
Bay-Delta Advisory Council Information Booklet

June 1995



**CALFED
BAY-DELTA
PROGRAM**

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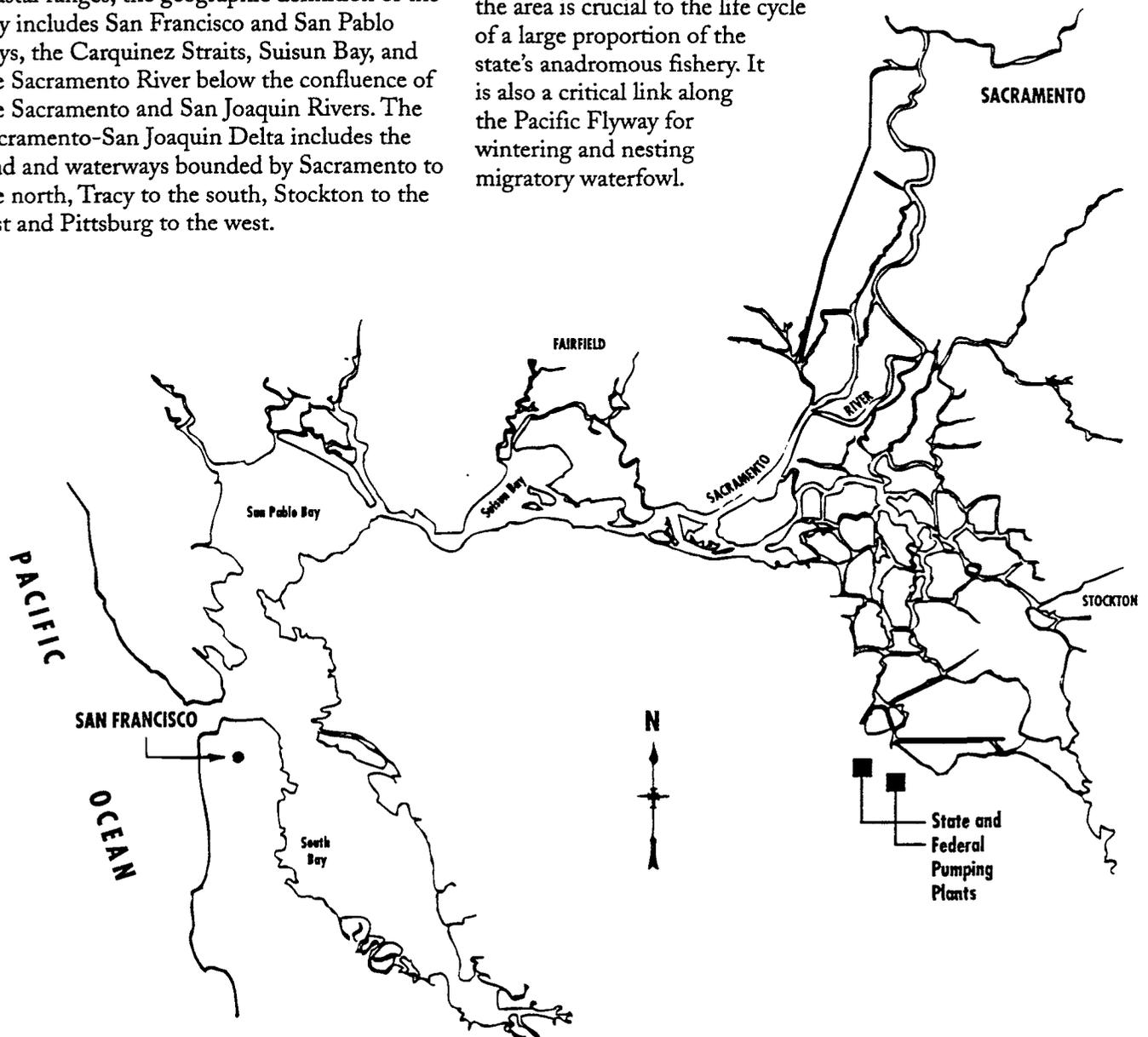
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I. Introduction

The San Francisco Bay/Sacramento-San Joaquin Delta Estuary is the largest estuary on the west coast of North and South America. A highly dynamic and complex environment supporting a diverse and productive ecosystem, the Estuary is a significant state, national and international resource.

Bounded to the northwest and southeast by coastal ranges, the geographic definition of the Bay includes San Francisco and San Pablo Bays, the Carquinez Straits, Suisun Bay, and the Sacramento River below the confluence of the Sacramento and San Joaquin Rivers. The Sacramento-San Joaquin Delta includes the land and waterways bounded by Sacramento to the north, Tracy to the south, Stockton to the east and Pittsburg to the west.

Within this vast area, approximately 40 percent of fresh water runoff from California mixes with water from the Pacific Ocean. The Estuary encompasses 40,000 acres of critical wetlands, including the largest remaining brackish marsh in the United States, and supports 120 species of fish. As the major juncture for salt and fresh water habitats along California's coast, the area is crucial to the life cycle of a large proportion of the state's anadromous fishery. It is also a critical link along the Pacific Flyway for wintering and nesting migratory waterfowl.



In addition to supporting biological resources, the Bay-Delta serves as the primary hub of California's water supply system, providing water for both agricultural and urban uses. The Estuary receives the bulk of its fresh water supply from the San Joaquin and Sacramento Rivers, and provides drinking water for two-thirds of the state and irrigation water for the production of almost half of the nation's fruits and vegetables.

A vital resource for many different users and interests, the Bay-Delta falls under the jurisdiction of a number of state and federal agencies. For years, management of the Estuary has been a difficult and controversial task as the various agencies have attempted to balance environmental, agricultural and community water needs.

Recently, the Bay-Delta has been the focus of increased attention due to concern about the ecosystem's declining health. The Estuary's fisheries have declined steadily from historic levels and populations of many species have been at record low levels in recent years. A six-year drought and various state and federal regulatory actions have added to the complexity of the problem and increased the need for appropriate and swift action on managing the Estuary.

In June 1994, four federal agencies and the State of California signed a Framework Agreement to coordinate their actions in the Estuary through a comprehensive ecosystem-based approach. This unprecedented cooperation resulted in the landmark December 1994 accord on Bay-Delta resource management. The accord defined specific preliminary actions

to manage the Estuary, and set in motion a cooperative process to develop a long-term resource management strategy.

By demonstrating that state and federal coordination and agreement on the Bay-Delta issue can be achieved, the December accord has presented a unique opportunity for all interested parties to come together in the spirit of cooperation to develop an effective and long-term solution.

This booklet provides background on the various actions and agreements leading up to the initiation of the long-term solution finding process. It includes information on the roles of the state and federal government, the initial framework agreement and the creation of CALFED, the Bay-Delta accord, the CALFED Bay-Delta Program and the Bay-Delta Advisory Council (BDAC).



