

Bay-Delta Water Quality Control Plan

Purpose: Identify existing and potential beneficial uses of water and establish water quality objectives to protect those uses.

Scope: The 2006 update identified 17 beneficial uses, including: municipal, domestic, and agricultural supply; groundwater recharge; navigation; recreation; and wildlife and estuarine habitat.

The State Water Resources Control Board (Water Board) is required by law to balance the competing uses of California water to protect public trust uses, including fish and wildlife, while also considering the public interest in drinking water, hydropower, agriculture, and more. The Water Board determines how to achieve those objectives, usually by setting conditions on water right permits/licenses, or through regulation of pollutant discharge and agricultural drainage.

Status: On December 12, 2018, the Water Board adopted amendments to the plan for Lower San Joaquin River flow objectives and revised southern Sacramento-San Joaquin Delta salinity objectives. These amendments are now in effect, after being approved by the Office of Administrative Law on February 25, 2019.

The Water Board is now considering amendments focused on the Sacramento River and its tributaries, Delta eastside tributaries, Delta outflows, and interior Delta flows.

Lead Agency: Water Board

Voluntary Agreements (VAs)

Purpose: Establish water quality conditions that support 1) the viability of native fishes in the Bay-Delta watershed; and, 2) achieve related objectives in the Bay-Delta Water Quality Control Plan, as amended.

Scope: The Water Board established and revised the Plan to carry out obligations to reasonably protect beneficial uses in the Bay-Delta watershed, including fish and wildlife. Historically, the Water Board has relied on its water right authority as the predominant mechanism to implement plan objectives.

VAs are intended to provide an alternate, integrated approach to achieving the statutory objective of reasonable protection of beneficial uses without a traditional regulatory approach that often leads to litigation. The VA proposal intends to provide a mechanism for complementing water flow elements with non-flow measures, along with a science program and dedicated funding sources that are important to the long-term viability of fish and wildlife populations. If VAs demonstrate reasonable protection of beneficial uses, they could become an integral part of the plan update. Lead agencies and others involved in discussion (i.e. water users and NGOs) anticipate that at the end the proposed 15-year term of the VA, the VA would be renewed, modified, or renegotiated, and/or the Water Board would complete an update to the plan.

Status: Finalization was expected by October 31, 2019, however, this deadline has been extended.

Lead Agency: California Natural Resources Agency (CNRA)

Aligning Objectives Toward a Resilient California Water Future

California Water Resilience Portfolio

Purpose: Develop a comprehensive statewide strategy to build a climate-resilient water system and ensure healthy waterways.

Scope: The portfolio is intended to integrate and build on programs, policies, and investments already in place to build a climate-resilient statewide water system. Likely elements include recycling and conservation; expanding stormwater capture and groundwater recharge; modernizing water infrastructure – including in the Delta – to withstand climate pressures and advance multi-benefit projects that will improve flood protection, enhance habitat, and recharge groundwater basins.

The portfolio will build on previous work, including the California Water Action Plan released by the Brown Administration in 2014 and updated in 2016. It will take advantage of new data and lessons learned since then to reassess California Water Action Plan priorities, identify potential new priorities for the Newsom Administration, and identify ways to improve integration across state agencies to implement those priorities.

Status: A draft portfolio is expected around Thanksgiving 2019.

Lead Agencies: CNRA, California Environmental Protection Agency, and California Department of Food and Agriculture

Revised Biological Opinions

Purpose: Minimize and offset impacts of the Central Valley Project on fisheries, various species, and their habitats under the authority of the federal Endangered Species Act.

Scope: In August 2016, the U.S. Bureau of Reclamation (Reclamation) and the California Department of Water Resources began developing a new operations plan and undertook a review of the effects of the new plan on numerous species listed under the Endangered Species Act, in particular, Delta smelt, green sturgeon, salmon, and steelhead species.

In the new draft plan released in January 2019, Reclamation sought to strike the critical balance between providing water supply for farmers and communities, while meeting the needs of fisheries, species, and their habitats. The draft plan included a suite of flow (requiring water) and non-flow measures (habitat restoration) crafted to improve water supply reliability using updated science while being protective of endangered fish species.

Status: On October 21, 2019, the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) released their Biological Opinions on Reclamation's new proposed operations for the Central Valley Project, which found that Reclamation's revised proposed operations will not jeopardize threatened or endangered species or adversely modify their critical habitat.

Lead Agencies: Reclamation, USFWS, and NMFS