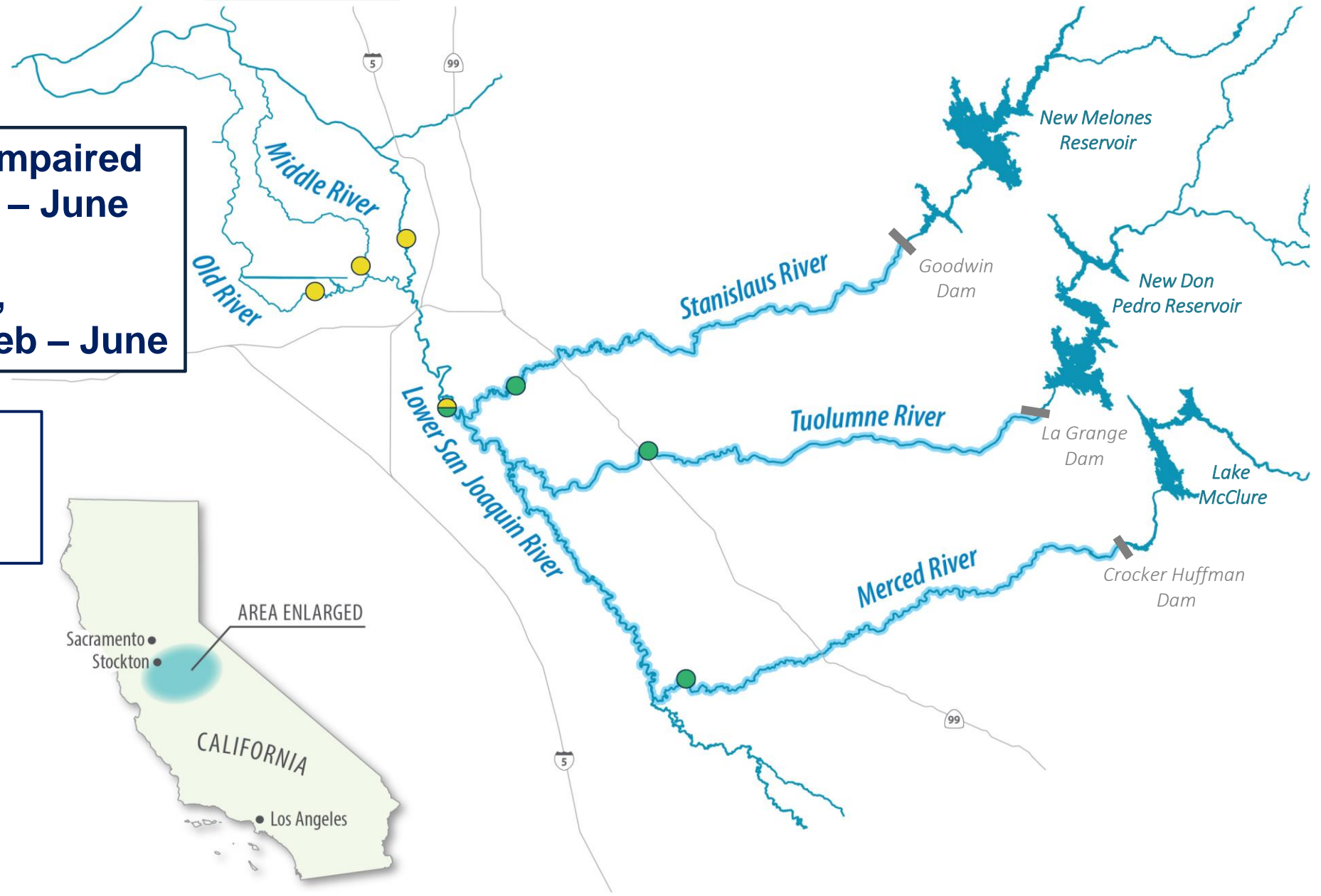
Tributary Flow: 40% unimpaired flow, 30-50% range, Feb – June

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

Salinity: 1.0 dS/meter

Electrical Conductivity

Year-round



2018 Bay-Delta Plan Update: Activities to Date for LSJR Flows

- 2019**
 - Draft Initial Biological Goals for LSJR Flows
 - Draft Initial Unimpaired Flow Compliance Methods for LSJR Flows
- 2020**
 - Final Water Quality Certification Merced River
- 2021**
 - Final Water Quality Certification Tuolumne River
 - Revised Draft Initial Biological Goals for LSJR Flows
- 2022**
 - Notice of Preparation for Implementing Regulation for LSJR Flows and SDS
 - Formation of Stanislaus, Tuolumne & Merced Working Group
 - Receipt of Tuolumne River VA

2018 Bay-Delta Plan Update: Initial Implementation Activities for LSJR Flows

- Biological Goals for LSJR Flows
 - Review comments
 - Final Draft Initial Biological Goals Report
 - Board workshop and Board meeting for consideration and action
- Unimpaired Flow Compliance Methods and Procedures for Adaptive Implementation
 - Compliance methods for LSJR unimpaired flow objective
 - Procedures for adaptive implementation and flow accounting
 - Executive Director action