CALFED BAY-DELTA PROGRAM

II. Historical Overview and Framework Agreement

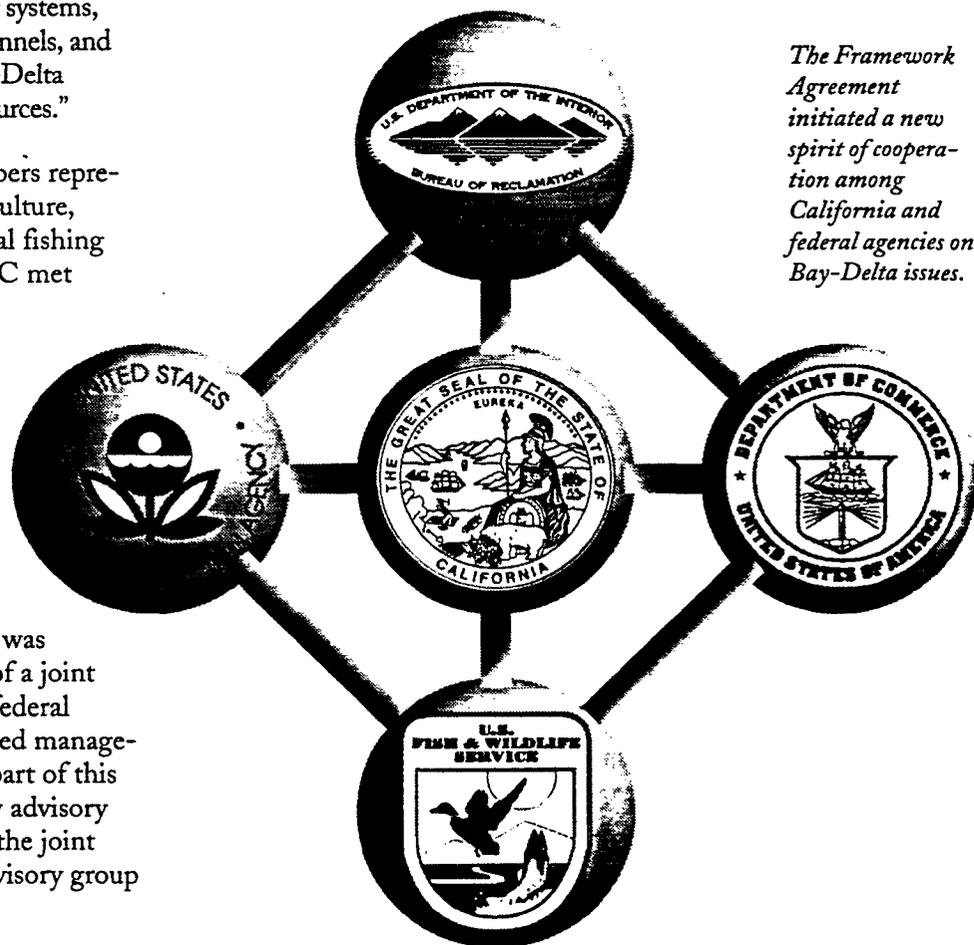
On December 9, 1992, Governor Pete Wilson created the Governor's Water Policy Council of the State of California. The Council consists of representatives of state departments and agencies responsible for implementing state water policy, who together share information and coordinate activities related to the state's long-term water policy.

The Governor also issued an Executive Order in December 1992 establishing the Bay-Delta Oversight Council (BDOC). BDOC's purpose was to "assist and advise the Water Policy Council in the development of a comprehensive program to protect and enhance the San Francisco Bay/Sacramento-San Joaquin Delta Estuary by addressing water quality concerns, effective design and operation of water export systems, maintenance of Delta levees and channels, and guarantees for protection of the Bay-Delta Estuary and its fish and wildlife resources."

BDOC was comprised of 22 members representing urban water interests, agriculture, commerce and business, commercial fishing and environmental interests. BDOC met beginning in February 1993 and developed a substantial body of work focusing on problem identification and development of evaluation criteria and action options. Technical advisory committees were established to provide technical input into the BDOC work products.

The Bay-Delta Oversight Council was phased out with the development of a joint effort between California and the federal government to develop a coordinated management strategy for the Estuary. As part of this newly developed joint effort, a new advisory group has been established. (Both the joint state/federal effort and the new advisory group are further described below.)

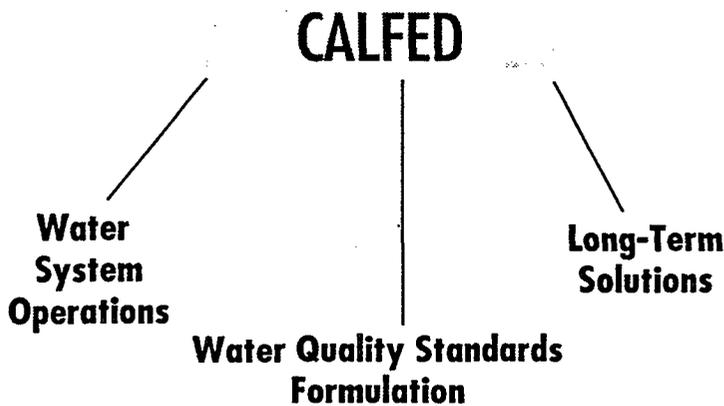
On September 10, 1993, the Federal Ecosystem Directorate (FED) was created to coordinate federal resource protection and management decisions in the Bay-Delta Estuary and its watershed. The FED is comprised of the Bureau of Reclamation, Fish and Wildlife Service, National Marine Fisheries Service and the Environmental Protection Agency. The federal role in the Bay-Delta has focused primarily on listing species as threatened or endangered, conducting consultations under the Federal Endangered Species Act, operating the Central Valley Project, reviewing and, where necessary, promulgating water quality standards under the Clean Water Act and reviewing water development proposals under the Fish and Wildlife Coordination Act.



The Framework Agreement initiated a new spirit of cooperation among California and federal agencies on Bay-Delta issues.

Both the state and federal government recognize their mutual investment in finding a solution to managing the Bay-Delta. Neither California nor the federal government can develop on its own a balanced and effective management policy for the Estuary. Bay-Delta stakeholders representing a broad range of interests also understand that cooperation is the key to a solution. In response to comments from a broad cross-section of stakeholder groups about the need for greater coordination of efforts, the state and federal governments began to explore options for undertaking a coordinated effort to address the multiple issues and interests in the Bay-Delta.

In June 1994 the Water Policy Council and the Federal Ecosystem Directorate signed a Framework Agreement that represents a new cooperative relationship between the state and federal governments in addressing problems affecting the Bay-Delta. (A copy of the Framework Agreement is included in the Appendix.) The Agreement established a comprehensive program for coordination and communication between the state and federal agencies on environmental protection and water supply dependability in the Estuary.



The Framework Agreement acknowledges the critical importance of the Bay-Delta Estuary to the natural environment and economy of California, and the multiple and complex resource management decisions that must be made to stabilize, protect, restore and enhance the Estuary. The Agreement highlighted three key areas of state and federal coordination on the Bay-Delta. The provisions of the Agreement are outlined below:

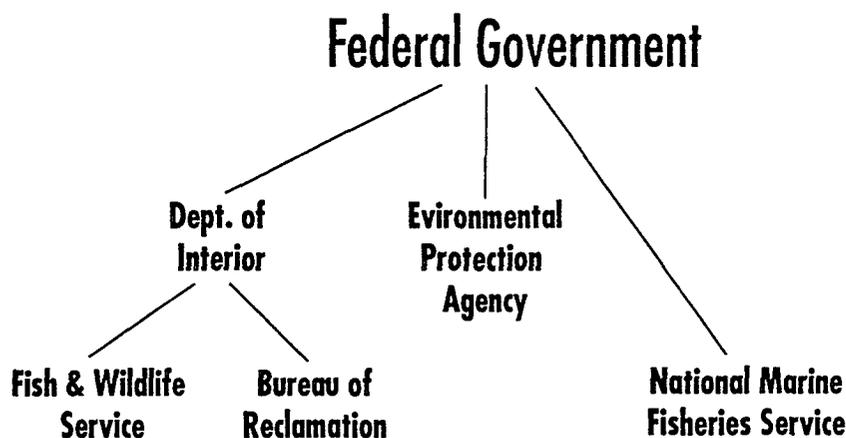
- *Water Quality Standards Formulation*—The U.S. Environmental Protection Agency (EPA) will adopt final federal water quality standards for the Bay-Delta in December 1994. The State Water Resources Control Board, in cooperation with federal agencies, will develop a Bay-Delta protection plan that meets both federal and state requirements. EPA will approve the state's plan and withdraw the federal water quality standards.
- *Coordination of Federal and State Water Project Operations with Regulatory Requirements*—Federal and state agencies will coordinate water project operations with the requirements of the Endangered Species Act and the Central Valley Project Improvement Act.
- *Development of a Long-Term Bay-Delta Solution*—The state and federal agencies will jointly develop and implement a long-term process for resolving Bay-Delta environmental and water supply issues. This process will include a citizen advisory committee for additional public guidance.

