

**Bay Delta-Water Quality Control Plan
Healthy Rivers and Landscapes Program**

MATERIALS FOR APRIL 24-26, 2024 WORKSHOP

Submitted by:

California Department of Fish and Wildlife, California Department of Water Resources, California Natural Resources Agency, California Environmental Protection Agency, East Bay Municipal Utility District, Friant Water Authority, Garden Highway Mutual Water Company, Glenn-Colusa Irrigation District, Kern County Water Agency, Metropolitan Water District of Southern California, Modesto Irrigation District, Regional Water Authority, River Garden Farms, San Francisco Public Utilities Commission, San Luis & Delta-Mendota Water Authority, Solano County Water Authority, State Water Contractors, Sutter Mutual Water Company, Tehama-Colusa Canal Authority, Turlock Irrigation District, U.S. Bureau of Reclamation – California-Great Basin Region, Western Canal Water District, Westlands Water District, Yuba Water Agency

March 29, 2024

The Parties to the Healthy Rivers and Landscapes Program respectfully submit this package of materials in preparation for the State Water Resources Control Board's (State Water Board) workshop on April 24-26, 2024.

The Healthy Rivers and Landscapes Program is a landmark partnership of water suppliers and state and federal agencies. It focuses on reversing troubling declines in the populations of salmon and other fish species native to the Sacramento-San Joaquin Delta, the estuary that drains 40 percent of California. Stabilization of these fish populations would improve water supply reliability for 27 million Californians and three million acres of farmland dependent upon water from the Delta watershed.

In March 2022, water suppliers and state and federal agencies advanced a term sheet for this partnership, initially referred to as the Voluntary Agreements, to improve environmental conditions in these watersheds through shared investments. State government proposed over \$1 billion to restore habitat and environmental flows, and public water districts proposed to invest another approximately \$600 million. Parties proposed \$740 million of federal investment to implement this initiative, primarily in habitat investments.

Parties advancing the Healthy Rivers and Landscapes Program believe this pathway strikes the balance of competing water uses in the Delta and will be ready for adoption in late 2024 or early 2025. Regulatory adoption would then launch an eight-year period of habitat restoration and environmental flow deployment that the Parties believe will help reverse the decline of native fish populations. The state already has begun to implement no-regret, landscape-scale habitat projects to benefit salmon and other native species now and indefinitely into the future. With state funding, over 30 priority habitat projects have been completed to advance the Healthy Rivers and Landscapes Program, with several more projects in planning and development.

Parties advancing the Healthy Rivers and Landscapes Program are seeking to create a more collaborative, flexible, responsive, and scientifically sound way to maximize benefits to native fishes and their aquatic environment while balancing conflicting demands for water in an extremely complex watershed that is crucial to California's economy and environment. The Parties will continue to encourage Tribal governments and non-governmental organizations (NGO) to engage in and help shape this historic effort, including through ongoing tribal workshops and one-on-one discussions. The governance and science structures of the program are designed to include tribal and NGO representation, and the Parties commit to that engagement.

These materials outline how the Parties advancing the Healthy Rivers and Landscapes Program expect it to operate. The documents are draft, not final, in anticipation of revisions tied to the public input to be received at the State Water Board workshop. Outstanding governance issues that must be addressed in final materials include:

- How California Tribes will be engaged.
- How membership in the Systemwide Governance Committee will be determined.
- How decisions by the Systemwide Governance Committee will be made.

At the three-day workshop, the Parties look forward to input from State Water Board members, Tribal representatives, State Water Board staff, representatives for NGOs members of the public, and representatives of other interested entities. The Parties will consider the information received at the workshop, combined with previously received comments from State Water Board staff and others, and edit these materials, as appropriate, to resolve outstanding issues and produce a final, proposed package.

Overview

This package of materials includes a set of draft documents through which the Parties propose a comprehensive approach to implementation of an updated Bay-Delta Water

Quality Control Plan that will improve the ecological health of the Bay-Delta watershed without placing at significant risk California’s principal water supply. The Parties believe their approach is consistent with the Water Code section 13241 requirement to provide reasonable protection for all beneficial uses of water.

Through the Healthy Rivers and Landscapes Program proposal, the State Water Board is being asked to supplement the existing Narrative Salmon Protection Objective with a new Narrative Fish Viability Objective and establish a new program of implementation for those narrative objectives. The Healthy Rivers and Landscapes Program offers a pathway for State Water Board adoption that: (i) improves ecosystem functions in the watershed and Delta through integrated flow and non-flow measures developed based on specific biological objectives, (ii) allows for adaptive management through a transparent, inclusive, and system-wide governance program and supporting comprehensive science program, (iii) can be implemented immediately, and (iv) avoids the severity of conflict experienced with previous updates of the Bay-Delta Water Quality Control Plan. The Board’s draft Staff Report (September 2023) describes a parallel regulatory pathway, through which the State Water Board would exercise its existing authorities to assign responsibility for the narrative objectives, that would be pursued for those persons or entities that are not parties to the Healthy Rivers and Landscapes Program.

Structure

The Healthy Rivers and Landscapes Program (Program) consists of plans and agreements.

Plans

The Program includes four plans that establish the overall structure.

Strategic Plan, submitted in Fall 2023, provides a systemwide description of the Flow and Non-flow Measure commitments that will be implemented in the Program, and provides detail on how those Measures will be deployed and counted. In this package, submitted in March 2024, two new appendices to the Strategic Plan are included that provide additional detail on the proposed procedures for verifying that commitments have been met: (1) Flow Accounting (Appendix E) and (2) Non-flow Measure Accounting (Appendix F):

Flow Accounting, submitted in March 2024, details how the Parties will make new, environmental flows available and describes the accounting methodology to verify that these flows are additive.

