



- Bay-Delta Management Report

Summary

This report provides a summary of activities related to the Bay-Delta for May 2015.

Purpose

Informational

Detailed Report

Long-Term Delta Actions

Bay Delta Conservation Plan

On April 30, 2015, the state proposed a change in direction for the Bay Delta Conservation Plan (BDCP). State and federal agencies are proposing alternatives to separate the conveyance facility and habitat restoration measures into two separate efforts: California Water Fix and California Eco Restore. These two efforts would be implemented under a different Endangered Species Act permitting process and would be implemented to fulfill the requirement of the 2009 Delta Reform Act to meet co-equal goals.

Under the Eco Restore Program, the state has outlined an aggressive goal to pursue the restoration of at least 30,000 acres of Delta habitats over the next five years. These restoration actions include new projects as well as actions pursuant to pre-existing regulatory requirements all designed to improve the overall health of the Delta. In addition, the Delta Conservancy will lead a process to identify other priority restoration projects, in collaboration with local governments and with a priority on using public lands in the Delta. Funding for restoration projects will be provided through multiple sources including state bonds and other state-mandated funds, State Water Project/Central Valley Project (SWP/CVP) contractors as part of existing regulatory obligations, and various local and federal partners.

The construction and operations of the new water conveyance facilities is the focus of the California Water Fix. Several changes are being proposed to the new water conveyance facilities that would reduce overall project environmental impacts and minimize local community disruptions. The proposed approach would include three new state-of-the-art intakes along the Sacramento River, each with 3,000 cfs capacity and two 40-foot tunnels up to 150-feet below ground to convey water to Clifton Court Forebay. Engineering configuration improvements to eliminate pumping plants, reduce permanent power lines and power use, reconfigure sediment basins, and reconfigure/relocate construction staging sites would result in reduced environmental and construction impacts and improve long-term operational benefits. Additionally, the California Water Fix would identify mitigation that is required to offset construction-related impacts and address impacts from operations once the new conveyance facility is online.

As part of the State's new proposal, the regulatory approach to obtaining state and federal endangered species compliance would shift from the Habitat Conservation Plan/Natural Community Conservation Plan strategy to an approach that contemplates a Biological Opinion pursuant to the federal Endangered Species Act section 7 and a corresponding State permit. This approach as well as the proposed revision to the new water facilities and ecosystem restoration actions are to be evaluated in a partially Recirculated Draft Environmental Impact Report/Environmental Impact Statement expected to be released in the summer of 2015. Staff plans to fully evaluate the proposed changes once more information becomes available and assess how this new proposal would address Delta water supply and ecosystem concerns in a manner that meets the Board's policies and Metropolitan's long-term supply needs.

Board Report (Bay-Delta Management Report)

Near-Term Delta Actions

State Water Resources Control Board

Due to dry conditions in the Delta, the State Water Resources Control Board (SWRCB) started issuing curtailment notices directing water diverters in the Delta watershed to cease diversions. On April 23, 2015, the SWRCB issued a curtailment notice for all post-1914 water rights in the San Joaquin River watershed. On April 30, 2015, the SWRCB issued a curtailment notice to the holders of 88 water rights in the Sacramento-San Joaquin Delta watershed with the Term 91 condition in their permit or license. In general, Term-91 requires diverters junior to the SWP and CVP to curtail their water diversions when the Delta is in “balanced conditions” meaning that flow in the Delta is being controlled by project operations rather than by inflow to the Delta. On May 1, the SWRCB issued a curtailment notice for all post-1914 water rights in the Sacramento River watershed. Those who are found to be diverting water beyond what is legally available to them may be subject to administrative fines, cease and desist orders, or prosecution in court. The SWRCB may levy fines of \$1,000 per day of violation and \$2,500 for each acre-foot diverted or used in excess of a valid water right. Additionally, if the SWRCB issues a cease and desist order against an unauthorized diversion, the violation of such order can result in a fine of \$10,000 per day.

As reported previously, the SWRCB considered a Temporary Urgency Change Petition (TUCP) submitted by the California Department of Water Resources (DWR) and the U.S. Bureau of Reclamation (USBR) in January 2015, requesting temporary changes to the terms of the water rights permits for operation of the SWP/CVP for February and March 2015. On March 24, 2015, DWR and USBR submitted a request to modify the TUCP order to be effective from April through September 2015. On April 6, 2015, the SWRCB issued a revised order for the April through June 2015 time period. The need for a salinity barrier was identified in the TUCP. DWR decided to install the salinity barrier at the False River location in the western Delta. DWR initiated construction, although a lawsuit challenging the decision to construct the barrier was filed by the Center for Environmental Science, Accuracy & Reliability on May 6, seeking an injunction to stop construction of the barrier.

The SWRCB held a public informational workshop on May 20 to receive public input regarding the SWRCB’s drought-related activities in the Bay-Delta watershed, including the TUCP and curtailments. The SWRCB is considering what actions are necessary regarding senior water right holders (pre-1914 and riparian).

Delta Emergency Preparedness

DWR reported that the funding agreement to improve levees on Old River, along the western portion of Bacon Island, is expected to be executed by mid-2015. This work would enhance levee reliability for a substantial part of the Old River levee system by providing levee crown and slope fill, and waterside levee armoring. These levee improvements would add to conveyance and emergency response capabilities being implemented in the south Delta. DWR also reported that they will raise the elevation of their major emergency preparedness storage facility in Stockton to provide additional protection in the event of flood emergencies.

DWR recently performed a Department-wide exercise that assumed a major earthquake on the Hayward Fault west of the Delta region. The exercise activated all major emergency response components described in their Delta Flood Emergency Management Plan, including a coordinated Flood Operations Center (FOC) and a Department Operations Center (DOC). The DOC is designed to ensure adequate resources are provided to the FOC in a major emergency and to fully integrate emergency communication functions. DWR is using the results of the exercise to determine where improvements are needed to fully integrate emergency communication functions.

Board Report (Bay-Delta Management Report)

BDCP Expenditures

Overall. As of April 30, 2015, the DWR has committed \$237.8 million out of the \$239.6 million budget under the BDCP and the associated Delta Habitat Conservation and Conveyance Program (DHCCP) activities. This includes funding under the December 2008 DHCCP Funding Agreement and July 2010 Supplemental Funding Agreement. Prior to these two funding agreements, an additional \$13.5 million was expended under the November 2006 BDCP Cooperative Cost-Share Agreement for startup costs related to development and review of the BDCP and consulting resources necessary to prepare the BDCP. Additional planning funds totaling \$4.7 million are anticipated to be made available in June 2015 by USBR based on a grants notice issued on May 14 by the United States Department of the Interior. This will be reported as the additional funds become available.

Metropolitan's Share. Metropolitan's commitment under this program remains at \$63 million.

Funding Agreements	Total Project (in millions)		
	Budget	Commitment	Remaining
Dec 2008 – DHCCP Funding Agreement	\$139.6	\$139.6	\$0
Jul 2010 – Supplemental Funding Agreement	\$100.0	\$ 98.2	\$1.8
TOTAL	\$239.6	\$237.8	\$1.8

* November 2006 BDCP Cooperative Cost-Share Agreement totaling \$13.5 million was not included in the above table.

* Anticipated funding of \$4.7 million from the USBR is not included in the above table.