The CALFED Bay-Delta Program can be considered the Agreement's most important effort, as it is intended to develop a long-term management strategy for the Estuary that reflects the complex issues and multiple objectives associated with the Bay-Delta and its stakeholders. The process will be administered through coordinated activities of involved state and federal agencies, and will incorporate full and coordinated compliance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA).

In addition to cooperation among government entities, the Agreement recognizes that lasting solutions for the Bay-Delta must include and reflect input from the various publics who have a stake in the management of the Estuary. Providing maximum opportunities for public involvement is a critical component of the solution-finding process.

A committee of citizen advisors, known as the Bay-Delta Advisory Council (BDAC), will have a central role in the Bay-Delta Program, assisting CALFED in this cooperative process. BDAC's membership is balanced to represent California's agricultural, environmental, urban and other affected interests. (Section V includes further information on the Bay-Delta Advisory Council.)

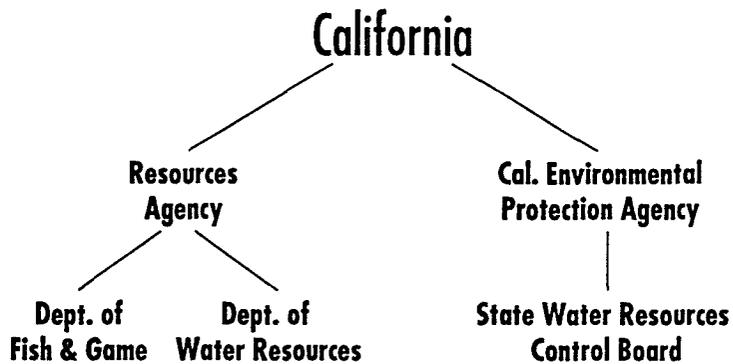
The coordinating agencies and organizations under the Framework Agreement are known collectively as "CALFED". The individual agencies and their respective responsibilities are listed below.



- *Department of the Interior* - This cabinet-level department is responsible for management of federal lands and the nation's natural resources through several agencies including the Bureau of Reclamation, the Fish and Wildlife Service and the Bureau of Land Management.
- *Bureau of Reclamation* - This Department of the Interior agency operates federal water projects in the 17 western states including the Central Valley Project in California. It shares with the Fish and Wildlife Service responsibility for implementing the Central Valley Project Improvement Act (CVPIA).
- *Fish and Wildlife Service* - This Department of the Interior agency conserves, protects, and

enhances fish and wildlife resources throughout the United States. It shares responsibility with the National Marine Fisheries Service for ensuring compliance with the Endangered Species Act. The agency is also responsible, with the Bureau of Reclamation, for implementing the CVPIA.

- *U.S. Environmental Protection Agency* - The EPA enforces federal laws that protect public health and the environment. It oversees state compliance with the Clean Water Act.
- *National Marine Fisheries Service* - This Department of Commerce agency is responsible for management of national ocean fisheries resources and protects anadromous fish species in accordance with the Endangered Species Act.



- *California Resources Agency* - This office oversees 12 state entities, including the Departments of Water Resources and Fish & Game. The Secretary for Resources chairs the Governor's Water Policy Council.
- *California Environmental Protection Agency* - This office oversees six state entities, including the State Water Resources Control Board.
- *Department of Water Resources* - This agency manages state water supplies, statewide water resources planning and operation of the State Water Project.
- *State Water Resources Control Board* - This five-member board appointed by the governor allocates surface water rights for California and regulates, with nine regional boards, state water quality.
- *Department of Fish & Game* - This agency protects and conserves the state's fish, plants and wildlife for their ecological, educational and economic value.

III. Bay-Delta Accord

On December 15, 1994, a significant milestone in the Bay-Delta cooperative solutions process was reached. Governor Pete Wilson, Secretary of the Interior Bruce Babbitt and U.S. Environmental Protection Agency Administrator Carol Browner announced the signing of an historic state/federal accord on Bay-Delta environmental protection. The accord represents over a year of scientific analysis and negotiations, and was signed or supported by a broad range of stakeholders including environmental organizations, business groups and urban and agricultural water agencies.

The December accord recommends draft water quality standards for the Bay-Delta that are acceptable to both the state and federal governments. The water quality standards are based on salinity criteria that are regularly monitored and met in relation to the amount of precipitation and runoff. This provides greater flexibility and responsiveness in meeting water quality standards, while maintaining an acceptable level of protection for species and wildlife habitat. The accord also coordinates implementation of regulatory requirements of the Clean Water Act, the Endangered Species Act and other federal legislation. This coordinated implementation eliminates conflicting agency goals and overlapping water requirements to meet the goals. The accord's provisions will remain in effect for three years. (A full copy of the accord is included in the Appendix.)

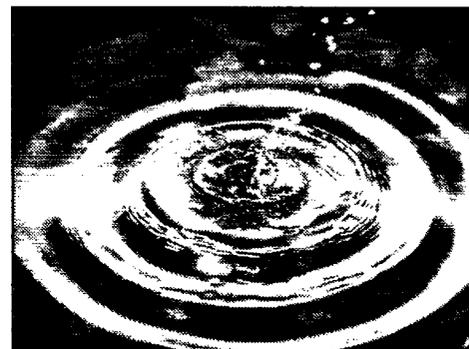
In February 1995, the State Water Project and Central Valley Project began interim operations to meet the provisions of the accord until state water rights can be reviewed to balance responsibility for implementation. In May 1995, after appropriate public comment, the State Water Resources Control Board (SWRCB) adopted the final state water quality plan for the Bay-Delta incorporating many elements of the December accord.

In June 1995, the SWRCB began a review of water rights permits with water supply operations throughout the Bay-Delta watershed. Once water rights have been renegotiated, the water necessary to meet the provisions of the accord will be provided by the State Water Project, the Central Valley Project and other water supply operations in the watershed.

While the December accord is significant, it is only the first step in the long effort to resolve Bay-Delta issues. The breakthrough agreement will stabilize the Estuary's ecosystem and provide a window for expanded long-term planning to begin. More importantly, the accord clearly demonstrated that cooperation on Bay-Delta issues among the state and federal governments and a variety of stakeholders is not an impossibility. All parties now recognize that the momentum of this cooperative climate needs to be optimized, and that there has never before been a better opportunity to develop a lasting solution to management of the Estuary.

The effort to explore and develop a long-term solution for Bay-Delta management is the purpose of CALFED's Bay-Delta Program.

The December 1994 accord marked a milestone in managing the Bay-Delta.



BAY / DELTA
Protection Plan
making every drop count

IV. CALFED Bay-Delta Program

Soon after the Framework Agreement that created CALFED was signed, work began on developing a long-term process to address Bay-Delta management issues. The intent is to develop a comprehensive and balanced management plan for the Bay-Delta that addresses all of the resource problems and the concerns of various stakeholders.

The Agreement requires that the state and federal governments jointly sponsor and manage the long-term solution process. Consequently, CALFED serves as the focal point for the creation of a strategy and process to develop long-term solutions. CALFED also provides policy direction and oversight to the process and will ensure consistency between program policy and statutory requirements. While the ultimate approval authority for any decision rests with the Governor of California and the Secretary of Interior, CALFED will make functional decisions and will serve as the final arbiter of issues that develop during the process.

CALFED developed a structure for the Bay-Delta Program with input from stakeholders and public meetings. A Program Manager was selected by CALFED to head the program team. The Program Manager will work directly with CALFED and is responsible for the following:

- to assure the constructive engagement of state and federal agencies in the long-term process; ensure effective coordination between the Bay-Delta solution process and other related programs and processes, including the Central Valley Project Improvement Act (CVPIA) and Comprehensive Conservation Management Plans (CCMP);
- to secure timely review of program work products, including technical analysis, from their respective agencies and assist in reconciling substantive differences;
- to ensure that CEQA/NEPA evaluation develops information and analysis in the depth and form needed to enable them to make necessary permitting and regulatory decisions.

The Bay-Delta Program team includes staff from state and federal agencies with expertise in the issues that will be addressed by the program including water supply, biological resources, water quality, maintenance and stabilization of levees and channels, CEQA/NEPA processes, administration and budget. Team members were selected by the Program Manager and are based at the State Resources Agency Building in Sacramento, California.

