

## Memorandum

March 30, 2000

To: Members of the Ecosystem Roundtable  
From: Dick Daniel, Ecosystem Restoration Program Manager  
Re: Environmental Water Program Status

CALFED intends to initiate a program to acquire water for ecosystem restoration purposes as part of our efforts to implement the Ecosystem Restoration Program. This program is called the Environmental Water Program (EWP). Although CALFED does not intend to actually acquire any water for environmental purposes until after the NEPA Record of Decision and CEQA Findings for the Programmatic EIR/EIS have been signed, we have already begun to organize and formulate the program.

At the request of members of the Roundtable, CALFED has begun discussions with the U.S. Bureau of Reclamation (Reclamation) and the U.S. Fish and Wildlife Service (USFWS) to coordinate the EWP with the Central Valley Project Improvement Act (CVPIA) Water Acquisition Program (WAP). Although details are not yet available, both Reclamation and USFWS have agreed in principle to coordinate the two programs.

In recognition of the complexity and controversial nature of this program, we intend to move forward in developing the framework for the program with full public involvement. To this end we are forming a steering committee composed of members from the participating agencies (CALFED, Reclamation, USFWS, and DFG) and interested stakeholders (two from the CALFED Ecosystem Roundtable and two from the CVPIA Restoration Roundtable). This steering committee will help us define the Environmental Water Program by helping to answer the questions listed on the attached pages.

It is our intention to use this information to develop and issue a Notice of Intent (NOI)/Notice of Preparation (NOP) for an EIR/EIS to cover the EWP in summer 2000. The NOI/NOP will include a draft detailed program description that will contain biological justifications for acquisition needs

and priorities. The issuance of the NOI/NOP, the first step in preparing the EIR/EIS, will lead to an extensive public scoping process that will be used to refine the draft program description based on feedback provided by the general public. Although it has not yet been confirmed, we anticipate that Reclamation would be the NEPA lead agency and DFG would be the CEQA lead agency for the EIR/EIS.

CALFED, Reclamation, and USFWS have agreed to use an adaptive management approach to implement both the EWP and the WAP. This will allow us to refine our flow needs based on scientific study of the effects of initial acquisitions. Implementation will likely begin with several pilot projects on the highest priority streams. Final definition of the full program may await information gained from these pilot projects. We therefore anticipate that the environmental document will describe the impacts of the entire EWP at a programmatic level of detail, and the effects of the selected pilot acquisitions at a project level of detail. We also anticipate that this document will provide environmental documentation for the WAP (both Level 4 water supplies for refuges covered by the CVPIA and water acquisitions for instream flows), so funding for the environmental document will be provided jointly by CALFED and Reclamation.

I would like to emphasize that, while I am very pleased that Reclamation and USFWS have agreed to coordinate their water acquisition efforts with us, a great deal of work remains in both defining the EWP and in working out the details of how the programs will be coordinated.

## Issues Related to the Development of the ERP Environmental Water Program

*The following are a list of some of the questions we will need to answer regarding the structure and operation of the Environmental Water Program (EWP) and CVPIA Water Acquisition Program (WAP). This is not an exhaustive list, but should be detailed enough to provide a basis for discussion.*

### TECHNICAL ISSUES

*These are questions related to how important technical issues will be resolved.*

How will we decide where and how much water needs to be acquired?

What methodology will be used to decide on what the baseline or existing conditions are?

If the program is implemented initially using pilot projects, how many streams should be chosen and what criteria should be used to select them?

Who will be responsible for describing the potential instream flow benefits of the acquired water within each stream, and then prioritizing those benefits between streams? How will this be accomplished?

Will acquisitions be limited to rivers and streams identified for increased flows in the ERPP?

### FRAMEWORK/STRUCTURE

*These are questions related to planning for and structuring a joint CALFED-CVPIA water acquisition program.*

What types of acquisitions will be considered?

Will water rights be acquired for all year types or only dry years?

How will planning for EWP acquisitions be coordinated with planning for CVPIA acquisitions?

How will actual EWP and CVPIA water acquisitions be integrated?

What criteria will we use in developing a cost sharing formula for joint purchases by CALFED and CVPIA?

How would jointly purchased water be owned and controlled?

When the program is ready to acquire water, what process should be used to solicit offers to sell water?

How should any solicitation be structured?

What information would be requested in responses to the solicitation?

Should the solicitation be distributed widely or only to selected recipients?

What criteria will be used to decide what acquisitions to pursue?

Who will make acquisition decisions?

How will the criteria be used in selecting particular acquisitions (i.e. will it be a numerical rating process or a qualitative ranking process)?

How will various acquisition types be prioritized?

If a pilot project approach is used for initial project implementation, will waiting to acquire other water reduce the probability that this additional water will be available?

## COORDINATION WITH OTHER WATER MANAGEMENT EFFORTS

*These are questions related to how this program will be coordinated with other related CALFED efforts.*

How will planning for and operation of EWP be coordinated/integrated with the EWA?

How will this program be coordinated with the CALFED Water Transfer Program?

## ENVIRONMENTAL DOCUMENTATION

*These are questions related to the preparation of the environmental documents for this program.*

Who will be the lead agencies for the EIR/EIS (although we have tentatively identified lead agencies, these need to be confirmed)?

Should a tiered approach to environmental documentation be used, analyzing a few pilot streams in detail, and future purchases at a programmatic level?

Should an environmental document be done prior to identifying the water to be purchased and defining and describing the program in detail?

Should one program-level document be done, followed by project-specific documents for individual purchases?

## IMPLEMENTATION

*These are questions related to the implementation of the program.*

Who will own the water rights acquired by CALFED?

Who will own water the rights acquired jointly by CALFED and Reclamation

How will use of the EWP water be integrated into system-wide planning?

How will EWP water be coordinated with Environmental Water Account operations?

Who will decide when and how acquired water will be used ?

How will adaptive management be used to guide this program?

How will the use of an adaptive management to this program be reconciled with the acquisition of long-term water rights?

## **MONITORING**

What kind of monitoring protocols can be built into acquisition agreements to determine whether the acquired water is reaching its destination, and whether the acquired water adequately met the purposes for its purchase?