CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

REVISED[1]
NOTICE OF PUBLIC WORKSHOPS AND REQUEST FOR INFORMATION

COMPREHENSIVE (PHASE 2) REVIEW AND UPDATE TO THE BAY-DELTA PLAN
CHANGE OF PUBLIC WORKSHOPS 2 AND 3 DATES AND DEADLINES FOR RECEIPT OF WRITTEN COMMENTS

9:00 a.m. to 5:00 p.m. (for all workshops)
Joe Serna, Jr.-Cal/EPA Building
1001 I Street, Second Floor
Sacramento, CA 95814

Workshop 1: Ecosystem Changes and the Low Salinity Zone
Wednesday, September 5, 2012
continuing on Thursday, September 6, 2012 if necessary
Coastal Hearing Room

Workshop 2: Bay-Delta Fishery Resources
~~Tuesday and Wednesday, September 18 and 19, 2012~~
~~continuing on Monday, October 1, 2012 if necessary~~
Monday and Tuesday, October 1 and 2, 2012 and
continuing on Wednesday, October 3, 2012 if necessary
Coastal Hearing Room

Workshop 3: Analytical Tools for Evaluating Water Supply, Hydrodynamic and Hydropower Effects
~~Tuesday and Wednesday, October 2 and 3, 2012~~
Tuesday and Wednesday, November 13 and 14, 2012
Sierra Hearing Room

SUBJECT OF THE WORKSHOPS

The purpose of the workshops is to receive information and conduct discussions regarding the scientific and technical basis for considering potential changes to the 2006 Water Quality Control Plan for the San Francisco/Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan) as

[1] Changes to the original June 22, 2012 notice are indicated in red.

part of the State Water Resources Control Board's (State Water Board) Phase II comprehensive review of the Bay-Delta Plan. The Bay-Delta Plan identifies beneficial uses of water in the Bay-Delta, water quality objectives for the reasonable protection of those beneficial uses, and a program of implementation for achieving the water quality objectives. The workshops topics are as follows:

1. Ecosystem Changes and the Low Salinity Zone – including the effects of the low salinity zone on various estuarine species, the interaction of salinity with non-flow related factors, and the identification of modeling or other tools that can be used to measure and reasonably protect estuarine habitat;

2. Bay-Delta Fishery Resources (focused on pelagic fishes and salmonids) – including flow, cold water pool, habitat, and water project operational constraints needed to reasonably protect pelagic species (including Delta smelt and longfin smelt), and Central Valley steelhead, Sacramento River winter-run, Central Valley spring-run, Central Valley fall-run, and Central Valley late fall-run Chinook salmon, and the interaction of these issues with non-flow related factors; and

3. Analytical Tools for Evaluating the Water Supply, Hydrodynamic, and Hydropower Effects of the Bay-Delta Plan – including the CalSim II water supply model, DSM2 and RMA2 hydrodynamic models, Plexus hydropower model, and others as applicable, together with results from applying these models to various scenarios.

The information provided through the workshops will augment information developed through earlier reviews and will inform the State Water Board members and staff on what, if any, changes should be made to the Bay-Delta Plan.

BACKGROUND

The State Water Board is currently conducting a phased review and update of the 2006 Bay-Delta Plan and its implementation through water rights and other measures. Phase I includes review and potential modification of the San Joaquin River flow objectives for the protection of fish and wildlife beneficial uses and the southern Delta water quality objectives for the protection of agricultural beneficial uses and the program of implementation for those objectives included in the Bay-Delta Plan. Phase II includes the review and potential modification of the remainder of the Bay-Delta Plan focused on fish and wildlife beneficial uses. Phase III includes potential changes to water rights and other requirements needed to implement changes to the Bay-Delta Plan. Finally, Phase 4 addresses flow requirements for priority Delta tributaries. This notice and the associated workshops are focused on Phase II of the State Water Board's review of the Bay-Delta Plan.