The Bay-Delta Program is designed to function in three phases.

Develop Alternatives

Develop clear definition of problems and issues and a range of solution alternatives.

Evaluate and Select Alternative

Prepare first-tier EIR/EIS to comply with NEPA and CEQA and to identify impacts of various alternatives.

Evaluate and Implement Actions

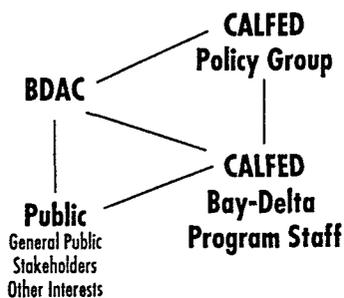
Prepare second-tier EIR/EIS for each element of the selected alternative.



The Bay-Delta Program is designed to function in three phases. Phase 1 focuses on developing a clear definition of the problems and issues to be addressed and a range of solution alternatives. In Phase 2, a program level or first-tier Environmental Impact Report/Environmental Impact Statement (EIR/EIS) will be prepared, in compliance with CEQA and NEPA, to identify impacts associated with the various alternatives. Finally, in Phase 3, a project-level or second-tier EIR/EIS will be prepared for each element of the selected alternative.

In order to capitalize on the current climate of cooperation, Phase 1 of the CALFED Bay-Delta Program is scheduled to be completed by Spring 1996. The ambitious workplan for this phase includes identifying issues and developing a range of alternatives, preparing a Notice of Intent and Notice of Preparation pursuant to NEPA and CEQA, and conducting public scoping sessions to determine the focus and content of the EIR/EIS.

Phase 1 will begin with tasks designed to develop general public and stakeholder agreement on the scope and definition of the Bay-Delta problem and the goals and objectives for the long-term solution. Simultaneously, tasks will be initiated to identify and evaluate creative ideas for resource solutions. Promising solutions will be organized into alternatives, each consisting of a set of conceptually-described actions and facilities. A process of evaluating, reformulating and improving solution options will then be conducted to reach shared agreement on the alternatives that will be carried to Phase 2 environmental review.



Public and stakeholder input is an important component of the Bay-Delta Program, and is vital to the development of a realistic Bay-Delta solution that is broadly accepted. Public workshops were held in September 1994 to provide information and gather input about the proposed strategy, structure and process for developing a long-term solution.

Public input will be incorporated into the Bay-Delta Program through BDAC and outreach to stakeholders, the general public and other interests.

Phase 1 of the CALFED Bay-Delta Program will be an open and collaborative process that considers all reasonable options for addressing Bay-Delta problems related to fish and wildlife, water supply reliability, water quality, and levee and channel vulnerability to natural disasters. The process is designed to ensure effective participation by all interested parties, and includes extensive efforts to obtain public input through workshops and other means. The Bay-Delta Advisory Council (BDAC) will serve as the formal citizens' advisory mechanism, providing input and guidance on the process and issues that affect public interest and values.

V. Bay-Delta Advisory Council

The Framework Agreement between the Water Policy Council and the Federal Ecosystem Directorate stipulated that the public must have a central role in the development of a long-term Bay-Delta solution. A group of citizen advisors to the process has been chartered under the Federal Advisory Committee Act as the Bay-Delta Advisory Council (BDAC).

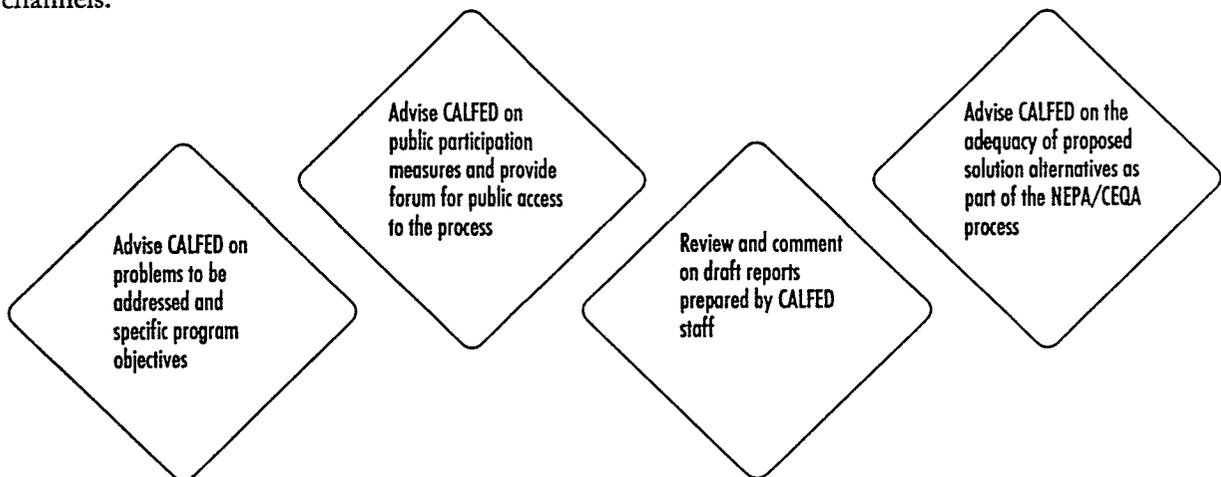
Membership of the Council has been selected from California's agricultural, environmental, urban, business and other interests to reflect the wide variety of groups and interests having a stake in the estuary and its management. The 30-plus BDAC members have been jointly selected by the U.S. Secretary of the Interior and the California Resources Secretary.

The purpose of BDAC is to provide advice and guidance to CALFED's Bay-Delta Program for the Bay-Delta Estuary. BDAC will provide a public perspective on Bay-Delta issues and the solution-finding process. Public-focused values on which BDAC will provide input include water quality, protection of the Bay-Delta Estuary and its fish and wildlife resources, effective planning and operation of water systems and maintenance of Delta levees and channels.

Specific BDAC Responsibilities

- Advise CALFED on the Problem Definition, including both the problems to be addressed and a specific set of objectives for the CALFED Bay-Delta Program
- Advise CALFED on measures to be taken to ensure public participation and to provide a forum for public access to and comment on the process
- Review and comment on draft reports prepared by CALFED staff including program objectives, solution alternatives and alternative evaluation criteria
- Advise CALFED on the adequacy of proposed solution alternatives as part of the NEPA/CEQA environmental documentation process

The Bay-Delta Advisory Council will meet quarterly (at a minimum) or more frequently at the call of the Chairperson. BDAC meetings will be open to the public and will be announced in the Federal Register. BDAC is expected to exist until the NEPA/CEQA environmental documentation process is completed.



Specific BDAC Responsibilities

BDAC Member Biographies

Tib Belza, of Yuba City, is Chairman of the Northern California Water Association. He currently farms approximately 200 acres of rice in Yuba County and has operated a farm since 1979. He served on the Yuba County Board of Supervisors from 1989 to 1992, and on the Yuba/Sutter Chamber of Commerce Board of Directors.

Roberta Borgonovo, of San Francisco, is Water Director for the League of Women Voters of California. She is also Coordinator of the Environmental Water Leadership Council and was recently elected Convener of the California Urban Water Conservation Council. She is active as a board member of the Greenbelt Alliance and a Trustee of the California Academy of Sciences.

Don Bransford, of Colusa, is President of the Glenn-Colusa Irrigation District and serves as Vice Chairman of the Northern California Water Association. He is Vice Chairman of the Farmers Rice Cooperative, a Director of the California Rice Industry Association and is a member of the Grower Liaison Committee for Blue Diamond Growers. Bransford owns and operates Bransford Farms.

Harrison C. (Hap) Dunning, of Davis, has served as Chair of the Bay Institute of San Francisco since 1984. He is also a professor of law at the University of California, Davis. Dunning has served as Staff Director of the Governor's Commission to Review California Water Rights Law, a member of the California Water Commission, a member of the Committee for Water Policy Consensus, and Director of the U.C. Davis Program in Law and the Environment.

