Questions and Answers about the Extension of the Accord

Why is the extension of the Bay-Delta Accord important?

When it was signed on December 15, 1994, the Bay-Delta Accord was intended to provide a reprieve from the ongoing disputes over water issues for a period of three years. During the three-year period, the State and Federal governments and stakeholder interests agreed to work together toward a comprehensive plan to restore ecological health and improve water management of the Bay-Delta system. CALFED has made substantial progress in developing the comprehensive plan and anticipates release of the draft Environmental Impact Report/Environmental Impact Statement during January 1998. The extension of the state and federal commitments under the Accord will provide CALFED and stakeholders the additional time needed to complete the comprehensive plan and undergo environmental review.

More broadly, the Accord represents a commitment among the parties to work in cooperation to resolve long-standing water-related problems. Over the past several decades, disputes among various stakeholders in the water community have obstructed progress in resolving issues to the mutual benefit of all. The Accord preserves the partnership and allows the parties to continue progressing toward a long-term solution.

What is the CALFED solution?

The plan being prepared by CALFED has four major objectives: ecosystem health, water supply reliability, system integrity/levee stability, and water quality. In pursuing this solution, CALFED also established six principles to guide its development, 1) affordable, 2) equitable, 3) durable, 4) implementable, 5) must reduce conflict, and 6) no significant redirected impacts.

The comprehensive plan is being developed through a three-staged process. During phase one, the CALFED Program evaluated the range of issues, problems, and actions related to the Bay-Delta estuary through a series of public meetings and workshops. At the conclusion of phase one, the range of alternatives was narrowed to three for the purpose of environmental review. The CALFED Program is currently in the midst of Phase II during which a preferred alternative will be selected from among the three and certified by the appropriate public entities. Phase III, implementation, is expected to begin in early 1999 and will occur over a 20 to 30 year period.

What is CALFED?

CALFED is a consortium of State and Federal agencies having managerial and regulatory responsibilities in the San Francisco Bay/Sacramento-San Joaquin Delta. The mission of CALFED is to develop a long-term, comprehensive plan that will restore ecological health and improve water management of the Bay-Delta system. The State member-agencies of CALFED include the Resources Agency, the Department of Water Resources, the Department of Fish and Game, the California Environmental Protection Agency, and the State Water Resources Control Board. The Federal member-agencies include the U.S. Fish and Wildlife Service, the Bureau of Reclamation, the Environmental Protection Agency, the National Marine Fisheries Service, the U.S. Army Corps of Engineers, and the Natural Resources Conservation Service.

The CALFED Bay-Delta Program was established in June 1995 to develop the plan for resolving the problems of the Bay-Delta under the direction of the CALFED agencies.

What are the commitments contained in the Accord?

The Bay-Delta Accord includes commitments on behalf of the State of California, the Federal government, and the water user community related to operation of State and Federal water projects, Bay-Delta water quality, ecosystem restoration, and implementation of endangered species protection actions for fisheries. Some of these commitments are "single-action," while others would have expired without the state and federal agreement to extend them.

Commitments of the Accord being extended:

No additional water requirements for newly listed species under the Federal Endangered Species Act (ESA).
If additional water is required to meet the needs of newly listed species, it will be purchased by the federal government on a willing seller basis during the life of the Accord and extension. Additional species being considered for protection under the state and federal Endangered Species Acts are described below.

No additional water cost to State and Federal water projects under Federal ESA "take" provisions.
The projects will use operational flexibility, within the constraints of the water quality standards and the ESA, to prevent additional water costs associated with complying with the "take" provisions of the ESA. In attempting to achieve this goal, additional water supplies made available to state and federal water users because of fishery restoration actions under the CVPIA will first be used

to offset water supply impacts of compliance with the Accord and then can be used for other environmental measures.

Credit of CVP water towards CVPIA B(2) obligation.
The federal government agrees to credit Central Valley Project (CVP) water used to meet water quality standards and operational constraints of the Delta Accord toward existing obligations of the CVP under Section 3406 (b) (2) of the Central Valley Project Improvement Act (CVPIA).

Single-action commitments of the Accord:

Funding for Ecosystem Restoration and Enhancement (Category III).
The parties to the Accord committed to providing $180 million toward ecosystem restoration as part of the Category III Program. The State provided $60 million through Proposition 204, the federal government will provide $60 million through annual appropriations, and the water user community has provided $22 million--with an additional $10 million anticipated in fall 1997.

What are other commitments related to the Accord?

Water Quality Standards in the Bay-Delta.
The State Water Resources Control Board (SWRCB) adopted water quality objectives consistent with the water quality standards outlined in the Bay-Delta Accord. These objectives were adopted in 1995 through a SWRCB Water Quality Control Plan and substantially implemented through biological opinions under the Endangered Species Acts and adoption of Water Right Order 95-6. The U.S. Environmental Protection Agency formally approved the State's objectives in September 1995.

The water quality objectives in the Water Quality Control Plan will remain in place unless revised during the next triennial review. However, Water Rights Order 95-6 expires at the end of 1998. If the SWRCB does not replace or extend the water rights order by that time, the water quality objectives in the Accord will only be partially implemented through the biological opinions under the ESA.

The SWRCB has initiated a water rights proceeding to apportion responsibility for meeting Bay-Delta water quality standards among the water right holders in the watershed, and has committed to replacing Water Rights Order 95-6 by the end of 1998.

Are there any additional species being considered for protection in the Bay-Delta?
Yes.

The Spring-Run Chinook Salmon, which spends a portion of its life history in the Bay-Delta and Sacramento and San Joaquin River systems was recently listed as a candidate species under the California Endangered Species Act. The California Fish and Game Commission, which has the responsibility for listing decisions under the California Endangered Species Act, requested the assistance of the CALFED Ops Group--which consists of wildlife agency biologists, managers of the State and federal water projects, and environmental and water user stakeholder participants--in developing a plan for protection of Spring Run Chinook Salmon.

The Accord did not address the potential water supply impacts of listings under the California Endangered Species Act (ESA), and neither the state nor the federal government is making any commitment as to additional water supply impacts, if any, associated with protection of Spring Run Chinook Salmon under the California ESA.

The U.S. Fish and Wildlife Service is currently reviewing the status of the Sacramento Splittail, a native fish proposed for listing as a threatened species, to determine whether protection is warranted under the federal ESA.

The National Marine Fisheries Service, which has federal jurisdiction over anadromous fish species, recently made listing decisions for Steelhead for several coastal Ecologically Significant Units ("ESU's" are regional populations of the species with distinct life history and genetic characteristics). The National Marine Fisheries Service delayed for six months--until February 1998--the decision of whether to list the Steelhead in the Central Valley ESU in order to gather more information.