

Water Transfers
Program

E-005558

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Memorandum

Date: May 6, 1999

To: CALFED Policy Group

From: Lester A. Snow

Subject: Status of Processes to Resolve Water Transfer Program Issues

Summary

This memorandum is intended as an update on several of the outstanding water transfer issues. In the February 1999 Water Transfer Program Plan, CALFED provided recommendations to resolve several water transfer issues. Some of the recommendations described actions policies that need agency adoption. These will be implemented during Stage 1. However, for other issues, CALFED recommended processes to resolve continuing disputes. Described only in general terms in the February 1999 draft, we have since worked to refine and better describe (and in some cases, begin) these processes. Therefore, we plan to provide more detailed descriptions of the recommended processes in the June 1999 public draft.

The Transfer Agency Group (TAG) has played an integral role during the last several months in the development of these processes and will provide further comments and refinement up to the end of May.

Detailed Discussion

The following is a brief summary of CALFED's recommended processes. This information is intended to give Policy Group members an idea of the composition of each process and the anticipated outcome. Many of these processes will not reach resolution until after the ROD. So, these should be viewed as part of on-going Stage 1 actions, not just work efforts undertaken between now and when a Programmatic EIR/EIS is finalized.

- Develop "transferable water" definitions - A water transfer guidebook (being developed as part of other CALFED water transfer recommendations) will clarify agency criteria used to determine transferable water. This process may result in variations in the accepted interpretation of transferrable water, based on differences in duration,

CALFED Agencies

California
The Resources Agency
Department of Fish and Game
Department of Water Resources
California Environmental Protection Agency
State Water Resources Control Board

Federal
Environmental Protection Agency
Department of the Interior
Fish and Wildlife Service
Bureau of Reclamation
U.S. Army Corps of Engineers

Department of Agriculture
Natural Resources Conservation Service
Department of Commerce
National Marine Fisheries Service

destination, and method of making water available (for example, 1-year transfers versus multi-year, in-basin versus out-of-basin, and conservation versus fallowing). CALFED will facilitate meetings between agency representatives and stakeholder interests to develop standard definitions for various types of water transfers.

- Expedite the SWRCB approval process for some water transfers - Certain types of water transfer proposals can already be expedited through the State Water Resources Control Board approval process. It is possible that new mechanisms could be adopted by the Board to improve the current process or to allow other types of transfers to be expedited (i.e., transfers that have occurred in the past with no impact, intra-basin transfers, instream flow transfers, etc.) This process is designed to evaluate what other types of transfers might be appropriate for expedited review and approval. Because the Water Transfer Program is also designed to ensure protection for third-party interests, this action will not jeopardize necessary review and comment periods when and where they are appropriate. In addition, expedited process mechanisms will only be applicable to short-term transfers. A series of CALFED facilitated meetings between interested stakeholders and key CALFED agency representatives will explore this issue and provide recommendations back to CALFED.
- Clarify carriage water requirements for cross-Delta water transfers - There are two specific questions to be addressed regarding carriage water. First: when is a carriage water requirement properly imposed on a cross-Delta water transfer? Second: when carriage water is required, what is the best method for calculating or quantifying the amount of carriage water? The answers to these questions will focus on ensuring that the transport of water across the Delta will not cause adverse impacts to other legal users of water, including the CVP and SWP. During the remainder of 1999 and continuing as needed into 2000, CALFED will facilitate a technical review using CALFED agencies and key stakeholders to discuss these questions. This technical team approach will develop criteria for applying carriage water requirements to cross-Delta water transfers and will develop methodologies for quantifying carriage water when it is required. Their recommendations will be brought to CALFED for concurrence.
- Develop predictable/reliable access to excess state/federal conveyance facility capacity - (note: more detailed description of process is still under development) - CALFED will work with the DWR, USBR and stakeholders to identify ways to increase the availability and predictability of conveyance capacity for transferred water in state/federal facilities. CALFED will initiate discussions with the agencies to develop a set of options and assessments of each option. Then, the discussion will be expanded to include stakeholder interests. Recommended policy changes will be brought to CALFED for concurrence.

- Establish refill criteria for reservoir storage based water transfers - CALFED will work with the SWRCB, DWR, USBR, and stakeholder interests to establish consistent policy to be used by the agencies in the application of reservoir refill criteria for transfers based on the release of stored water. Generally, the SWRCB has the authority to determine whether refill criteria apply to a particular transfer. As a condition of the conveyance of transferred water through project facilities, DWR and USBR often request and/or propose the application of refill criteria. This process is intended to achieve consistency in the application of refill criteria, among agencies and across types of transfers. As part of the water transfer guidebook currently under development, the SWRCB is proposing a policy revision regarding refill criteria. During the next several months, CALFED staff will facilitate discussions on this proposal.
- Improve provisions for in-stream water transfers - CALFED will work with water resource and environmental agencies and stakeholder interests to improve instream flow transfer mechanisms. This effort will include (1) developing methodology for monitoring in-stream transfers and associated tracking measures, (2) developing appropriate implementation procedures or regulations for California Water Code Section 1707 transfers, and (3) evaluating whether additional statutory or regulatory protection of water transfers for in-stream purposes is necessary. The primary purpose of these three work efforts is to ensure that water transferred to the environment is available to meet its stated in-stream purpose throughout its designated reach. Close coordination with ERP water acquisition actions will be necessary.