2018 Bay-Delta Plan Update: Implementing Regulation/Possible VA Plan Amendments

- Implementing Regulation
 - Draft regulation and Draft Environmental Impact Report (EIR)
 - Final EIR and final regulation
 - Board consideration and action
- Tuolumne River VA
 - Notice of potential Plan amendment and scoping meeting
 - Draft Scientific Basis Report and Draft Staff Report (environmental and other documentation)
 - Final Scientific Basis Report, Staff Report, and possible Plan Amendments
 - Board consideration and action

2018 Bay-Delta Plan Update: Schedule for Implementation & Consideration of VA

Winter/Spring 2023

- Final Draft Initial Biological Goals for LSJR Flows
- Board workshop on Final Draft Initial Biological Goals for LSJR Flows
- Notice of possible Tuolumne River VA Plan Amendments and request for tribal consultation

Spring/Summer 2023

- Board meeting to act on Biological Goals for LSJR
- Draft unimpaired flow compliance methods & procedures for adaptive implementation
- Staff workshop on compliance methods and procedures for adaptive implementation
- Draft Scientific Basis Report for Tuolumne River VA

2018 Bay-Delta Plan Update: Schedule for Implementation & Consideration of VA Fall 2023

- Scientific Basis Report for Tuolumne River VA submitted for peer review
- Draft Staff Report for Bay-Delta Plan amendment for Tuolumne River VA
- Draft regulation and Draft EIR in support of a regulation implementing LSJR Flows and SDS

Winter/Spring 2024

- Final draft Staff Report for Tuolumne River VA
- Board workshop and consideration of Tuolumne River VA
- Final draft EIR & regulation implementing LSJR flows and SDS
- Board consideration of regulation implementing LSJR Flows and SDS

Sac/Delta Update to Bay-Delta Plan: Past Activities

- 2016 Working Draft Scientific Basis Report
- 2017 Peer-reviewed Scientific Basis Report
- 2018 Framework for possible Sac/Delta Updates to the Bay-Delta Plan (Framework)
- March 2022 with August 2022 amendments: Memorandum of Understanding (MOU) Advancing a Term Sheet for VAs to Update and Implement Sac/Delta elements of the Bay-Delta Plan
- January 2023 Draft VA Scientific Basis Report Supplement released for public comment and workshop

Sac/Delta Update to the Bay-Delta Plan

Possible Sac/Delta Plan Amendments

- 2018 Sac/Delta Framework
 - Sacramento River & Delta Eastside (Cosumnes, Mokelumne, and Calaveras) tributary inflows and cold-water habitat: 55% of unimpaired flows with adaptive range from 45-65%
 - Sacramento River & Delta Eastside tributary cold-water habitat
 - Delta outflows – inflow-based outflows
 - Interior Delta flows- State Water Project and Central Valley Project operational constraints
- 2022 VA MOU
 - 8-year term with possible extension, modification, or regulatory paths following
 - Sacramento River and Delta tributary inflows (Tuolumne River VA would be considered separately)
 - Delta outflows
 - Habitat restoration

VA Background: Key Provisions

- A new narrative objective to achieve the viability of native fish populations and proposal to contribute to existing Salmon Protection (salmon doubling) objective
- Flow and habitat assets, with science and governance
- Dual compliance pathways
 - VA path
 - Regulatory path
- Annual and triennial reports to State Water Board
- “Green, yellow, and red light” decision structure at year 8

Sac/Delta Update: Key Milestones

Spring 2023: Draft Staff Report/Substitute Environmental Document public review and comment

Spring/Summer 2023: Public workshop on Draft Staff Report/Substitute Environmental Document

Summer/Fall 2024: Board consideration of adoption of proposed Sacramento/Delta updates to the Bay-Delta Plan

2023

2024

Spring 2023: Scientific Basis Report Supplement submitted for peer review

Spring/Summer 2024: Response to comments and development of proposed final changes to the Bay-Delta Plan

Consultation Letters

- July 27, 2022: Formal Notification of Determination sent to CA Tribes for Bay-Delta Plan Implementation for LSJR/SDS objectives
- Aug 4, 2022: Formal Notification of Consultation Opportunity on Proposed Implementation of LSJR/SDS objectives
- Oct 5, 2022: Revised Formal Notification of Consultation Opportunity on Proposed Implementation of LSJR/SDS objectives
- Jan 13, 2023: Request for Tribal Consultation regarding Sac/Delta updates to Bay-Delta Plan
- Upcoming: Request for Tribal Consultation for Tuolumne River VA