John V. (Jack) Foley, of Laguna Niguel, is Chairman of the Board of Directors of the Metropolitan Water District of Southern California and is General Manager of the Moulton Niguel Water District. He is also a member of the San Diego Regional Water Quality Control Board. Foley is a member of the Board of Directors of the California Water Resources Association and a Trustee of the Southern California Water Committee. He was recently honored as the 1995 Engineer of the Year by the Institute for the Advancement of Engineering.

Howard Frick, of Arvin, is President of the Arvin-Edison Water Storage District. Frick is a member of the Friant Water Users Authority Board of Directors. He also serves on the boards of directors of the Delta Restoration Coalition and the Western Growers Association. Frick is a second generation farmer and has operated farms in the San Joaquin Valley for 38 years.

Thomas J. Graff, of Oakland, is Senior Attorney for the Environmental Defense Fund. Previously, he was a lecturer at Boalt School of Law and visiting professor of law at Harvard Law School. Graff has been active in several organizations, including the National Academy of Sciences Committee on Western Water Management Change, the San Joaquin Valley Drainage Program Citizens' Committee, the Colorado River Board of California, the San Francisco Bay-Delta Preservation Association, the California League of Conservation Voters, and the Planning and Conservation League.

David J. Guy, of Sacramento, is an attorney in the California Farm Bureau Federation Department of Environmental Advocacy, with emphasis in water law, land use, other natural resources, and related litigation. Guy is a frequent lecturer on water and land use matters throughout the state, and he has published several articles in professional journals.

Stephen Hall, of Sacramento, is Executive Director of the Association of California Water Agencies. Prior to joining ACWA, he served as Executive Director of the California Farm Water Coalition and the Land Preservation Association. Hall is Vice President of the State Reclamation Board and holds posts on the University of California at Davis Land, Air and Water Advisory Board and the U.S. Committee on Irrigation and Drainage.

Eric Hasseltine, of Lafayette, is Director and Past President of the Contra Costa Council and a partner in Hasseltine Best, a consulting firm. He was a Contra Costa County Supervisor, representing the entire Delta area of the county, and served as the Contra Costa representative on the Delta Advisory Planning Council. Hasseltine is a member of the Board of Regents of John F. Kennedy University.

Alex Hildebrand, of Manteca, has been a Director of the South Delta Water Agency since its formation, and is President of the Delta Water Users Association. He is also President of Reclamation District 2075 and the San Joaquin River Flood Control Association and serves as a Director of the Central Valley Flood Control Association and the Water Education Foundation. Hildebrand is a professional engineer and owner of a family farm.

Richard Izmirian, of San Carlos, is active in several organizations that support the interests of recreational anglers. He is a member of the Board of Directors of the California Sportfishing Protection Alliance, and past President of the Northern California Council Federation of Fly Fishers. He is also a Director and Assistant Vice President of the National Federation of Fly Fishers. Since 1982, Izmirian has served as a member of the California Striped Bass Advisory Committee of the California Department of Fish and Game.

Rosemary C. Kamei, of San Jose, is a member of the Board of Directors of the Santa Clara Valley Water District and also manages her own small business. She is a member of the California Association of Nurserymen, the California Chrysanthemum Growers Association, the California Farm Bureau, the California Poinsettia Growers Association and the Associated Bedding Plant Growers.

Leland Lehman, of Suisun, is past president of the California Waterfowl Association and a member of the Association's Executive Committee. He is currently Manager of the Suisun Resource Conservation District. Lehman is a civil engineer who has designed and supervised the construction of many wetland projects in the Bay-Delta region. He is also Chairman of the Solano County Fish and Game Habitat Committee and has been Planning Commission Chairman for the City of Vallejo.

Thomas S. Maddock, of Newport Beach, is a member of the Board of Directors of the California Chamber of Commerce and serves as Chairman of the Chamber's Water Resources Committee. He is also Chairman of the Board of Boyle Engineering Corporation and is a registered engineer in 18 states. Maddock was named "Engineer of the Year" for 1992 by the Institute for the Advancement of Engineering and is the author of many papers on technical and professional issues.

Mike Madigan, of San Diego, is a member of the California Water Commission and previously served 14 years on the Board of Directors of the San Diego County Water Authority. He also was a member of the Board of Directors of the Metropolitan Water District of Southern California and has served as Chairman of the Board of Directors of the Greater San Diego Chamber of Commerce and Chairman of the Chamber's Water Committee.

Michael Mantell, of Sacramento, was appointed by Governor Pete Wilson as Undersecretary for The Resources Agency of California in January, 1991. He develops and implements resource priorities for the state to ensure effective policy development and coordination. He was the General Counsel of World Wildlife Fund, directed the Land, Heritage and Wildlife Program of The Conservation Foundation, and worked as a senior staff member to the National Wetlands Policy Forum.

Pat McCarty, of Stockton, is Chair of the Delta Protection Commission and is President and Chief Executive Officer of the McCarty Company which provides business, financial and management services to agriculture. He also is involved in the management of Delta agricultural property for the Department of Water Resources, and manages the Kern Water Bank groundwater conjunctive use program for the Kern County Water Agency.

Michael W. McDonald, of Roseville, is General Manager of the Northern California Power Agency and is Chairman of the Transmission Agency of Northern California. He served on the Boards of Directors of several joint powers agencies before assuming his current position.

Sunne Wright McPeak, of San Francisco, is President and Chief Executive Officer of the Bay Area Economic Forum. Previously, she was a Contra Costa County Supervisor and operated her own management consulting firm. McPeak served as Chair of the Committee for Water Policy Consensus and Co-chair of the State Water Conservation Coalition. She is a founder of the California Council on Partnerships and a Director of the California Foundation for the Environment and the Economy.

Ann Notthoff, of San Francisco, is a staff member with the Natural Resources Defense Council and is an expert on California coastal zone management issues including land use, offshore energy development, oil spill prevention, and ocean water quality. Notthoff is on the boards of directors of the California League of Conservation Voters and the League for Coastal Protection.

Pietro Parravano, of Half Moon Bay, is President of the Pacific Coast Federation of Fishermen's Associations and is a member of the Board of Directors of the California Seafood Council. He advised the U.S. Army Corps of Engineers and the U.S. EPA on strategies for disposal or use of dredge materials from San Francisco Bay, as well as served on the Local Fisheries Impact Program. Parravano is the owner and operator of a commercial fishing vessel.

Roger K. Patterson, of Sacramento, is Regional Director of the Mid-Pacific Region of the U.S. Bureau of Reclamation and oversees the management of Bureau water projects in the Region which encompasses the northern two-thirds of California, most of northern Nevada, and a small part of southern Oregon. He is in charge of the Central Valley Project in California.

Stuart T. Pyle, of Bakersfield, is a consulting civil engineer in water resources. He was General Manager of the Kern County Water Agency for 17 years and continues to advise the Agency as a consultant and is very active in Bay-Delta issues. Pyle worked for the Bechtel Corporation, Leeds Hill-Deleuw Engineers and the California Department of Water Resources conducting extensive planning for the development and export of water from the Eel and Trinity rivers.

Robert F. Raab, of Oakland, is a director with the Save San Francisco Bay Association and has held positions as Water Chair and Vice President. He is retired from the public relations department of the Pacific Gas and Electric Com-

pany. Raab's involvement with state and federal water policy issues has included research, publicity, policy formation, consultation with legislators and governmental agencies.

Judith Redmond, of Davis, is Executive Director of the Community Alliance with Family Farmers. She is also owner and working partner of a 170 acre diversified farm. Redmond serves on the Boards of Directors of the Bio Integral Resources Center, the California Institute for Rural Leadership and Education, and the Center for Urban Education About Sustainable Agriculture.

Ray Remy, of Los Angeles, is President of the Los Angeles Area Chamber of Commerce. He is Vice-chairman of the Board of Trustees of Claremont McKenna College, and has received many awards for outstanding contributions to his community. Remy was Chief of Staff to Los Angeles Mayor Tom Bradley.