On February 13, 2009, the State Water Board issued a Notice of Preparation (NOP) for the update and implementation of the 2006 Bay Delta Plan, but at that time requested information related to Phase I. The State Water Board subsequently issued a supplemental NOP related to Phase II on January 24, 2012, formally beginning the Phase II process. In the supplemental NOP, the State Water Board indicated that it would consider information included in its 2009 Staff Report on Periodic Review of the 2006 Bay-Delta Plan (2009 Staff Report) and its 2010 report titled "Development of Flow Criteria for the Sacramento-San Joaquin Delta Ecosystem" (Delta Flows Criteria Report), as well as information developed through the scoping process and

the Bay Delta Conservation Plan (BDCP) when considering potential changes to the Bay-Delta Plan.

The 2009 Staff Report recommended further review of the following issues: (1) Delta outflow objectives, (2) export/inflow objectives, (3) Delta Cross Channel Gate closure objectives, (4) Suisun Marsh objectives; (5) potential new reverse flow objectives for Old and Middle Rivers; (6) potential new floodplain habitat flow objectives; (7) potential changes to the monitoring and special studies program, and (8) other potential changes to the program of implementation. The 2009 Staff Report can be found at: http://www.swrcb.ca.gov/waterrights/water_issues/programs/bay_delta/periodic_review/docs/periodicreview2009.pdf.

The Delta Flow Criteria Report was prepared pursuant to provisions of the 2009 Delta Reform Act which required the State Water Board to "develop new flow criteria for the Delta ecosystem necessary to protect the public trust resources" within nine months of enactment of the legislation. The Delta Flows Criteria Report describes non-regulatory flow criteria intended to protect aquatic resources in the Delta. The report contains criteria for Delta outflows, Sacramento River inflows, San Joaquin River inflows, and hydrodynamics, as well as determinations regarding variability and the natural hydrograph, floodplain activation and other habitat improvements, water quality and contaminants, cold water pool management, and adaptive management. The Flow Criteria Report suggests the flows that would be needed in the Delta ecosystem if fishery protection was the sole purpose for which its waters were put to beneficial use. The report did not consider any balancing of public trust resource protection with public interest needs for water. As part of its update of the 2006 Bay-Delta Plan, the State Water Board will consider other public interest needs for water, including municipal, industrial, agricultural, power and recreational uses. The 2010 Delta Flow Report can be found at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/deltaflow/index.shtml

As indicated in the supplemental NOP, in considering potential changes to the Bay-Delta Plan, the State Water Board will be reviewing changes that should be made to water quality objectives and the program of implementation to reasonably protect beneficial uses in the Bay-Delta in the immediate future under existing conditions and in the longer term with and without changes to the environment that may occur as the result of current planning efforts such as BDCP. Specifically, the State Water Board will be considering whether certain water quality objectives should be phased in over time and under what conditions that phasing should occur, in addition to what type of contingencies should be provided in the program of implementation if expected habitat improvement and other activities do not occur or do not have the expected results.

Additional information concerning Phase II of the State Water Board's review of the Bay-Delta Plan can be found at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/comp_review.shtml

FORMAT OF WORKSHOPS

The workshops will be facilitated by Dr. Brock Bernstein a sub-contractor for ICF International. Dr. Bernstein's resume is available at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/comp_review.shtml.

Each workshop will include a presentation by an invited panel organized by

Dr. Peter Goodwin, the Lead Scientist for the Delta Stewardship Council's Science Program, interest panels organized by Dr. Bernstein and an opportunity for public comment. The workshops will also include time for questions directed to panelists by the State Water Board and its staff. The proposed panels are listed below but may change based on discussions between Dr. Bernstein and participants:

- Invited panel (organized by the Delta Stewardship Council Lead Scientist)
- State and federal regulatory agencies/fishery agencies panel
- State and federal resource management agencies panel
- Environmental/non-governmental organizations panel
- In-Delta water interests panel
- State Water Project/Central Valley Project contractors panel
- Sacramento Valley water suppliers panel
- San Joaquin Valley water suppliers panel

Following the workshops, Dr. Bernstein will develop a draft summary report on the workshops' key points, including areas of agreement and disagreement, sources of disagreement and degree of certainty. Once the draft report is released, participants will have an opportunity to comment on the report before it is final. After the report is final, Dr. Bernstein will present the summary report to the State Water Board.

