

Water Transfer Actions

Increase Conveyance Availability

1. Establish clear policies and protocols for the use of available conveyance and storage capacity in the existing facilities, including clarifying priorities for use of available capacity and how to process requests.
2. Dedicate a portion of increased Delta pumping capacity obtained through CALFED actions to the first right of refusal for water transfers involving non-project water. Define EWA purchases to have a priority above other transfers of non-project water.
3. Improve pumping and conveyance capacity forecasts and disclose through the On Tap web site, updated periodically. Forecasts include limiting factors and inherent risks to transporting water across the Delta or within project facilities (e.g., risk of pumping curtailments associated with biological or water quality requirements, project outages, etc.).
4. Adjust compensation rates for use of state or federal conveyance or storage facilities to ensure fairness to all parties. Non-project water should be conveyed at an incremental rate related only to the additional O&M incurred plus an appropriate charge for capital repayment.

Lower Transaction Costs

5. Establish regional trading zones that allow intra-regional transfers that meet pre-defined criteria to be approved with reduced application requirements and regulatory review time. For transfers falling outside of regional zones, other actions can be implemented to pre-define what conditions must be met. These definitions can be created through agency agreements, orders, or guidelines. In some instances, they may require adoption of formal rules and/or regulations. This action will affect all transfers, including those for EWA and ERP instream flow augmentation. Defining criteria will require intense stakeholder interaction and deliberations. CALFED agencies will commit resources necessary to develop these criteria.
6. Modify review and approval procedures for all transfer types to allow for potential selling parties to pre-certify or clearly understand the rules related to certain out-of-region water transfers. In such cases, the exact destination (buyer) of the water may be unknown, but the conditions that define how much water is available to transfer and when it is available are fully understood. Thus, when a buyer needs water, whether it is the EWA or other water users, potential pre-certified sources will be available to be purchased in an expedited manner.
7. Reduce environmental compliance requirements. Legislation will be sought to extend the CEQA exemption available for 1-year transfers only to intra-regional transfers (as defined in #5 above) that are less than 5 years and that do not change the original use of the water (i.e., ag to ag transfers within the same region) or change the fundamental land use. For transfers involving a federal action, criteria will be developed that would allow both 1-year transfers and the same intra-regional transfer of less than 5-years to allow informal (instead of formal) ESA consultation. There will be no change to CEQA and NEPA compliance, or formal ESA consultation for transfers longer than 5 years or transfers outside of regions (see #8 below).
8. Develop mitigation strategies and other tools that will reduce the burden for long-term

transfers proponents, including the EWA, to satisfy CEQA and NEPA compliance. Long-term water acquisitions for the CALFED ERP will be used as models to develop these tools.

9. Define "carriage water" assessment parameters to allow full understanding by proponents of risks and responsibilities for transferring water across the Delta (north to south). CALFED agencies will facilitate a technical investigation in conjunction with the Bay-Delta Modeling Forum during the remainder of this year. The goal is to define the technical parameters that affect carriage water. Remaining policy issues will be defined through a joint DWR, USBR, SWRCB effort soon after technical parameters are established.

Increase Sharing of Market Information (Disclosure)

10. Develop "On Tap" water transfer web site resource. This interactive tool will be a source for a) water transfer application procedures; b) publicly accessible databases for historic and pending water transfers; and c) an online public forum. Users will include DWR, USBR, and the SWRCB, as well as transfer proponents, lawyers, engineers, third party interests, public policy advocates and researchers. On Tap will communicate water market policies, procedures, and protocols, and provide a forum for debate and discussion of related issues. Reduced misinformation will increase overall understanding of the marketplace. The web site requires a commitment by the CALFED agencies to ensure that resources are available to maintain the site and continually improve its usefulness for the entire period of the CALFED Bay-Delta Program.
11. Publicly notice on the web site transfers pending approval by DWR, USBR, or SWRCB when formal review is initiated. Information regarding the agencies' public comment procedures will also be provided. These agencies will modify their current application acceptance protocols to ensure that new applications are posted soon after they are accepted as being complete.
12. To the extent permitted under existing law, DWR, USBR, and SWRCB will require transfer proponents to provide analysis of the impacts of a proposed transfer in three areas in addition to applicable CEQA/NEPA requirements (level of effort varies with characteristics of proposal). The analysis will include identifying potential: a) local groundwater impacts; b) local cumulative impacts; and c) local third-party socioeconomic impacts. The analysis will primarily be for information and disclosure purposes and would only be used as the basis to approve, condition or deny a transfer as otherwise permissible under current rules and procedures. CALFED agencies will define the minimum requirements for each of these impact assessment in conjunctions with development of regional trading zones (see #5 above).

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