



Water Planning & Stewardship Committee

Express support for developing the Voluntary Agreement approach as an alternative in the State Water Resources Control Board's Bay-Delta Water Quality Control Plan Update.

Item 7-9

May 9, 2022

Express Board support for

Bay-Delta Watershed Voluntary Agreement

Agenda

- Background
- MOU and Term Sheet
- Next Steps
- Board Action

Background

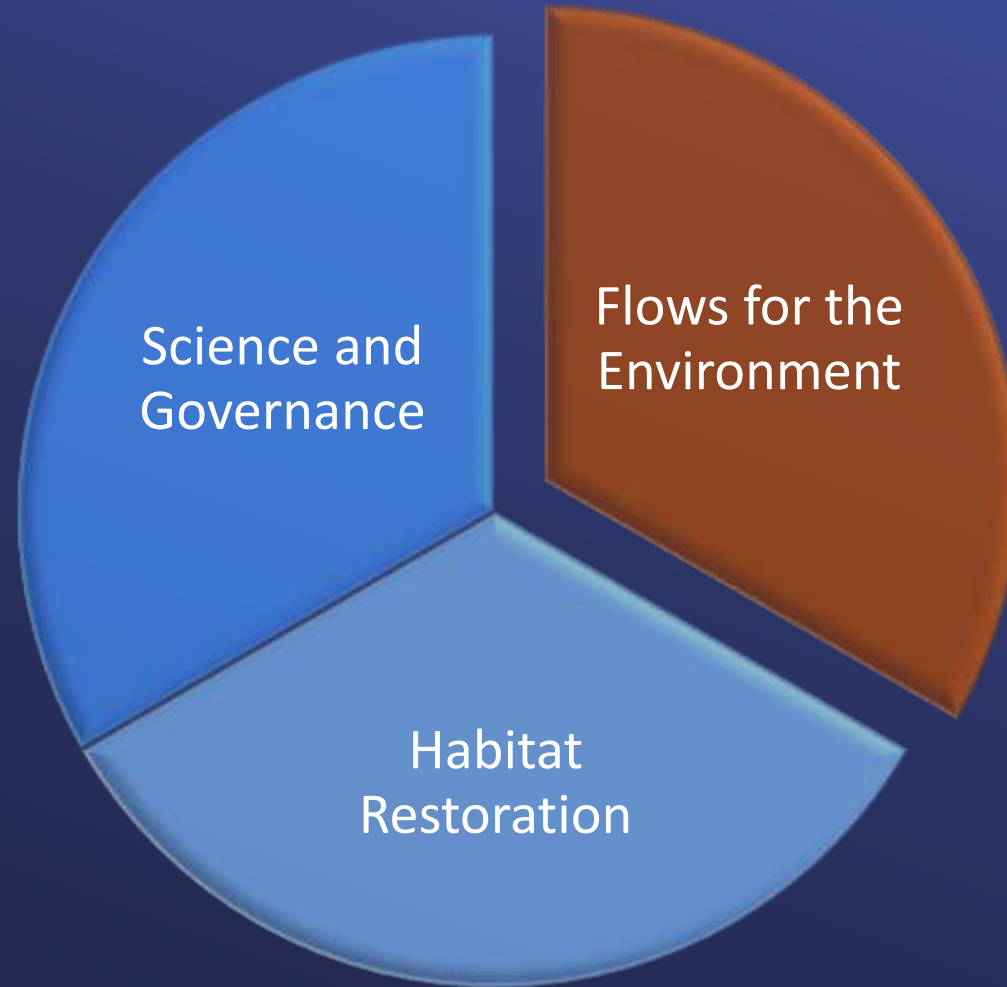
State Board update to the

Water Quality Control Plan



Since 2015 the State has been,
and will continue to lead

An Alternative Approach



Aligns with:

Water Resilience Portfolio

State's priorities in Executive Orders
(Drought and Biodiversity)

State's desire to fund multiple
benefit programs

Voluntary Agreements vs. Regulatory Approach

| | Voluntary Agreements | Regulatory Approach |
|---------------|---|---|
| Water Supply | Up to 175 TAF (SWP/CVP) Additional 30 TAF SWP only | 55% Unimpaired Flow ¹ |
| Costs | \$10/AF diverted | No direct costs, but must replace lost supply |
| Structure | Voluntary Approach 8 up to 15 years | Permanent change, unless amended |
| Watershed | Bay-Delta Watershed-wide | Juniors (SWP-CVP) larger obligation |
| Governance | State Board/Water Users/NGO's/Science | State Board |
| Functionality | Habitat Restoration Adaptively Managed flows (functional flows) Performance based | Flow only |

¹State Board would allocate responsibility for the 55% in a subsequent water rights adjudication or by regulation amending water rights

NOTE: Current estimated flows to be agreed upon by multiple parties. This information reflects the State's most recent proposal, subject to agreement by multiple parties, legislation, and actions by multiple boards and state/federal agencies. May be modified, updated or reconciled based on actual agreements.