MATTERS FOR DISCUSSION AT THE WORKSHOPS

The State Water Board is seeking scientific and technical information from agencies and interested persons on the following workshop questions:

<u>Ecosystem Changes and the Low Salinity Zone (September 5, and 6 if necessary)</u>:

1. What additional scientific and technical information should the State Water Board consider to inform potential changes to the Bay-Delta Plan relating to ecosystem changes and the low salinity zone that was not addressed in the 2009 Staff Report and the 2010 Delta Flow Criteria Report? For large reports or documents, what pages or chapters should be considered? What is the level of scientific certainty or uncertainty regarding the foregoing information? What changes to the Bay-Delta Plan should the State Water Board consider based on the above information to address existing circumstances and changing circumstances such as climate change and BDCP?

2. How should the State Water Board address scientific uncertainty and changing circumstances, including climate change, invasive species and other issues? Specifically, what kind of adaptive management and collaboration (short, medium, and long-term), monitoring, and special studies programs should the State Water Board consider related to ecosystem changes and the low salinity zone as part of this update to the Bay-Delta Plan?

<u>Bay-Delta Fishery Resources - Focused on Pelagic Fishes and Salmonids (September 18 and 19, and October 1 if necessary)</u>: The first day will be focused on pelagic fishes and the second day will be focused on salmonids.

1. What additional scientific information should the State Water Board consider to inform potential changes to the Bay-Delta Plan relating to Bay-Delta fishery resources, and specifically pelagic fishes and salmonids, that was not addressed in the 2009 Staff

Report and the 2010 Delta Flow Criteria Report? For large reports or documents, what pages or chapters should be considered? What is the level of scientific certainty or uncertainty regarding the foregoing information? What changes to the Bay-Delta Plan should the State Water Board consider based on the above information to address existing circumstances and changing circumstances such as climate change and BDCP?

2. How should the State Water Board address scientific uncertainty and changing circumstances, including climate change, invasive species and other issues? Specifically, what kind of adaptive management and collaboration (short, medium, and long-term), monitoring, and special studies programs should the State Water Board consider related to Bay-Delta fisheries as part of this update to the Bay-Delta Plan?

Analytical Tools for Evaluating the Water Supply, Hydrodynamic, and Hydropower Effects of the Bay-Delta Plan (October 2 and 3): The first day will be focused on water supply and hydrodynamic models, scenarios and results, and the second day will be focused on hydropower models, scenarios and results responsive to the following questions:

1. What types of analyses should be completed to estimate the water supply, hydrodynamic, and hydropower effects of potential changes to the Bay-Delta Plan?

2. What analytical tools should be used to evaluate these effects? What are the advantages, disadvantages and limitations of these tools?

As part of the planning for these workshops, the State Water Board has received numerous suggestions for workshop questions, which are posted on the State Water Board's website at: http://www.waterboards.ca.gov/board_info/agendas/2012/jun/cmmnt8/. If applicable to the workshop topic, participants may address the additional suggested questions.

PROCEDURAL MATTERS

The workshops will be informal. While a quorum of the State Water Board may be present, the State Water Board will not take formal action at these workshops. There will be no sworn testimony or cross-examination of participants, but the State Water Board and its staff may ask clarifying questions. The workshop is an opportunity for interested persons to provide input to the State Water Board. To ensure a productive and efficient workshop, oral comments may be time-limited.

