

Process and Additional Background Concerning Sacramento and San Joaquin Unimpaired Flows, Phases 1, 2 and 3

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- **Three-Phase Process—San Joaquin Tribs, Sac Valley and Delta, then Water Rights Amendments**
 - Phase 1 of the Board’s Bay-Delta Update proposes 30 to 50 percent unimpaired flow standards, “starting” implementation at 40 percent, for the Lower San Joaquin River tributaries, or Merced, Tuolumne, and Stanislaus Rivers.
 - Phase 2 focuses on the Sacramento River and its tributaries (including the Feather, Yuba, and other tribs), the Delta eastside tributaries (including the Calaveras, Cosumnes, and Mokelumne rivers), Delta outflows, and interior Delta flows.
 - In a July 2018 [Framework](#) document, the Water Board proposes unimpaired flows for the Sacramento Valley and Delta watershed of 45 to 65 percent, “starting” at 55 percent.
 - Proportionately, in relation to the San Joaquin, the Sacramento and Eastside Delta portion of Bay-Delta watershed represents roughly 80 percent of the water flowing to the Delta each year.
 - Phase 3 in the proposed Bay-Delta Update process would implement the standards amended into the Bay-Delta Water Quality Control Plan (“Bay-Delta WQCP”) through a proceeding to amend and condition affected water rights.

- **What’s Next in the Board’s Process?**
 - As of July 2018 (in a process begun in 2012), the Water Board has twice revised a Phase 1 (San Joaquin) Substitute Environmental Document (“SED”) required under CEQA. The Board is now poised to formally adopt the proposed 30 to 50 percent unimpaired standards for the three Lower San Joaquin River tributaries in an adoption hearing.
 - As of July 2018, the Water Board’s formal Phase 2 unimpaired standard for Sacramento Valley/Delta Update is expected sometime in Fall of 2018.
 - Assuming the Water Board’s Phase 2 process mirrors what it has done for the San Joaquin in Phase 1, the Sacramento Valley/Delta standards will come initially in the form of a Draft SED, in support of a set of proposed amendments to the existing Bay-Delta WQCP. A Phase 2 SED would be followed, at some point, by a Phase 2 adoption hearing, followed, lastly, by a water rights implementation proceeding, for both the Sacramento and San Joaquin standards in Phase 3.

- **‘Voluntary Agreements’ (i.e., Settlements) as Alternative?**

- Since 2016, at the direction of Governor Jerry Brown, senior water rights holders on the San Joaquin tributaries and in the Sacramento Valley have been in negotiations with the Water Board, the California Department of Fish and Wildlife and others, to negotiate potential ‘voluntary agreements,’ including potential alternative measures, that could be adopted in lieu of the Water Board’s proposed unimpaired standards, at a lower total water cost.
- On both the San Joaquin and Sacramento Valley sides, water users have proposed voluntary actions emphasizing “functional flows,” to maximize biological benefits for fish, while conserving water in place of straight percentage-based “unimpaired flows.” Unfortunately, as of July 2018, talks on ‘voluntary agreements’ appear to be at an impasse.
- The water user’s alternative proposals seek to optimize a “functional flow” water regime, with measures to comprehensively address significant “non-flow” factors, such as predation, spawning, riverine and floodplain habitats, fish passage issues, water temperatures and hatchery management. Additional elements of the water user’s proposal involve voluntary collaborative partnerships and science-based adaptive management to actually increase fish populations.
- For more on these local water district’s proposals, see Turlock and Modesto Irrigation District’s [Tuolumne River Management Plan](#), the Merced Irrigation District’s [Salmon, Agriculture, Flows, and Environment \(S.A.F.E.\) Plan](#), and the Sacramento Valley Water User’s [Sacramento Valley Salmon Recovery Program](#).