



## ● Bay-Delta Management Report

### Summary

---

This report provides a summary of the activities related to the Bay-Delta for April 2011.

### Detailed Report

---

#### Long-Term Delta Actions

Bay Delta Conservation Plan (BDCP): Metropolitan continued to pursue the use of a Delta smelt life cycle model as a tool to evaluate BDCP conservation measures and other stressors impacts. Metropolitan has collaborated with Drs. Richard Deriso, Metropolitan consultant, and Mark Maunder, San Luis & Delta-Mendota Water Authority consultant, to develop a life cycle model that can evaluate the relative importance of multiple stressors on the various life stages of the fish. The model is awaiting publication in a scientific journal. Several presentations were made to Department of Water Resources (DWR) and federal agency staff to further brief them on the model capabilities and to increase their confidence in supporting its use in the BDCP effects analysis. Work also continued this month on approaches to finalizing the effects analysis.

On April 25, staff attended a BDCP public meeting at which Natural Resources Secretary John Laird and Deputy Secretary of the U.S. Department of the Interior David J. Hayes discussed the process for meeting the BDCP's dual goals of ecosystem restoration and water supply reliability, and their commitment to completing a habitat conservation plan for the Sacramento-San Joaquin Delta that achieves these goals. Both Mr. Hayes and Mr. Laird fielded questions. Natural Resources Deputy Secretary Dr. Jerry Meral provided an update on the BDCP since the November 18, 2010 release of the Working Draft of the BDCP. The public involvement process for the BDCP was reviewed, which includes establishing small working groups to address specific issues that must be resolved before the Draft BDCP is completed, and periodic public meetings to provide updates and provide an opportunity for input.

Delta Habitat Conservation and Conveyance Program (DHCCP): During the month of April, DWR and DHCCP consultants continued work on the geotechnical investigation. On April 8, the San Joaquin Superior Court denied DWR's petition for an Order of Entry regarding geological activities on privately held properties. The denial by the court held that the boring activities, which include removing soils and filling the borings with bentonite grout, constitute a "taking" or "damaging" of private property under pre-condemnation statutes. This decision affects some of the borings needed for preliminary design of DHCCP conveyance facilities. DWR will continue to pursue property access for the borings. DWR may appeal the judge's ruling or negotiate with landowners to purchase the necessary easements. If DWR cannot purchase the easements from the property owners, they may pursue them through eminent domain. The borings are an integral part of the geotechnical investigation. Metropolitan staff continues to review information which will assist DWR with the preliminary design of the conveyance facilities. The current schedule calls for preliminary engineering design to commence in October 2011.

Delta Stewardship Council (Council): The Delta Stewardship Council (Council) held two meetings in April and continued to work on development of the Delta Plan. The Council held a public workshop on April 14 and 15, to receive input from stakeholders on priority areas for revision of the second draft Delta Plan. The workshop was organized around five panels addressing the interests of the Delta counties and cities, restoration of the Delta ecosystem, consideration of the relationship between Delta ecosystem restoration and agriculture, and water supply reliability. Panelists representing different stakeholder interests were invited to participate and comment on the second draft Delta Plan. Many panelists expressed concerns with the regulatory policies that are proposed for applicable proposed actions in the Delta and proposed Delta Plan elements directing regional water management activities.

## Board Report (Bay-Delta Management Report)

The Council released the third draft of the Delta Plan on April 22. In the third draft Delta Plan the findings, which are statements about the Delta ecosystem, supply reliability, flood risk and other issues based on available science and other sources of information, and the respective regulatory policies and recommendations have been refined and reformatted in a manner that is linked to problem statements, as recommended by the Delta Independent Science Board. The third draft Delta Plan was discussed at the Council meeting on April 28 and 29, and will be discussed at the May 12 and 13, 2011 Council workshop as well. Written comments on the draft are due May 6, 2011. Staff is currently reviewing the third draft Delta Plan, developing comments, and coordinating with other water users on the development of comments.

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

Habitat Restoration: Progress continued in April on the Lower Yolo Bypass tidal marsh restoration project. The 1,100 acre tidal marsh restoration project is located in the lower Yolo Bypass just to the north of Liberty Island. A public scoping session was held on March 15, 2011 in West Sacramento for the Notice of Preparation (NOP) and Initial Study. Since that meeting, nine comment letters have been submitted. The comment letters generally focus on agricultural land, flood control, economic, waterflow, methylmercury and adjacent agricultural operation impacts. Other comments on the NOP include requests to analyze BDCP cumulative impacts, greenhouse gas emissions, and compliance with the Yolo County moratorium and Williamson Act.

With Metropolitan staff assistance, State and Federal Contractors Water Agency (SFCWA) consultants continue to work on the newly expanded CEQA documentation for the Lower Yolo Bypass restoration project. A public draft EIR is currently scheduled to be completed this summer. Concurrently, the SFCWA team is preparing various permits and continuing to develop a Habitat Restoration Plan. The preliminary wetland delineation was recently submitted to the U.S. Army Corps of Engineers (ACOE), and the ACOE permit application will be submitted soon. Finally, acquisition of Yolo Flyway Farms, an integral part of the lower Yolo restoration project, is still being pursued.

State Water Resources Control Board (SWRCB): On April 1, the SWRCB released a NOP of environmental documentation and a notice of an additional scoping meeting for the update and implementation of the 2006 Water Quality Control Plan for the Bay-Delta, focused on south Delta salinity for protection of Delta agricultural uses and San Joaquin River flow objectives for protection of fisheries. The scoping meeting will be held June 6, 2011, and written comments on the notice of preparation are due May 23, 2011.

The notice includes draft salinity and flow objectives. As proposed, current salinity objectives would be maintained at Vernalis on the San Joaquin River as it flows into the Delta, and the CVP would maintain responsibility for meeting the Vernalis objectives. Downstream south Delta agricultural objectives would be relaxed, and the CVP-SWP would no longer be responsible for meeting these objectives. However, the projects would continue to be jointly responsible for improving water levels and circulation patterns through operation of south Delta barriers. According to the notice narrative, a flow objective would be implemented at Vernalis. The flow objective would be phased and fully implemented by the completion of the Merced and Tuolumne FERC proceedings or 2020, whichever occurs first. The draft language alludes to downstream export restrictions; however, details are not provided in the notice. Staff is coordinating with the State Water Contractors to prepare comments and prepare for the scoping meeting.

### **Delta Emergency Preparedness**

DWR Flood Management staff continued to work on funding commitments for Bacon Island pathway levee improvements. Reclamation District 2028 (Bacon Island) signed an agreement whereby DWR will provide \$750,000 for a portion of the 50 percent cost share toward ACOE feasibility studies under the Federal Cost Sharing Agreement (FCSA) for Bacon Island pathway levee improvements. DWR Flood Management staff has advised that a \$150,000 FCSA local funding shortfall would be covered through state Delta Risk Management funding following clarification of state and federal roles in emergency response. Through consultants, Metropolitan is finalizing seismic studies of pathway levee slumping and remedial costs for improvements to minimize slumping in emergency response.

## Board Report (Bay-Delta Management Report)

The DWR draft Delta Risk Management Strategy Phase 2 report, incorporating the emergency preparedness and response plans for implementation of an emergency freshwater pathway, will be provided to the Council this spring.