

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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TO: Commissioners and Alternates

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SUBJECT: Status Report on Bay-Delta Planning and Decision-Making
(For Commission consideration on January 15, 2009)

Summary

The Commission has directed the staff to provide information on Bay-Delta planning and decision-making processes. As the fourth in a series of speakers on Bay-Delta activities, the Honorable Phil Isenberg, Chair of the Delta Vision Blue Ribbon Task Force, will brief the Commission on the Delta Vision Strategic Plan on January 15, 2009.

The staff participated in the now completed Delta Vision initiative and is continuing to participate in other ongoing Bay-Delta planning processes, focusing on the need for (1) providing adequate freshwater flows to the Bay and Suisun Marsh, and (2) developing a coordinated regional approach to wetland restoration, sediment management, and planning for climate change in the Bay and Delta. The *Delta Vision Strategic Plan* is attached for Commissioners' review.

Staff Report

DELTA UPDATE

The statewide drought, combined with new legal restrictions on Delta pumping to protect Delta smelt and longfin smelt, are providing an impetus for decisive action to address California water issues, through planning and legislation.

Pumping Restrictions to Protect Fish. On November 14, 2008, the California Fish and Game Commission issued a 90-day regulation to protect longfin smelt while the species is evaluated for listing as threatened or endangered under the state endangered species act.



Making San Francisco Bay Better

The U.S. Fish and Wildlife Service (FWS) delivered its revised Delta smelt biological opinion to the U.S. Bureau of Reclamation on December 15, 2008, as ordered by U.S. District Judge Oliver Wanger. The opinion recommends ways to modify the plan for operating the state and federal water projects, including reservoir releases and Delta pumping, to better protect Delta smelt. The California Department of Water Resources (DWR) has stated that, as a result of the pumping restrictions, water deliveries to cities, farms and businesses throughout much of the state will be reduced about 20 to 30 percent on average, but cuts could be up to 50 percent in dry years.

The National Marine Fisheries Service's (NMFS) revised salmon and steelhead biological opinion on water project operations, also ordered by Judge Wanger, is due in March 2009.

Planning. The Delta Vision Blue Ribbon Task Force has produced a strategic plan to implement its long-term vision of ecosystem recovery, water supply reliability, and the health and safety of Delta communities. Recommendations include creating a new governing authority that could raise and allocate revenue to water infrastructure and environmental projects, and discouraging inappropriate land uses in the Delta region. The Delta Vision cabinet committee will use the Task Force's recommendations as the basis of its implementation plan, which is due to the Governor and the Legislature on December 31, 2008.

Two of the strategies in the Delta Vision Strategic Plan deal with issues of particular concern to the Commission: freshwater inflow to the Bay, and the proposed peripheral canal or "dual conveyance" of water supplies through and around the Delta. Strategy 3.4 calls for restoring Delta flows and channels to support a healthy Delta estuary. Under this strategy, the Task Force recommends adopting new State Water Resources Control Board requirements by 2012 to increase spring Delta outflow, i.e., freshwater inflow to the Bay, in dry and average years. The Task Force also recommends reintroducing fall Delta outflow variability in order to provide more low salinity fall habitat. In Strategy 5, the Task Force recommends building facilities to improve the existing water conveyance system and expand statewide storage, and operating both to achieve the co-equal goals of restoring the Delta ecosystem and creating a more reliable water supply for California. Specifically, the Task Force calls for directing DWR and other allied agencies to further investigate the feasibility of a dual conveyance facility, building on the Bay Delta Conservation Plan (BDCP) effort.

The BDCP, which is being prepared by state and federal water project operators (DWR and the U.S. Bureau of Reclamation), water contractors, resource agencies and nongovernmental organizations, will analyze the potential for habitat restoration, provision of adequate flows, and the reduction of other stressors to offset impacts of water project operations. The BDCP will include analysis of potential benefits and impacts of a peripheral canal. This analysis will be used to prepare a new plan for mitigating the impacts of water diversions. A draft Conservation Strategy for the BDCP will be released in January 2009. DWR expects to complete the BDCP by the end of 2010.

DWR has directed its staff to complete by December 2009 the reservoir feasibility studies that were required by the 2000 CALFED Record of Decision, including studies of raising the Shasta Dam and Los Vaqueros Dam. The studies will have to take into consideration new water conservation requirements and new water project pumping restrictions designed to protect fish.