Marcia Sablan is Mayor of the City of Firebaugh and is a physician specializing in family practice. She was medical director of the Fresno County Firebaugh Health Center and was a Peace Corps volunteer in El Salvador. Dr. Sablan represents Firebaugh on the League of Cities and the Council of Governments. She was California Family Physician of the Year in 1992.

Jean Sagouspe, of Los Banos, is President of the Central Valley Project Water Association and Chairman of the Board of the Central Valley Project Authority. He is a Director of the San Luis and Delta Mendota Water Authority and President of the San Luis Water District. Sagouspe currently owns and operates over 5,000 acres of farmland in the San Joaquin Valley.

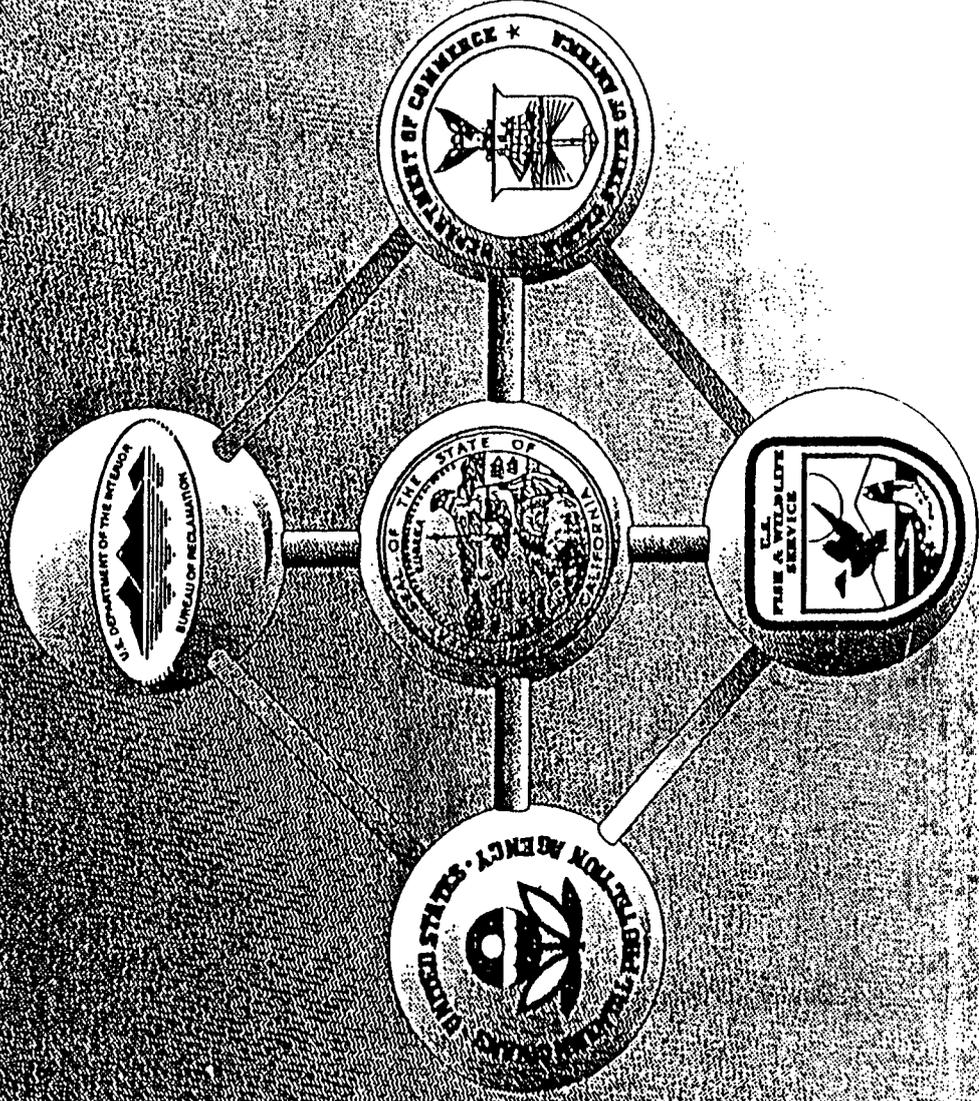
Mary L. Selkirk, of Berkeley, is a member of the Board of Directors of the East Bay Municipal Utility District. She has also served as Chair of the Northern California/Nevada Regional Sierra Club Water Committee and the Water Committee of the Bay Chapter of the Sierra Club. She is a licensed family therapist with a private practice in Berkeley. Selkirk has extensive experience as a whitewater rafting guide throughout the West. She is a member of the Steering Committee of the California Urban Water Conservation Council.

Roger Strelow, of San Francisco, is a partner in the law firm of Beveridge and Diamond which represents clients in environmental matters. He was Vice President for Environmental Affairs of Bechtel Corporation and served as General Electric's Vice President for Corporate Environmental Programs. Strelow was Assistant Administrator for Air & Waste Management of the U.S. EPA.

Roger Thomas, of Sausalito, is President of the Golden Gate Fishermen's Association. He is currently a member of the Coastal Pelagic Fisheries Advisory Subpanel to the Pacific Fisheries Management Council and is a California Charter Boat Advisor to the Pacific States Marine Fisheries Commission. Thomas is a member of the Fish and Game Directors Industry Advisory Panel and served on the National Sea Grant Review Panel. He owns and operates commercial passenger fishing vessels.

Gary Widman, of Tiburon, is an attorney practicing environmental and resource law at Bronson, Bronson & McKinnon. He has taught environmental and resources law at the University of California law schools and was the lead environment lawyer in President Ford's White House. Widman is active in Trout Unlimited and has served on the Boards of Directors of the Golden State Wildlife Federation, the California Sportfishing Protective Alliance and the Restoring the Earth Foundation.

Appendix



FRAMEWORK AGREEMENT

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E-010849

FRAMEWORK AGREEMENT

BETWEEN THE GOVERNOR'S WATER POLICY COUNCIL OF THE STATE OF CALIFORNIA AND THE FEDERAL ECOSYSTEM DIRECTORATE

This Memorandum of Agreement (Agreement) is entered into between the Governor's Water Policy Council of the State of California (Council) and the Federal Ecosystem Directorate (FED). The purpose of the Agreement is to establish a comprehensive program for coordination and communication between the Council and the FED with respect to environmental protection and water supply dependability in the San Francisco Bay, Sacramento-San Joaquin Delta Estuary and its watershed (Bay-Delta Estuary). In particular, this Agreement is intended to provide for increased coordination and communication with respect to:

- Substantive and procedural aspects of water quality standard setting;
- Improved coordination of water supply operations with endangered species protection and water quality standard compliance; and
- Development of a long-term solution to fish and wildlife, water supply reliability, flood control, and water quality problems in the Bay-Delta Estuary.

RECITALS

1. The Agreement set forth in this document is in acknowledgement of the critical importance of the Bay-Delta Estuary to the natural environment and economy of California, in recognition of the multiple, complex resource management decisions that must be made to stabilize, protect, restore, and enhance the Bay-Delta Estuary, and in appreciation of the close interconnection of Federal and State interests and responsibilities in the Bay-Delta Estuary.

2. In April 1992, Governor Pete Wilson announced a comprehensive water policy for the State of California. That policy was aimed at meeting the needs of all the State's water users for safe, reliable water supplies while mitigating for past water-related harms to fish and wildlife and restoring and maintaining fish and wildlife populations and habitat. Governor Wilson placed special emphasis on solving the problems of the Bay-Delta Estuary, recognizing it as "the centerpiece of California's most intractable water problem."

3. As part of his policy, the Governor announced that he would appoint an Oversight Council to help guide the State's long-term planning and decision-making process.

On December 9, 1992, the Governor created the Bay-Delta Oversight Council (BDOC) and directed it to develop a comprehensive program to protect and enhance the Bay-Delta Estuary by addressing water quality issues, design and operation of water export systems, levee and channel maintenance, and means of protecting the Bay-Delta Estuary and its fish and wildlife resources. He proposed using the California Environmental Quality Act (Cal. Pub. Res. Code § 21000 *et seq.*) and the National Environmental Policy Act NEPA (42 U.S.C. § 4321 *et seq.*) as the planning framework for the decision-making process.