MOU and Term Sheet

Voluntary Agreements

MOU and Term Sheet

KEY COMPONENTS OF
VOLUNTARY AGREEMENT



Voluntary Agreement Flows



Habitat Restoration



Governance



Funding



Voluntary Agreement Timeline



Voluntary Agreement Flows

| Flow Amounts for Environment Thousand Acre-Feet (TAF) | Critical (15%) | Dry (22%) | Below Normal (17%) | Above Normal (14%) | Wet (32%) |
|--|-------------------|--------------|--------------------------|--------------------------|--------------|
| San Joaquin Basin | 48 | 156 | 181 | 122 | 0 |
| Sacramento River Basin | 39 | 278 | 256 | 281 | 0 |
| Friant | 0 | 50 | 50 | 50 | 0 |
| Water Purchase Program | 3 | 108.5 | 129.5 | 144.5 | 27 |
| SWP/CVP Export Reduction | 0 | 125 | 125 | 175 | 0 |
| State Purchases | 65 | 108 | 9 | 52 | 123 |
| Total New outflow (Year 1) | 155 | 825.5 | 750.5 | 824.5 | 150 |
| New Water Projects (Before Year 8) | 0 | 87 | 97 | 0 | 0 |

¹ All Appendix 1 and Phase 1 flows will be protected and parties agree to discuss the protection of these flows and collaboratively identify and resolve any redirected adverse impacts to water supply in excess of Appendix 1 contributions resulting from the protection of these flows from delta outflow.

NOTE: These flow amounts were from Table 1a of Appendix 1 and summarized by Basin



Voluntary Agreement

Governance, Science, and Adaptive Management

Governance Program will direct flows and habitat restoration



Systemwide Governance
Committee

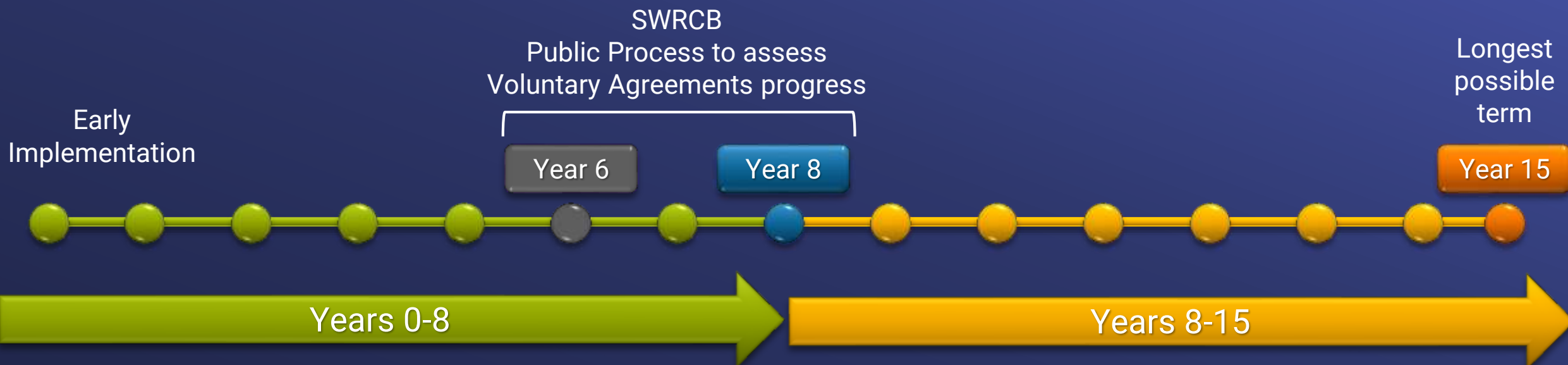


Tributary / Delta Governance
Entities



State's Voluntary Agreement Timeline

8 year term – potential up to 15 years



Implement Voluntary Agreements

- Annual Reports
- Triennial Reports
- Strategic Plan
- Governance and Science

Three possible pathways

- 1) Renew Voluntary Agreements up to 15 years
- 2) Voluntary Agreements modified and/or Bay-Delta Plan update
- 3) Regulatory pathway

Next Steps

Next Steps

Advancing the Voluntary Agreements

- Staff intends to advocate for broad inclusion and engagement
- Continued discussions on Early Implementation
- State Board considers Voluntary Agreements as an alternative implementation of narrative objectives in Substitute Environmental Document
- Approval of the Update to the Water Quality Control Plan that includes the Voluntary Agreements
- Implementation of Voluntary Agreements

Options

Option #1

Express support for developing the Voluntary Agreement approach as an alternative in the State Water Resources Control Board's Bay Delta Water Quality Control Plan Update

Option #2

Do not express support for developing the Voluntary Agreement approach as an alternative in the State Water Resources Control Board's Bay Delta Water Quality Control Plan Update

Staff
Recommendation

Option #1

