



- 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 formal analytical and planning portion of the Delta Vision process was completed with the release of the Delta Vision Committee Implementation Report and its recommendations to the Governor and Legislature in January. The Implementation Report indicated that an "Interim Delta Policy Group" composed of the Secretaries for Resources, Food and Agriculture, Business Transportation and Housing, and Environmental Protection; the President of the California Public Utilities Commission; the Directors of the Departments of Water Resources and Fish and Game; the Executive Director of the State Water Resources Control Board (SWRCB); and one elected official representing all five Delta Counties would convene as an interim guiding governance structure while permanent governance issues were studied further by the Administration and Legislature. To date, this group has not convened. The Administration reports it is making "good progress" on plans to release a governance recommendation in May. However, the forum through which those recommendations will be made has not been determined.

Individual legislators have introduced bills to implement select aspects of the Delta Vision recommendations or actions related to Delta Vision topics. Most notable among these are AB 13 (Salas, D – Chula Vista), related to creation of a Delta Conservancy, sponsored by Metropolitan, AB 12 (Simitian, D – Palo Alto), related to construction of an isolated transfer facility, and SB 681 (Pavley, D – Santa Monica), addressing State Water Resources Control Board authorities. Also introduced are bills relating to ending the exemption for in-Delta diverters for reporting diversions to the SWRCB AB 900 (DeLeon, D - Los Angeles), measures to seek control of non-native predator fish species in the Delta AB 1253 (Fuller, R - Bakersfield) and bills dealing with governance and implementation of the Bay Delta Conservation Plan SB 229 (Pavley, D – Santa Monica).

#### Bay Delta Conservation Plan

A focus of the Bay-Delta Conservation Plan (BDCP) effort this month was to examine the relationships between Delta inflow, reservoir operations, salinity, exports, and outflow quantities as strategies for defining water project operations parameters. A set of short- and long-term operations criteria will be developed to define operations in the south Delta at existing facilities and ultimately, operations with an isolated facility.

An initial recommendation was made at the Steering Committee that the BDCP should target restoration of 55,000-80,000 acres of tidal marsh habitat throughout the Delta. Restoration amounts for other habitat types are still under consideration, but will be substantially less than tidal marsh. Efforts were initiated to define goals, objectives, and potential conservation measures for the terrestrial species that were recently adopted as covered species. Metropolitan is continuing to participate in all BDCP-related workgroup efforts.

#### Delta Operations

##### Endangered Species Act Consultations Regarding State Water Project (SWP) and Central Valley Project (CVP) Operations

The Vernalis Adaptive Management Plan study for mid-April to mid-May requires that water exports be curtailed to a greater degree than otherwise likely under the Delta smelt Biological Opinion (BiOp). Few Delta smelt have been salvaged this season, so far. The National Marine Fishery Service is still expected to issue its Operations Criteria and Plan (OCAP) BiOp for protection of salmon and steelhead by June 2, 2009. Staff is planning to coordinate with the State Water Contractors (SWC) to review the BiOp for salmon and steelhead, and evaluate the impacts of the BiOp on water project operations.

Date of Report: April 29, 2009

## Board Report (Bay-Delta Management Report)

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

#### Two-Gates Project

As a part of the U. S. Fish and Wildlife Service (USFWS) 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 export entrainment. The proposed Two-Gates Project includes the installation of new temporary and removable gates in central Delta channels that would be operated in real time to reduce fish take, reduce water supply impacts at the State and Federal export facilities, and improve Delta water quality. Administrative Drafts of the environmental documents have been prepared for the project. The documents are planned to be submitted to Department of Water Resources (DWR) and the U.S. Bureau of Reclamation (USBR) for filing in April as CEQA and NEPA leads for the project. A review by the SWC and CVP contractors suggests that the Two-Gates project can operate compatibly with and reduce water supply impacts within the discretionary provisions of the BiOp. This would beneficially affect delta smelt salvage, help maintain Delta smelt and their preferred habitats further downstream from the export pumps, and provide improved water benefits.

Metropolitan, the San Luis & Delta-Mendota Water Authority, and the SWC have developed a draft Cooperation Agreement for the Two-Gates Project to define certain implementation and management responsibilities.

### **State Water Resources Control Board Issues**

#### South Delta Salinity and San Joaquin River Flow Objectives

SWRCB's process for the review and update of the Water Quality Control Plan for the Bay-Delta relating to southern Delta salinity objectives and San Joaquin River flow objectives continues. On April 22, the SWRCB held a workshop to receive comments and information regarding its review of the salinity and flow objectives. The SWC were among the parties submitting comments. The SWC comments described the contractors' view of the legal framework underlying the process; urged that sworn testimony be required and cross examination allowed to properly test the veracity of evidence submitted; reiterated the fact that SWP operations have no negative impact on south Delta salinity and San Joaquin River flows and little if any ability to control those objectives; and outlined the types of evidence the SWC intend to submit at subsequent hearings to support those conclusions. Future workshops and hearings will be held May through July.

#### DWR/USBR Petition for Temporary Joint Place of Use

DWR and USBR have filed a petition with the SWRCB for a temporary change in the place of use for the SWP and CVP respectively. The petition requests that during 2009 and 2010 each project be authorized to deliver transfer or exchange water originating from one project into the service area of the other project. The change would primarily increase flexibility and overcome administrative bottlenecks in the system created by the rules for delivering water to the two system's individual service areas. For example, allowing CVP water to be delivered to the SWP service area and vice versa will allow increased return of water stored in groundwater programs via exchanges, increasing water supplies available in 2009 and 2010 without increasing exports. These types of transactions could also supply water quality benefits to Metropolitan to the extent Metropolitan's SWP water is delivered to CVP services areas in exchange for return of higher quality San Joaquin River water. Protests to the petition have been submitted by some environmental groups and the South and Central Delta Water agencies. A SWRCB hearing on the petitions/protests was held on April 27.