4. Also on December 9, 1992, Governor Wilson created the California Water Policy Council consisting of representatives of eight State departments and agencies with responsibilities for implementing State water policy. Governor Wilson charged the Council with sharing information and coordinating activities related to the State's long-term water policy.

5. The Governor's water policy also directed the State Water Resources Control Board (SWRCB) to work closely with the U.S. Environmental Protection Agency (EPA) to develop interim water quality standards for the Bay-Delta Estuary. The SWRCB released a draft interim water right decision in December 1992, but subsequently withdrew it. On March 25, 1994, the SWRCB announced plans to hold additional workshops, and to prepare a draft water quality control plan for release in December 1994.

6. On September 10, 1993, the U.S. Bureau of Reclamation (USBR), U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS) and EPA signed an Agreement for Coordination creating the Federal Ecosystem Directorate with the goal of coordinating Federal resource protection and management decisions in the Bay-Delta Estuary and its watershed. Federal responsibilities affecting the Bay-Delta Estuary include listing species as threatened or endangered and conducting consultations under the Federal Endangered Species Act, implementing the Central Valley Project Improvement Act (CVPIA) (Public Law 102-575, Title XXXIV), operating the Central Valley Project, reviewing and, where necessary, promulgating water quality standards under the Clean Water Act (33 U.S.C. § 1251 *et seq.*), and reviewing water development proposals under the Fish and Wildlife Coordination Act (16 U.S.C. § 661 *et seq.*), NEPA, Section 404 of the Clean Water Act (33 U.S.C. § 1344), and the Rivers and Harbors Act (33 U.S.C. § 401 *et seq.*). The Agreement for Coordination also states the Federal agencies' commitment "to work closely with all involved agencies of the State of California and the Federal government so that, to the greatest extent possible, our implementation of Federal law in the Bay-Delta Estuary complements the State's role in allocating water resources and the State's continuing efforts to preserve, protect, and enhance the natural resources of the estuary."

7. On December 15, 1993, the FED announced a series of coordinated actions and proposals to protect the fish and wildlife resources of the Bay-Delta Estuary. These included EPA's proposed water quality standards under the Clean Water Act, USFWS and NMFS actions to protect winter-run salmon, delta smelt and Sacramento splittail under the Endangered Species Act (ESA) (16 U.S.C. § 1531 *et seq.*), and USFWS and USBR proposals under the CVPIA.

8. Additional water management and resource protection and management actions by State and Federal agencies with responsibility in the Bay-Delta Estuary will be required over the next several years. Close coordination between affected State and Federal agencies is desirable to achieve regulatory consistency and certainty and provide environmental protection in a manner which minimizes impacts on the State's economy and water resources.

9. There are three areas in which Federal-State coordination and cooperation with respect to the Bay-Delta Estuary are particularly important:

a. **Water Quality Standards Formulation.** Under the Federal Clean Water Act and the State of California's Porter-Cologne Act (Cal. Water Code § 13000 *et seq.*), the SWRCB and the EPA have complementary and closely related roles with respect to formulation of water quality standards for the Bay-Delta Estuary. Therefore, coordination between EPA and SWRCB is vital if adequate Bay-Delta protections are to be achieved and maintained.

b. **Coordination of Federal and State Project Operations with Regulatory Requirements.** There are numerous hydrological, contractual, and operational connections between the Federal Central Valley Project (CVP) and the State Water Project (SWP). These include the Coordinated Operation Agreement, approved by Congress in 1986 (Public Law 99-546); joint obligations to meet State water quality standards, State water rights permits, and Federal and State endangered species requirements; and joint ownership and operation of San Luis Reservoir and San Luis Canal (the Joint-Use Facilities). The projects face a shared challenge in reconciling operational requirements with current and future statutory and regulatory requirements, particularly those relating to endangered species and water quality. Close coordination is necessary to identify operational issues related to statutory and regulatory compliance and to provide a forum for addressing problems and issues promptly as they arise.

In recognition of the complexity of fishery, habitat, water quality, and hydrodynamic issues confronting resource managers in the Bay-Delta Estuary, State and Federal agencies have participated for several years in the scientific study effort known as the Interagency Ecological Program (IEP). The IEP serves as an example of State-Federal cooperation in the Bay-Delta Estuary. The IEP data base and its programs provide a valuable source of scientific information as efforts are made to coordinate operational requirements with regulatory compliance.

c. **Long-Term Bay-Delta Solution.** State and Federal interests and responsibilities in the Bay-Delta Estuary are inextricably intertwined in the areas of fish and wildlife protection and enhancement, water quality protection, flood control, and water supply project operation. There is a shared State-Federal interest in pursuing long-term solutions that adequately address the multiple environmental, economic, and water supply interests in the Bay-Delta ecosystem. Federal and State agencies with responsibilities in the Bay-Delta Estuary must participate. Neither the Federal nor the State government, acting alone, can accomplish this vital task.

AGREEMENT

The Council and the FED agree as follows:

1. We commit to promoting maximum coordination, communication, and cooperation among the State and Federal agencies with interests and responsibilities in the Bay-Delta Estuary within the limits of existing law.
2. We commit to meeting the requirements of State and Federal law in a manner that considers how the overall costs in water and dollars for achieving environmental protection can be minimized.
3. We agree that a major goal of all State and Federal regulatory processes affecting the Bay-Delta Estuary should be to provide meaningful regulatory stability for beneficial uses of the Bay-Delta Estuary's resources. We believe that the best means to this goal is to develop a single, cohesive program consisting of water quality standards and other appropriate actions that meet all requirements of State and Federal law and which will remain in effect, absent unforeseen circumstances, for a period of years.
4. We agree that a primary component of providing regulatory stability is to integrate current and future implementation of the Federal and State Endangered Species Acts into a coordinated approach to resources management in the Bay-Delta Estuary. This can best be accomplished by taking a comprehensive ecosystem approach to the problems of the Bay-Delta Estuary.
5. We agree that it is essential for the State and Federal agencies with regulatory and resources management responsibilities in the Bay-Delta Estuary to reach consensus, consistent with applicable procedural limitations, on the appropriate level of protection to be achieved for the Bay-Delta Estuary.
6. We agree to quarterly joint meetings between the membership of the Council and the FED to discuss resources management issues of mutual concern in the Bay-Delta Estuary, and to evaluate the progress being made in the areas of water quality protection, restoration of ecosystems, operations coordination, and development of a long-term Bay-Delta Estuary solution.
7. We agree that the Interagency Ecological Program will be used as one of the sources of technical support for State-Federal cooperative efforts in the Bay-Delta Estuary.
8. We endorse and concur with the points of agreement attached to this Framework Agreement and incorporated in it by this reference as Exhibits A, B, and C, dealing respectively with:
 - State and Federal Processes for Setting Water Quality Standards for the Bay-Delta Estuary

- Coordinating CVP/SWP Operations With Endangered Species, Water Quality, and CVPIA Requirements
- A Joint State-Federal Process to Develop Long-term Solutions for the Problems Affecting Public Values in the Bay-Delta Estuary.

9. We recognize that as public agencies we each have specific statutory and regulatory authority and responsibilities, and that our actions must be consistent with applicable procedural and substantive requirements. This Agreement is intended to be in furtherance of the agencies' discharge of their respective authority and responsibilities, and its provisions are to be interpreted and implemented accordingly. Nothing in this Agreement is intended to or shall have the effect of constraining or limiting the agencies in carrying out their statutory responsibilities. Nothing in this Agreement constitutes an admission by any party as to the proper interpretation of any provision of law, including, without limitation, Clean Water Act Sections 101(g) and 303, nor is anything in this Agreement intended to, nor shall it have the effect, of waiving or limiting any party's rights and remedies under any applicable law.

UNITED STATES OF AMERICA

Elizabeth Ann Rieke

Elizabeth Ann Rieke
Assistant Secretary for Water and Science
Department of the Interior

June 30, 1994

Dated

Roger K. Patterson

Roger K. Patterson
Regional Director
U.S. Bureau of Reclamation

7/19/94

Dated

George T. Frampton, Jr.