Non-Flow Measure Accounting, submitted in March 2024, informs the Systemwide Governance Committee and State Water Board on progress relative to the VA Parties' Non-flow Measure commitments as described in the March 2022 VA Term Sheet and applicable amendments. Habitat accounting for Non-Flow measures will be conducted following the Habitat Accounting Protocol, described in the Draft Strategic Plan, Exhibit D Appendix F.

Systemwide Governance Program, submitted in Fall 2023, will direct use of certain assets, conduct assessments, update the Strategic Plan, develop annual reports, implement a systemwide science program, and hire staff and contractors, consistent with applicable provisions of the agreements described below.

Systemwide Science Plan, submitted in Fall 2023, presents the framework and metrics that will be used to evaluate the effects of the Program. It identifies the coordinated collective of tributary and Delta-focused monitoring and research programs, leveraging existing programs where appropriate. The Science Plan and supporting Science Committee have several high-level functions:

- To inform decision making;
- To track and report progress relative to established metrics;
- To reduce management-relevant scientific uncertainty; and
- To provide recommendations on adjusting use of assets.

Funding Plan further describes the funding commitments included in the March 2022 term sheet and how funds will be collected and disbursed. This plan is currently under development.

Agreements

The Program also includes agreements to assure accountability and enforceability.

Global Agreement, submitted in March 2024, including exhibits, describes the overall program structure and systemwide funding, Science Plan and governance. All Parties will sign this agreement.

Implementing Agreements, submitted in March 2024, are specific to a tributary or water source. Each agreement states the flow, habitat restoration, governance, funding, and flow accounting that Parties will be obligated to provide in connection with that water source. Parties with responsibility to implement the measures delineated in an Implementing Agreement (known as Implementing Entities) will

sign it. The State Water Board will be asked to include a summary description of the flow, habitat restoration, and other measures stated in the Implementing Agreements in the Program of Implementation once these Implementing Agreements have been finalized later this year.

Enforcement Agreements, submitted in March 2024, also are specific to a water source. Each agreement states the obligations of Responsible Parties to implement flow and non-flow measures. Responsible Parties are defined as Implementing Entities that agree to be subject to regulatory remedies under Enforcement Agreements. A Memorandum of Understanding (MOU) will specify enforcement regarding federal Responsible Parties. The State Water Board, through its Executive Director, will be asked to sign each such MOU and Enforcement Agreement. The Responsible Parties are proposing terms for the MOU and Enforcement Agreements for consideration by the State Water Board.

Organization

Draft Plans, Program, and Agreements are packaged within the draft Global Agreement, as follows:

Document	Location in Global Agreement
Proposed Amendment to Program of Implementation (New)	Exhibit A
Implementing Agreements (New)	Exhibit B, organized by water source
Enforcement Agreements (New)	Exhibit C, organized by water source
Strategic Plan (<i>Fall 2023</i>)	Exhibit D
Systemwide Governance Program (<i>Fall 2023</i>)	Exhibit D Appendix B
Systemwide Science Plan (<i>Fall 2023</i>)	Exhibit D Appendix C
Flow Accounting (New)	Exhibit D Appendix E
Non-flow Measure Accounting (New)	Exhibit D Appendix F
Funding Plan (<i>under development</i>)	Exhibit E

Next Steps

The Parties will describe the Healthy Rivers and Landscapes Program and these materials at the workshop; receive comments by the State Water Board members, the State Water Board staff, and the public; and finalize Program materials on a schedule consistent with the State Water Board’s taking final action on the Bay-Delta Plan update. The Parties expect to incorporate updates to all the materials referenced above.

Continuing work of the Healthy Rivers and Landscapes Science Committee

The Draft Science Plan (Fall 2023) provides the overall framework for developing a comprehensive science program for evaluation of the Healthy Rivers and Landscapes Program. Continuing work of the Science Committee includes use and evaluation of existing and newly available science and research plans to identify priority gaps in monitoring and information (building upon those described in the Draft Science Plan, Section 3.4) and to inform relevant metrics for evaluating Program outcomes. Reviews of these plans will result in Science Committee recommendations to improve consistency in methodology and comparability of information to enable system-wide analyses.

The comprehensive science program developed by the Healthy Rivers and Landscapes Program leverages existing monitoring and research programs and hopes to represent and include Indigenous Knowledge and Tribal research as it is relevant and appropriate. The California Natural Resources Agency, Department of Water Resources, and Department of Fish & Wildlife are currently engaging in a series of meetings with California Tribes to provide information and identify opportunities for engagement and will continue meetings with Tribes over the coming months.

Finally, the Science Committee is also developing a public draft of its Charter, which will:

- describe the Science Committee responsibilities, representation, participation principles, and procedures for meeting its responsibilities;
- define Best Available Science, ensuring the definition used for the Program is inclusive of Indigenous Knowledge, and establish expectations for its use;
- clarify how and when the Program will utilize independent peer review for major Science Committee products, including the Ecological Outcomes Report for Program Years 6-8;
- include an appendix on data management to establish expectations for data publication and transparency; and
- be consistent with established FAIR principles for data management and stewardship (Findable, Accessible, Interoperable, and Reusable, [Wilkinson et al. 2016](#)) as well as CARE principles for indigenous data governance (Collective Benefit, Authority to Control, Responsibility, Ethics; [Carroll et al. 2020](#)).