

Strategic Workplan Update

Excerpt from September 16, 2008 Executive Director's Report

Strategic Workplan for the Bay- Delta Estuary

On July 16, the State Water Board adopted a Strategic Workplan (Workplan) for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta). Staff from the State Water Board and Central Valley and San Francisco Bay Regional Water Boards prepared the Workplan that describes the suite of activities the State Water Board will pursue over the next five years to address the water supply and environmental crisis in the Bay-Delta. Workplan elements are responsive to direction from the Governor and Delta Vision and touch on a wide range of flow and water quality actions to fix and better protect the Delta and the public trust, while still protecting diverse public interests. The Central Valley and San Francisco Bay Regional Water Boards will also consider adopting the Workplan later this year. The Workplan is available at: http://www.waterrights.ca.gov/baydelta/strategic_workplan.htm

Among many elements, the Workplan contains proposed actions to address water use efficiency for urban and agricultural water users. The actions include an assessment of whether any or all of the 14 Best Management Practices (BMPs) identified in the California Urban Water Conservation Council Memorandum of Understanding should be mandated. The State Water Board is considering whether to develop a regulatory program and, if so, what the regulatory program should be. The State Water Board will hold a public workshop October 1, 2008, to consider information regarding the development of an urban water conservation regulatory program.

The Workplan also requires a comprehensive review of the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (2006 Bay-Delta Plan), as well as water rights and other measures implementing that plan. Such a review would establish interim and long-term water quality objectives and implementation measures to protect fish and wildlife beneficial uses of water and the public trust. The Workplan includes the following information-gathering activities by the State Water Board:

Workshop on September 17, 2008, continuing on November 5, 2008, to receive information regarding the San Joaquin River flow objectives for fish and wildlife beneficial uses in the 2006 Bay-Delta Plan. The first workshop will provide an overview of various critical issues and public processes concerning the San Joaquin River flow objectives, an update on southern Delta salinity and an update on implementation of the Strategic Workplan. The State Water Board will use the information obtained in this first workshop to define and more narrowly focus the scope of subsequent workshops on particular issues relating to the San Joaquin River flow objectives, including the ongoing Vernalis Adaptive Management Plan.

Workshop on October 8, 2008, to receive comments from agencies and members of the public regarding periodic review of the 2006 Bay-Delta Plan. This workshop will help the State Water Board identify elements of the 2006 Bay-Delta Plan that may need amendment.

Evidentiary hearings. On August 29, 2008, State Water Board staff sent a letter to interested parties requesting recommendations concerning factual issues that the State Water Board should consider during an upcoming series of evidentiary hearings. Specifically, the State Water Board is seeking information concerning what analyses have been conducted related to critical factual issues concerning the Bay-Delta's ecology and what those analyses show. Following receipt of this information, the State Water Board will provide public notice of (1) the issues that will be the subject of upcoming evidentiary hearings, (2) the requirements for participation, and (3) the order of those proceedings. Dates for these evidentiary hearings have yet to be set.

Notices for the October workshop and the request for written input are available at: http://www.waterrights.ca.gov/baydelta/periodic_review.html

Streamflow Objectives/State Water Board Strategic Plan

On August 14, 2008, the Division of Water Rights received from the Department of Fish and Game (DFG) a list of 22 priority streams or watercourses for future streamflow studies. Public Resources Code sections 10000 *et seq.* require the Director of DFG to submit a list of priority streams to the State Water Board and to initiate streamflow studies on the identified streams as funding is available. Following completion of streamflow studies, DFG is to submit to the State Water Board proposed streamflow requirements for the protection of fish and wildlife. Water Code section 1257.5 requires the State Water Board to consider the submitted requirements when acting on applications to appropriate water, specifically to consider instream fishery needs when determining whether water is available for appropriation. A decision by the State Water Board that water is not available for appropriation on a particular stream or stream reach could lead to the stream being declared fully appropriated, which would preclude the State Water Board from accepting future applications to divert water from that stream. Water Code section 1229.1 prohibits the State Water Board from issuing or renewing small domestic and livestock pond registrations on streams for which the DFG has established streamflow requirements.

The State Water Board's Strategic Plan specifies that the State Water Board will work with DFG to compile a list of priority streams for which streamflow objectives will be developed. The list received from DFG on August 14th satisfies that element of Action 3.3.1(a) of the Strategic Plan. The Strategic Plan then specifies that the State Water Board will initiate the development of one minimum streamflow proposal to be brought before the Board by December 2010 and two more proposals by 2012. If flow standards on those streams are not being met, the State Water Board will determine by December 2012 any mandated actions (such as conservation, recycling, and limiting amount of water diverted) that are necessary to protect the public trust by preventing waste or unreasonable uses or methods of diversion. The State Water Board's Bay-Delta Strategic Workplan reiterates this commitment and specifies that at least one of the streams will be in the Delta or Suisun Marsh watersheds. Two of the three highest priority streams identified by DFG are in the Bay-Delta Watershed: Butte Creek and the Tuolumne River below La Grange Dam.