

- Bay-Delta Management Report

### Summary

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This report provides the status of various processes and activities related to the Bay-Delta.

### Detailed Report

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#### Delta Vision

The Delta Vision Blue Ribbon Task Force (BRTF) has completed its process to develop a Vision for the Delta and a Strategic Plan for implementing that Vision. The final Delta Vision Strategic Plan document was released to the public on November 3. The response from the water user community has been generally positive. But, water users remain concerned about the development of ecosystem flow proposals, and the form and function of the proposed governance and finance structure, which creates another regulatory layer and additional processes that could delay action on the Strategic Plan. The vision for physical elements of the strategic plan, which includes the need for new dual conveyance, new storage, and increased efforts on local supply development and conservation, is conceptually sound. It must be noted, however, the details regarding the means to achieve these components have yet to be developed.

The Delta Vision Committee (comprised of the Secretaries for Resources, Environmental Protection, Food and Agriculture, Business, Transportation and Housing, and the President of the California Public Utilities Commission) was to review the Blue Ribbon Task Force Strategic Plan report and develop and forward their recommendations to the Governor and the Legislature. This Committee has released one draft discussion summary document and a written description of key issues as part of their two public meetings on November 21 and December 5. Staff has been working through a coalition effort (Public Water Coalition of California) to provide comments at these meetings and have also participated in direct meetings with all available members of the Committee, except Business, Transportation and Housing, who were unavailable. A final internal recommendation to the Governor was transmitted on December 19. The Governor's office will release the final report sometime before the State of the State address in January.

The Delta Vision Committee will make strong recommendations on the need for improved Delta conveyance and storage and utilization of the current water rights system to ensure stability. Key issues that will become the focus for legislation in 2009 will be water conservation, governance and SWRCB authority issues. The SWRCB staff has asked for help from the Coalition in crafting proposals to improve SWRCB functions and authorities, including removal of current exemptions for water use reporting (particularly in-Delta), and how their decision making process can be made more expeditious without compromising due process concerns.

#### Bay Delta Conservation Plan

For its December 19 meeting, the Bay-Delta Conservation Plan Steering Committee unveiled *An Overview of the Draft Conservation Strategy for the Bay Delta Conservation Plan*. This document provides an overview and synopsis of the draft proposed Conservation Strategy, including core components identified as being the cornerstone actions of the BDCP. It is intended to enable the Steering Committee to confirm a number of the key components of the draft Conservation Strategy as they now stand and help guide the remaining work that is necessary to complete a proposed conservation plan by June 2009. Ten core elements have been identified that include: 1) Modify the Fremont Weir and Yolo Bypass to provide higher frequency and duration of inundation; 2) Move primary diversion point to north Delta diversion facilities with fish screens to reduce south Delta entrainment; 3) Hood Bypass Flow Criteria; 4) Manage south Delta exports/hydrodynamics to reduce entrainment of fish and food resources; 5) Delta Cross Channel operations; 6) Large scale tidal marsh restoration in the Cache Slough area; 7) Strategic Tidal Marsh Restoration in the West Delta; 8) Large scale tidal marsh restoration in the Suisun Marsh area; 9) Interim Tidal Gates, and 10) Delta Outflow Targets. Of particular interest to Metropolitan is the identification of new north Delta diversion and conveyance facilities (#2) as a key conservation element and the inclusion of Interim Tidal Gates (#9), similar to the Two-Gate Plan currently being proposed by Metropolitan

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as an interim protection action. Significant future work remains to address operational parameters associated with both the new north and existing south diversion. Scenarios have been included for Hood bypass flow requirements (#3) and Delta outflow targets (#10) for analytical purposes only. Further refinement to these and other hydrodynamic parameters will occur over the next several months. Metropolitan is continuing to actively engage in all BDCP-related workgroup efforts. Staff's work over the next month will focus on further defining the conservation actions, developing operations criteria, and continuing the development of a governance structure for the implementation of the BDCP.

### **Near-Term Delta Actions**

#### Two-Gates Project

As a part of the revised U.S. Fish and Wildlife Service (USFWS) Operations Criteria and Plan Biological Opinion (OCAP BiOp), released on December 15, 2008, the USFWS has imposed restrictions on reverse flows in the south Delta toward the export pumps to ensure protection of the Delta smelt from entrainment. The Two-Gates Project includes the installation of new temporary gates in central Delta channels that will be operated in real time to reduce fish take, relax water supply restrictions at the State and Federal export facilities, and improve Delta water quality. A combined project team with expertise from the State Water Contractors (SWC), Central Valley Project contractors (CVP) and the Contra Costa Water District (CCWD) has prepared an Administrative Draft Mitigated Negative Declaration/Environmental Assessment, as well as an Administrative Draft Biological Assessment for the Department of Water Resources (DWR) and the US Bureau of Reclamation (USBR), to prepare them to file the documents as CEQA and NEPA leads for the project. At this time, the primary role for DWR in implementing the Two-Gates Project is to respond to the project team with any comments on the Administrative Drafts of the environmental documents, file the CEQA documents and submit the necessary permit applications for the project in a timely manner. The project team has conducted an initial review of the OCAP BiOp with respect to its relation to the Two-Gates Project, which suggests the project could potentially delay or beneficially affect certain turbidity, and smelt salvage and distribution triggering mechanisms that lead to Old and Middle River flow restrictions under the BiOp.

Metropolitan, the San Luis & Delta-Mendota Water Authority (SLDMWA), and the State Water Contractors (SWC) have developed a draft Cooperation Agreement for the Two-Gates Project to define certain management responsibilities for implementation of the project. It is anticipated that the Two-Gates Project would operate together with San Joaquin River flows through ongoing operational protocols creating both a flow and physical barrier to smelt movement toward the export pumps.

#### Two-Gates Funding

Metropolitan and the other contractors continue to pursue funding for the project through remaining Category III funds from the 1995 Bay-Delta Accord, Proposition 13 funding, and Proposition 84 funding through the Governor's recent enactment of SBXX 1 (Perata). The total estimated first cost of the Two-Gates Project is approximately \$29 million.

### **Delta Operations**

#### Endangered Species Act Consultations Regarding SWP and CVP Operations

The U.S. Fish & Wildlife Service (USFWS) issued its Operations Criteria and Plan Biological Opinion (OCAP BiOp) on December 15, 2008. The OCAP BiOp concludes that operation of the SWP and CVP would cause jeopardy to the Delta smelt and would adversely modify its critical habitat. The BiOp also includes a Reasonable and Prudent Alternative (RPA) that prescribes Old and Middle River (OMR) reverse flow restrictions in the winter and spring that are designed to minimize entrainment of Delta smelt at the project pumps. The RPA also includes Fall X-2 Delta outflow requirements and certain habitat project requirements which are designed to address the adverse habitat impacts of project operations. On December 15, 2008, the Bureau of Reclamation sent a letter to the USFWS stating that it was provisionally accepting the RPA conditioned upon further development and evaluation of the Fall X-2 and habitat project components of the RPA. Metropolitan is conducting its own assessment and is reviewing DWR's assessment of the water supply impacts of the OCAP

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BiOp. According to preliminary information compiled and released by DWR, the impacts of the new BiOp on the SWP and CVP combined, as compared to a pre-Wanger decision baseline, are expected to range from about 1.1 to 2.1 million acre-feet per year under average conditions, and from 600 thousand to 1.1 million acre-feet per year under dry conditions.

The National Marine Fishery Service (NMFS) is scheduled to issue the BiOp for protection of salmon and steelhead in March 2009.