Consultation Letters: Tribes Contacted

- Alturas Rancheria of Pit River Indians
- Amah Mutsun Tribal Band
- Amah Mutsun Tribal Band of Mission San Juan Bautista
- Bear River Band of the Rohnerville Rancheria
- Berry Creek Rancheria of Maidu Indians
- Big Lagoon Rancheria
- Big Sandy Rancheria of Western Mono Indians
- Big Valley Rancheria of Pomo Indians
- Blue Lake Rancheria
- Buena Vista Rancheria of Me-Wuk Indians
- Cachil DeHe Band of Wintun Indians of the Colusa Indian Community
- Calaveras Band of Mi-Wuk Indians
- Calaveras Band of Mi-Wuk Indians (Wilson)
- California Valley Miwok Tribe (aka Sheep Rancheria of Me-Wuk Indians of CA)
- California Valley Miwok Tribe
- Cedarville Rancheria of Northern Paiute Indians
- Cher-Ae Heights Indian Community of the Trinidad Rancheria
- Chicken Ranch Rancheria of Me-Wuk Indians
- Chumash Council of Bakersfield
- Colfax-Todds Valley Consolidated Tribe
- Cortina Rancheria - Kletsel Dehe Band of Wintun Indians
- Costanoan Ohlone Rumsen-Mutsen Tribe
- Costanoan Rumsen Carmel Tribe
- Dumna Wo-Wah Tribal Government
- Dunlap Band of Mono Indians
- Elem Indian Colony Pomo Tribe
- Estom Yumeka Maidu Tribe of the Enterprise Rancheria (aka Enterprise Rancheria Estom Yumeka Maidu)
- Fort Bidwell Indian Community of Paiute

Consultation Letters: Tribes Contacted

- Greenville Rancheria of Maidu Indians
- Grindstone Rancheria of Wintun-Wailaki
- Guidiville Indian Rancheria
- Habematolel Pomo of Upper Lake
- Hoopa Valley Tribe
- Indian Canyon Mutsun Band of Costanoan
- Ione Band of Miwok Indians
- Jackson Rancheria Band of Miwuk Indians
- Kakoon Ta Ruk Band of Ohlone-Costanoan Indians of the Big Sur Rancheria
- Karuk Tribe
- Kern Valley Indian Community
- Kings River Choinumni Farm Tribe
- Kitanemuk & Yowlumne Tejon Indians
- KonKow Valley Band of Maidu
- Mechoopda Indian Tribe
- Middletown Rancheria of Pomo Indians
- Mono Lake Kootzaduka'a Tribe
- Mooretown Rancheria of Maidu Indians
- Muwekma Ohlone Indian Tribe of the San Francisco Bay Area
- Nashville-Enterprise Miwok-Maidu-Nishinam Tribe
- Nor-Rel-Muk Nation
- North Fork Mono Tribe
- North Fork Rancheria of Mono Indians
- North Valley Yokuts Tribe
- Northern Chumash Tribal Council
- Ohlone/Costanoan-Esselen Nation
- Paskenta Band of Nomlaki Indians
- Picayune Rancheria of Chukchansi Indians
- Pit River Tribe
- Pit River Tribe of California - Madesi Band
- Quartz Valley Indian Community
- Redding Rancheria
- Robinson Rancheria Band of Pomo Indians

Consultation Letters: Tribes Contacted

- Salinan Tribe of Monterey, San Luis Obispo Counties
- Santa Rosa Rancheria Tachi-Yokut Tribe
- Scotts Valley Band of Pomo Indians
- Shasta Indian Nation
- Shasta Nation
- Shingle Springs Band of Miwok Indians
- Southern Sierra Miwuk Nation
- Pakan'yani Maidu of Strawberry Valley Rancheria
- Susanville Indian Rancheria
- Tamien Nation
- The Ohlone Indian Tribe
- Traditional Choinumni Tribe
- Tsi Akim Maidu
- Tsnungwe Council
- Tubatulabals of Kern Valley
- Tule River Indian Tribe
- Tuolumne Band of Me-Wuk Indians
- United Auburn Indian Community of the Auburn Rancheria
- Washoe Tribe of Nevada and California
- Wilton Rancheria
- Winnemem Wintu Tribe
- Wintu Tribe of Northern California
- Wiyot Tribe
- Wuksache Indian Tribe/ Eshom Valley Band
- Yocha Dehe Wintun Nation
- Yurok Tribe
- The Confederated Villages of Lisjan
- Nevada City Rancheria Nisenan Tribe

Opportunities For Tribal Engagement

- State Water Board staff encourages California Native American Tribes to engage in current efforts to update and implement the Bay-Delta Plan
 - Short-term information needs (e.g., Draft VA Scientific Basis Report Supplement, Sacramento/Delta Staff Report)
 - Long-term information needs (e.g., Bay-Delta Plan monitoring and evaluation)

Discussion Topics

- How would you like to engage with State Water Board on efforts to update and implement the Bay-Delta Plan, including consideration of the proposed Voluntary Agreements?
- Is there traditional ecological knowledge and Tribal cultural knowledge that we should be aware of that you are willing to share with us?
- How can the State Water Board incorporate traditional ecological knowledge and Tribal cultural knowledge to inform the Bay-Delta Plan update and implementation processes?

Resources – Contact the State Water Board

State Water Board Point of Contact:

Rob McCarthy
Robert.McCarthy@waterboards.ca.gov
916-341-5408


Webpages:

Bay-Delta Watershed Efforts:
www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/

Consultation with California Native American Tribes on Efforts to Update and Implement the Bay-Delta Plan:
www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/tribal_coordination.html

Bay-Delta Notices Email Subscription List:

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