If you want to participate in a panel organized by Dr. Bernstein you must inform the State Water Board by email at Bay-Delta@waterboards.ca.gov of your suggested participant(s) no later than Friday, July 6, 2012 (at 12 Noon). Only one email is required per group, if applicable. In the subject of your email, please include the title **"Bay-Delta Workshop Panels."**

WRITTEN INFORMATION

Workshop participants are required to submit to the State Water Board written information, including scientific and technical reports and summaries, responsive to the workshop questions prior to the workshops. This information should then be summarized during the workshops. As part of this solicitation, the State Water Board is also requesting that interested persons, whether they are participating in the workshops or not, submit all other information that they believe the State Water Board should be considering in Phase II of the State Water Board's review of the Bay-Delta Plan. **Written information (including scientific articles or summaries) must be emailed to the State Water Board at commentletters@waterboards.ca.gov by the due dates specified below:**

Friday, August 17, 2012 (at 12 Noon)	Deadline for receipt of written information for Workshop 1
~~**Friday, August 31, 2012 (at 12 Noon)**~~ **Friday, September 14, 2012 (at 12 Noon)**	Deadline for receipt of written information for Workshop 2
~~**Friday, September 14, 2012 (at 12 Noon)**~~ **Friday, October 26, 2012 (at 12 Noon)**	Deadline for receipt of written information for Workshop 3 and all other information related to review of the Bay-Delta Plan

In the subject of your email submitting the written information, please include the appropriate title as follows:

- "Bay-Delta Workshop 1 – Ecosystem Changes and LSZ"
- "Bay-Delta Workshop 2 – Bay-Delta Fishery Resources"
- "Bay-Delta Workshop 3 – Analytical Tools"
- "Bay-Delta Plan Review – Other Comments"

Participants need not resubmit information already included on the State Water Board's website, but can instead incorporate such information by reference and indicate where the information is currently posted. To the extent that the State Water Board relies upon information already on its website or other information, that information will be referenced in draft and final documents as appropriate and included in the administrative record for this proceeding. If participants are relying upon specific information already included on the State Water Board's website (e.g. information related to the Delta Flow Criteria proceedings), they should make specific reference to that information (including specific documents and the page numbers or chapters for large documents) and indicate in their summary materials how that information supports any conclusions.

For large submittals over 15 megabytes in total size, participants should email a summary of their written information to the State Water Board and mail or hand deliver any additional information on a CD/DVD.

Mailed CDs/DVDs should be postmarked by the required submittal dates and addressed as follows:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100, Sacramento, CA 95812-0100 (by mail)

Hand deliveries should be submitted to the following address by the date and time specified above:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
1001 I Street, 24th Floor, Sacramento, CA 95814 (by hand delivery)

Participants with hand deliveries should check in with the Visitor Center on the first floor who will contact State Water Board staff to pick up any hand deliveries.

The State Water Board will promptly post all information submitted pursuant to this notice at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/comp_review.shtml

PARKING, ACCESSIBILITY AND SECURITY

For directions to the Cal/EPA Building and public parking information, please refer to the map on the Cal/EPA's website at: http://www.calepa.ca.gov/EPAbldg/location.htm. The Cal/EPA Building is accessible to persons with disabilities. Individuals who require special accommodations are requested to call Michele Villados at (916) 341-5881, at least five (5) working days prior to the workshop. Persons with hearing or speech impairments can contact us by using the California Relay service Telecommunications Device for the Deaf (TDD). TDD is reachable only from phones equipped with a TDD Device. HEARING IMPAIRED RELAY SERVICE: TDD to voice 1-800-735-2922.

A broadcast and workshop agenda will be available via the internet and can be accessed at: http://www.calepa.ca.gov/broadcast/. All visitors to the Cal/EPA Building are required to sign in and obtain a badge at the Visitor Services Center located inside the main entrance. Valid picture identification may be required. Please allow up to 15 minutes for receiving clearance.

IF YOU HAVE ANY QUESTIONS

Questions regarding the facilitation of these workshops should be directed to Dr. Brock Bernstein, Workshops Facilitator, at (805) 646-8369 or brockbernstein@sbcglobal.net. Questions regarding this notice should be directed to Richard Satkowski at (916) 341-5439 or rsatkowski@waterboards.ca.gov.

August 16, 2012
Date

Jeanine Townsend
Jeanine Townsend
Clerk to the Board