

June 17th Meeting California Water Commission Issue Working Session

This issue summary was revised following an initial presentation to the Commission on May 19. This revised summary was presented to the Stakeholder Advisory Committee on June 3.

Issue Summary for Delta and “Tributaries to the Delta”

Issue: How shall the Delta and “the tributaries to the Delta” be defined for use by the Water Storage Investment Program, specifically related to §79752?

Full text, from §79752: *“A project shall not be funded pursuant to this chapter unless it provides measurable improvements to the Delta ecosystem or to the tributaries to the Delta.”*

In order to determine project eligibility and evaluation metrics, the watersheds that are considered to be within the Delta and “tributary to the Delta” must be determined. The boundaries of the Sacramento-San Joaquin Delta are defined in statute.

California Water Code §85058 defines “Delta” to mean the Sacramento-San Joaquin Delta as defined in section 12220 of the Water Code and the Suisun Marsh, as defined in section 29101 of the Public Resources Code.

Flow contributions conveyed through the Delta may come from natural watersheds and manmade diversion facilities. Staff considered if all natural and diverted waters that contribute flow to the Delta are “tributary to the Delta”. Based on a literature search there is no common definition of Delta tributaries; however, Water Code Sec. 85060 defines the “Delta watershed” to mean the Sacramento River Hydrologic Region and the San Joaquin River Hydrologic Region as described in the Department of Water Resources Water Plan Update 2005. Therefore, for the purposes of the Water Storage Investment Program (WSIP), staff proposes the following definition:

Waterways that are “tributaries to the Delta” include all river systems that make up the Sacramento River watershed and the San Joaquin River watershed (i.e., the natural/topographic hydrologic basins).

Considerations: It must be noted that this definition does not limit the region in which projects may be located; rather, it defines a region in which some level of ecosystem improvement benefits must be provided to ensure project eligibility. In other words, direct and indirect benefits could be eligible as long as the ecosystem improvements to the Delta or its tributaries are “measurable” (definition of “measurable improvement” still to be developed).

The following are special considerations for developing a definition of “tributaries to the Delta”:

- Should Tulare Lake Basin be included?

There is inconsistency in including or not including Tulare Lake Basin in studies of Delta tributaries. The Ecosystem Restoration Program (ERP), a multi-agency effort aimed at improving and increasing

aquatic and terrestrial habitats and ecological function in the Delta and its tributaries, considers the ERP Focus Area to include the Sacramento-San Joaquin Delta, Suisun Bay, the Sacramento River below Shasta Dam, the San Joaquin River below the confluence with the Merced River, and their major tributary watersheds directly connected to the Bay-Delta system below major dams and reservoirs. (Source: <http://www.dfg.ca.gov/erp/>) River systems in the Tulare Lake Basin are excluded from the ERP's focus area.

ERP is not the only program to exclude Tulare Lake Basin from its planning area. The Central Valley Flood Protection Plan planning area does not include the Tulare Lake Basin. Senate Bill (SB) 5 specifically excluded Tulare Lake Basin and its flood management requirements were specific to the "Sacramento-San Joaquin Valley" which was defined to mean "any lands in the bed or along or near the banks of the Sacramento River or San Joaquin River, or any of their tributaries or connected therewith, or upon any land adjacent thereto, or within any of the overflow basins thereof, or upon any land susceptible to overflow therefrom. The Sacramento-San Joaquin Valley does not include lands lying within the Tulare Lake basin, including the Kings River."

The U.S. Environmental Protection Agency recognizes the Tulare Lake Basin to be a part of the Delta Watershed.

Staff recognizes that there is a hydraulic connection between the Tulare Lake Basin and the San Joaquin River Watershed, but the flow contribution between the basins is limited and generally only occurs during times of flood.

Staff is proposing Tulare Lake Basin not be included in the program definition of tributaries to the Delta.

- Should areas upstream of dams be included?

Staff recommends that for the purposes of the WSIP these areas be included because important ecosystem improvements can be achieved in the upper watersheds. Further, activities that improve fish passage around dams and reintroduce native fish species to areas behind dams should not be excluded by the program's definition of "tributaries to the Delta". Including the areas upstream of dams is consistent with the ecosystem priorities being developed by the California Department of Fish and Wildlife and input received from the National Marine Fisheries Service.

- Should the Trinity River be included?

The Trinity River is hydraulically connected to the Sacramento River Watershed by facilities of the Central Valley Project (CVP). The CVP Trinity River Division is primarily operated for hydropower and irrigation water supply purposes. Further, the Trinity River is outside of the topographic watershed of the Sacramento River.

Staff is proposing the Trinity River not be included in the program definition of tributaries to the Delta.

WSIP Proposed Hydrologic Watershed Boundaries for the Delta and Tributaries to the Delta

