



## ● Bay-Delta Management Report

### Summary

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

### Detailed Report

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#### Long-Term Delta Actions

##### Bay Delta Conservation Plan (BDCP)

The Governor's administration has proposed a new public participation process for the BDCP. A series of topic specific work groups are being formulated to expand stakeholder participation in the discussion and resolution of key BDCP issues. Initially, thirteen workgroups will be established to consider a range of technical and organizational issues. Each workgroup will be comprised of representatives from interested stakeholders who demonstrate "a commitment to active participation, a willingness to engage in a constructive manner, an identifiable interest in the subject matter and outcome, and local or subject matter knowledge or expertise." All work groups will be open to the public. Metropolitan staff intends to participate on each workgroup directly or through coordination with other state and federal water contractors.

In addition to the work groups, public meetings will be held every four-to-six weeks as the draft BDCP is developed. The purpose of the meetings is to provide the public with progress updates on the working groups and the development of the BDCP. Agendas will be posted on the BDCP website and the meetings will be open to participation by all interested groups and members of the public.

##### Delta Habitat Conservation and Conveyance Program (DHCCP)

During this past month, the Department of Water Resources (DWR) and DHCCP consultant's staff continued to work on the geotechnical investigation. As reported previously, in April the San Joaquin Superior Court denied DWR's petition for an Order of Entry regarding geological activities on privately held properties on the basis that the boring activities would 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. As a result, DWR has rescheduled and re-sequenced the borings not affected by the ruling. During the months of May and June 2011, work will be done at 30 locations at the north end of the proposed conveyance near the proposed pumping plants, intakes, forebay, and intermediate pumping plant and include down hole borings, cone penetration tests, and test pits. During the months of August to November 2011, borings will be conducted at 18 locations near Clifton Court (at the south end of the proposed conveyance facilities). The geotechnical investigation is on the schedule critical path. DWR is still evaluating whether to appeal the judge's ruling and will negotiate with landowners to purchase the easements necessary for the geotechnical investigations.

The Fish Facilities Technical Team (FFTT) is evaluating the proposed intake facilities. The FFTT is composed of participants from DWR, Department of Fish and Game, United States Fish and Wildlife Service, National Marine Fisheries Service and United States Bureau of Reclamation. The FFTT evaluation includes, but is not limited to, operational criteria, sweep and approach velocities that will protect the fish, size and location of facilities, and proposed near and long term studies. Metropolitan staff continues to review the All Tunnel Conceptual Engineering Report to identify areas where Metropolitan can assist DWR in the preliminary design of the conveyance facilities. The current schedule calls for preliminary design to start in October 2011.

##### Delta Stewardship Council (Council)

The Council held a meeting May 12 and 13 and continued to focus on review of the draft Delta Plan. At the May meeting the Council completed their chapter by chapter detailed review of the third draft Delta Plan that was released in April. The Council received over 50 comment letters and more than 1,000 individual comments

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submitted by stakeholders, state and federal agencies, and other interested parties. Metropolitan submitted a comment letter on May 6 focused on our key concerns with the Delta Plan, including Council regulatory authority, consistency determinations, consistency reviews for water contracts and water transfers, the mandated schedule for developing Delta flow requirements, and BDCP approval requirements. At their May meeting, the Council decided to alter their upcoming meeting schedule and the scheduled release of the fourth draft Delta Plan to allow time to incorporate public comments. The fourth draft Delta Plan is scheduled for release on June 13, and the Council will hold a special one-day meeting on June 16 to discuss the overall Delta Plan approach, and the scope and the role of the Council and the Delta Plan. The Council will then hold a meeting on June 23 and 24, to take action to revise the fourth draft Delta Plan and to circulate the Programmatic Draft EIR for public comment. Staff is continuing to work with the state and federal water contractors and other water users to develop comments and provide input to the Council on needed revisions to the Delta Plan.

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

#### State Water Project (SWP) and Central Valley Project (CVP) Regulatory Issues: Biological Opinion

The Bureau of Reclamation and the US Fish and Wildlife Service are considering implementation of an experimental action this fall addressing Delta outflow requirements (X-2 experiment) as part of an adaptive management plan under the Biological Opinion (BiOp) for Delta smelt. Metropolitan's review of the Fall X-2 experiment proposal identified significant concerns with the approach, including inconsistencies with the court ruling on the BiOp, failure to consider emerging science, poorly developed research and monitoring methods, lack of specificity, and high potential water costs. Metropolitan staff, along with other state and federal water contractor representatives, raised concerns at a workshop sponsored by the federal agencies and submitted a joint letter to the agencies outlining the flaws in the proposed Fall X-2 experimental design.

#### Habitat Restoration

Progress continued in May 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. With Metropolitan staff assistance, State and Federal Contractors Water Agency (SFCWA) consultants continue to work on the CEQA documentation for the Lower Yolo Bypass restoration project. A public draft EIR is scheduled to be completed this summer and the Final EIR in the late fall. Concurrently, the SFCWA team is preparing various permit applications and continuing to develop a Habitat Restoration Plan. Finally, acquisition of Yolo Flyway Farms, an integral part of the lower Yolo restoration project, is continuing to progress. A local conservation group has reached a purchase and sale agreement with the Flyway Farms landowner and is seeking agreements with SFCWA to complete the transaction.

#### State Water Resources Control Board (SWRCB)

As reported last month, the SWRCB released a notice of preparation of environmental documentation and additional scoping meeting for the update and implementation of the 2006 Bay-Delta Water Quality Control Plan (Basin Plan), focused on south Delta salinity and San Joaquin River flow objectives. The draft Basin Plan update continues to assign the SWP and CVP joint responsibility for improving water levels and circulation patterns through operation of south Delta barriers. Staff, working with the State Water Contractors (SWC), is coordinating with DWR to evaluate SWP and CVP effects on water levels and circulation patterns in the south Delta. The scoping meeting will be held June 6, 2011. Staff coordinated with the SWC to prepare and submit written comments by the May 23 deadline.

Metropolitan, in coordination with other water contractor staff, continues to participate with the San Joaquin River Group and several interested power utilities to develop modeling tools that will be used to evaluate the potential impact on hydropower generation of proposed SWRCB flow criteria contained in their August 2010 report – "Development of Flow Criteria for the Sacramento-San Joaquin Delta Ecosystem." A consulting firm will be selected this month to undertake the evaluation.

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### **Delta Emergency Preparedness**

Work continued this month on Delta emergency preparedness efforts. DWR Flood Management staff continued to work on funding commitments for Bacon Island pathway levee improvements to allow the US Army Corps of Engineers feasibility studies to proceed under a Federal Cost Sharing Agreement. Metropolitan consultants are currently finalizing seismic studies of pathway landside levee fill to minimize slumping and facilitate emergency response. DWR consultants have developed a simplified water analysis model for timely assessment of emergency response following severe levee breaks. At Metropolitan's request, DWR consultants are also evaluating the water quality effects of potential scenarios for resuming water exports following a Delta emergency and severe levee failure. The Department of Interior, Office of Environmental Policy and Compliance, Oakland, has offered assistance in enhancing dialogue between federal and state agencies in Delta emergency operations planning initiatives. A policy briefing is being planned for this office involving agency executives directing the current Delta emergency operations planning team.