The State Water Resources Control Board (State Water Board) has adopted a Strategic Workplan for the Bay-Delta that includes a review of water rights to ensure that they are

compatible with beneficial uses and the public trust. The Water Board Workplan also includes consideration of the reasonableness of the State Water Project's and Central Valley Project's methods of diversion in the southern Delta, review of the southern Delta salinity standards and San Joaquin River flow objectives, and an update of the Bay-Delta Water Quality Control Plan.

Legislative Proposals. Two Delta-related bills were introduced on December 1, 2008. State Senator Joe Simitian introduced SB 12, the Sacramento-San Joaquin River Delta, Clean Drinking Water, Water Supply Security, and Environmental Improvement Act of 2009, which would enact many of the recommendations in the Delta Vision Strategic Plan, including creation of a Delta Watershed Conservancy within the State Coastal Conservancy. Assembly Member Mary Salas introduced AB 13, which would create a Sacramento-San Joaquin River Delta Conservancy as a stand-alone agency.

Two statewide water bills were also introduced on December 1st. AB 49, introduced by Assembly Members Mike Feuer and Jared Huffman, would enact into law Governor Schwarzenegger's executive order requiring the state to achieve a twenty percent, per person reduction in urban water use by December 31, 2020. Assembly Member Danny Gilmore introduced AB 25, which would direct DWR to complete, by the earliest possible date, the environmental documentation for those reservoirs that were proposed in the CALFED Record of Decision.

COMMISSION'S ROLE

Delta planning and decision-making affects the Commission's jurisdiction by influencing freshwater inflows to the Bay and wetland restoration, particularly in the Suisun Marsh. Important decisions will be made regarding water storage and conveyance in the Delta and its watershed that will affect the amount and timing of freshwater reaching the Bay and Suisun Marsh. Habitat restoration plans for the Bay and the Delta, such as the 1999 Baylands Ecosystem Habitat Goals, the Suisun Marsh Plan (see below) and the 2006 Central Valley Joint Venture Habitat Management Plan, have identified Suisun Marsh as a key area for tidal marsh restoration and managed wetland enhancement.

The Commission is helping to advance Bay-Delta planning and decision-making by emphasizing the need for adequate fresh water inflow to the Bay and Suisun Marsh and the importance of coordinating planning for habitat restoration and climate change adaptation throughout the estuary. The staff is achieving this goal through making formal comments on draft plans and environmental documents, participating in interagency and public meetings, and working directly with staff of other agencies and organizations.

- **Delta Vision.** The Commission staff served on the Governance and Strategic Finance Work Group for the Delta Vision initiative and provided information on federal consistency under the Coastal Zone Management Act (CZMA) to help the Task Force develop its recommendation regarding the development of a legally binding yet flexible California Delta Ecosystem and Water Plan. The Commission staff also worked with Delta Vision staff to determine the appropriate sea level rise numbers to use for planning purposes, ensuring consistency between numbers used in the Bay and Delta. In a letter to Task Force Chair Phil Isenberg, the Commission commended the Task Force for recommending increased Delta outflows, substantial habitat restoration, and statewide efforts to promote water conservation and efficiency, actions that are consistent with the Commission's Bay Plan policies and will benefit the entire estuary.

- **Suisun Marsh Charter Group.** The Suisun Marsh Charter Group is developing a Habitat Management, Preservation and Restoration Plan for Suisun Marsh (Suisun Marsh Plan). The Charter Group came together to develop a regional plan that balances implementation of the CALFED Program, the Suisun Marsh Preservation Agreement, and other management and restoration programs within the Suisun Marsh. The Commission serves on the Regulatory Working Group for this effort and will work with the principals of the Charter Group on a consistency determination for the Suisun Marsh Plan, pursuant to CZMA. Implementation of the Suisun Marsh Plan may also require amending the Suisun Resource Conservation District's Local Protection Program to update levee standards and improve levee maintenance practices, among other changes. Steve Chappell of the Suisun Resource Conservation District will brief the Commission on the work of the Suisun Marsh Charter Group in April 2009.
- **BDCP and State Water Board.** The development of the BDCP and State Water Board public trust hearings will provide opportunities for the Commission to participate in setting new standards for salinity and freshwater flows in the Delta, which will also affect Suisun Marsh and the Bay. The staff has been attending BDCP Steering Committee meetings, and plans to comment on the draft environmental document for the Plan, which the Steering Committee expects to release by the end of 2009. The staff will continue to track the progress of the State Water Board's fact-finding hearings, which began in November with a workshop on San Joaquin River flows, and will prepare testimony as appropriate. The staff will arrange a Commission briefing on the BDCP Conservation Strategy in early 2009.