



State Water Project Briefing: Incidental Take Permit

Introduction

The Department of Water Resources (DWR) Incidental Take Permit (ITP) regulates operation of the State Water Project (SWP) under the California Endangered Species Act (CESA), which requires DWR to minimize, avoid and fully mitigate impacts to species designated as threatened or endangered. In March 2020, DWR secured a 10-year ITP for four listed species: spring-run Chinook, winter-run Chinook, Delta smelt and long-fin smelt. All except the long-fin smelt are also listed under the federal Endangered Species Act. Previously, incidental take of the three federal species was permitted under federal biological opinions issued by federal fishery agencies.

The ITP ensures environmental protections in many ways, including safeguarding water flows to aid fish survival, providing flexibility for when fish need it most, and carrying over water from wetter years to use as outflow during drier years. It also sets clear limits on SWP water operations during storm events, and requires DWR and the California Department of Fish and Wildlife (CDFW) to collaboratively assess operations according to scientific monitoring, updated modeling, and quantitative analyses.

The ITP requires DWR to complete tidal marsh and floodplain restoration objectives required under the previous 2008 and 2009 Federal Biological Opinions (BiOps). Total acreage objectives in these BiOps were approximately 8,000 acres of tidal marsh and 17,000 acres of floodplain restoration. These objectives were carried forward into the current ITP and restoration projects addressing these objectives are either completed or underway. In addition, the ITP added 396 acres of tidal marsh restoration to address SWP impacts to Delta and longfin smelt. The ITP also requires DWR to invest in restoration projects in the Sacramento River basin for winter-run and spring-run Chinook salmon.

In addition, the ITP requires targeted actions to protect species, including the installation of a new barrier in the North Delta to improve the survival of migrating juvenile salmon, and several specific actions to protect longfin smelt which are not protected under the Federal Endangered Species Act. It will also provide more than \$10 million per year in new funding to implement a comprehensive adaptive management program, which includes mitigation projects and scientific research.

DWR intends to ensure that operation of the SWP meets state environmental protections and standards which provide robust environmental safeguards for CESA species. The ITP represents a nimble and sophisticated way to protect species. Some of the improvements for species protection include the following:

- CDFW has final discretion for recommending real-time SWP operations when CESA species are located in the direct entrainment area of the SWP export facilities.
- New, quantitative analyses and newer science, including updated modeling, more fully describes how mandated flows actions, export reductions and habitat will affect listed species.
- Adaptive management provides greater transparency around decision making, real-time operations, financial commitments and monitoring protocols.

Background

The California State Water Project (SWP), consisting of 36 water storage facilities and 700 miles of rivers, pipelines and canals, supplies water to 27 million people and irrigates 750,000 acres of farmland. The system includes 23 pumping plants, powered by a system of power-generation and power-recovery plants. The Department of Water Resources (DWR) also operates the world's tallest water lift – the Edmonston Pumping Plant – which pumps water more than 1,900 feet up and over the Tehachapi Mountains into Southern California.

Goal Two of the Commission's Strategic Plan directs the Commission to remain apprised of the operations and construction activities of the State Water Project, focusing on how the SWP adapts and responds to hydrological extremes expected with climate change, restores critical ecosystems, and addresses aging infrastructure. As required by Water Code section 165, the Commission conducts an annual review on the progress of the construction and operation of the SWP and reports its findings and recommendations to the Department and the Legislature. This presentation will inform the Commission of SWP construction activities over the past year, in preparation for the Commission's 2020 annual review.

Meeting Overview

At the December meeting, Dr. Lenny Grimaldo, Assistant Environmental Director for the State Water Project, will brief the Commission on the Incidental Take Permit covering Delta smelt, longfin smelt, winter-run Chinook salmon and spring-run Chinook salmon. He will discuss how the permit will affect the operation of the State Water Project and the status of the four listed species.

This is an informational item.

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