George T. Frampton, Jr.
Assistant Secretary for Fish and Wildlife
and Parks, Department of the Interior

July 7, 1994

Dated

Michael J. Spear

Michael J. Spear
Regional Director
U.S. Fish and Wildlife Service

7/28/94

Dated

Bob Perciasepe

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Felicia Marcus

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Douglas K. Hall

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Assistant Secretary for Oceans
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July 15, 1994

Dated

Rodney R. McInnis

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National Marine Fisheries Service

7-29-94

Dated

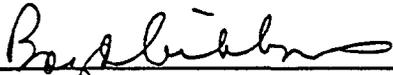
STATE OF CALIFORNIA



Douglas P. Wheeler
Secretary, California Resources Agency
Chair, California Water Policy Council

7-1-94

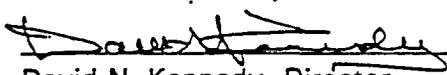
Dated



Boyd Gibbons, Director
California Department of Fish and Game

6/30/94

Dated



David N. Kennedy, Director
California Department of Water Resources

6-29-94

Dated



John J. Amodio, Executive Officer
California Bay-Delta Oversight Council

6-30-94

Dated



James M. Strock
Secretary for Environmental Protection
California Environmental Protection Agency

July 5, 1994

Dated



John P. Caffrey, Chair
State Water Resources Control Board

6-30-94

Dated

POINTS OF AGREEMENT
ON
STATE AND FEDERAL PROCESSES FOR SETTING
WATER QUALITY STANDARDS FOR THE BAY-DELTA ESTUARY

1. EPA has proposed and received public comments on draft water quality standards for the Bay-Delta Estuary pursuant to Section 303(c)(3) and 303(c)(4) of the Clean Water Act (33 U.S.C. § 1313(c)(3), (4)). EPA will take final action on the proposed standards by December 15, 1994. These standards are intended to supersede and supplement 1991 SWRCB standards disapproved by EPA relating to estuarine habitat and other fish and wildlife uses of the Bay-Delta Estuary. Upon its approval of State-submitted standards meeting the requirements of the Clean Water Act, EPA will initiate necessary rulemaking action, consistent with the Clean Water Act, to withdraw the Federal standards. Prior to any action on State-submitted standards, EPA will consult with USFWS and NMFS as required by Section 7 of the Federal Endangered Species Act (16 U.S.C. § 1536).

2. Commencing with workshops in April 1994, SWRCB will update and revise its 1991 Water Quality Control Plan for the Bay-Delta Estuary, including revision of the State standards to meet Federal Clean Water Act requirements, and will release a new draft Plan by December 1994. The workshops will solicit comments and recommendations from interested parties on the scope of the review, the level of protection that should be provided to fish and wildlife beneficial uses, the alternatives available to achieve that level of protection, and related issues.

3. The results of this process will be used to prepare a draft water quality control plan and an evaluation of the environmental and economic effects of the draft plan and its alternatives pursuant to all applicable provisions of the California Water Code, the Federal Clean Water Act, and the California Environmental Quality Act (CEQA). A hearing will be held approximately 60 days after the release of the draft plan to solicit comments on the draft plan. The SWRCB will then consider adoption of the draft plan at a subsequent public meeting. After adoption of the plan and its approval by the California Office of Administrative Law (OAL), the new or revised water quality standards contained in the plan that are subject to Federal authority will be submitted to EPA for its review and approval.

4. The SWRCB will initiate a water right proceeding for the purpose of allocating responsibility to comply with water quality standards meeting the requirements of the Clean Water Act among the water right holders in the Bay-Delta watershed and to establish terms and conditions in appropriate water right permits. A CEQA document (probably an EIR) will be prepared before adoption of a water right decision.

5. The SWRCB will seek agreement with the California Department of Water Resources and the U.S. Department of the Interior to operate the SWP and CVP to make an equitable contribution to meeting the standards, starting in calendar year 1995, while the

SWRCB is working on a water rights decision to equitably allocate responsibility among water right holders in the Bay-Delta watershed.^{1/}

6. The time schedule for these State Board activities is provided below.

- * March 1994 Distribute workshop notice initiating review of the water quality control plan

- * April-July 1994 Conduct workshops to receive input on the 1994 following subjects, and possibly others:
 - April - EPA/Federal Ecosystem Directorate proposed standards
 - Level of protection necessary for the Bay-Delta Estuary

 - May - ESA issues
 - Western Delta industrial diversions
 - Other Delta diversions
 - Striped bass

 - June - Exotic species
 - Fishery declines from other causes
 - Operations by CVP/SWP for ESA and other species of concern
 - Effects of projects other than SWP/CVP

 - July - Potential methods of economic analysis
 - Recommendations for alternative standards
 - Interim implementation of standards by SWP/CVP during 1995 and until water rights decision is implemented

- * July-November 1994 Analyze data and write draft Water Quality Control Plan

- * December 1994 - Release draft Water Quality Control Plan and Notice of Hearing to Consider Plan
 - Negotiate agreements for compliance with draft standards during 1995 and until water rights decision is implemented (see footnote #1)

- * January 1995 Commence SWP/CVP operations under interim compliance standards^{2/}

1. It may be possible for the standards to be phased, with the initial phase implemented by the projects during the water rights hearings. Compliance with Endangered Species Act requirements affecting the Bay-Delta may result in actions which contribute to or result in meeting the standards' initial phase.

2. Because of procedural complexities and numbers of diversions affected, the water rights process could take up to two years to complete.

- * February 1995 Conduct Water Quality Control Plan hearing
- * March 1995 Adopt Water Quality Control Plan
- * June 1995 Commence water rights process

**POINTS OF AGREEMENT
ON
COORDINATING CVP/SWP OPERATIONS WITH
ENDANGERED SPECIES, WATER QUALITY, AND CVPIA REQUIREMENTS**

1. Listing of the winter-run Chinook salmon and delta smelt under the State and Federal Endangered Species Acts has resulted in biological opinions by NMFS, USFWS and the California Department of Fish and Game (DFG) containing constraints on CVP and SWP operations. Additional listing of other species, such as the Sacramento splittail, could require additional constraints on project operations.

2. The 1993 winter-run Chinook salmon biological opinion issued by NMFS and adopted by DFG includes a reasonable and prudent alternative (RPA) and incidental take statement that set requirements for Sacramento River flows and temperature, Delta Cross-Channel gate operation, Delta channel flows, SWP-CVP coordination and cooperation, take limits, carry-over storage requirements at Shasta Reservoir, operation restrictions at Red Bluff Diversion Dam, monitoring and studies, and creation of a monitoring work group and an operations and management work group to coordinate implementation of the RPA.

3. The 1994 delta smelt biological opinion issued by USFWS and under consideration for adoption by DFG includes an RPA and incidental take statement that set requirements for transport and habitat flows, San Joaquin River transport flows, late spawning protection, Suisun Marsh salinity control structure operation, SWP-CVP coordination and cooperation, take limits, monitoring and studies, and provide for creation of a working group and a management group to coordinate implementation of the RPA.

4. A high level of coordination by resource managers, water operators, and biologists is needed to provide comprehensive and effective implementation of the complex requirements for resource protection affecting Bay-Delta resources and the CVP and SWP operations.

5. A CVP/SWP Operations-Endangered Species Coordination Group ("Coordination Group") shall be established consisting of representatives of USFWS, USBR, NMFS, EPA, DFG, DWR, and staff of the SWRCB. The Coordination Group will exchange information and facilitate the coordination of water project operations with requirements of the RPAs under the winter-run salmon and the delta smelt biological opinions, the State and Federal water quality standards, and the CVPIA.

6. Issues that may be presented within the Coordination Group include:

- Review of project operations;
- Review of operating parameters in biological opinions;

- Review of fish distribution and fish population levels;
- Review of status of endangered species take;
- Review of fish identification procedures;
- Discussion of strategies for implementation of fishery protections to resolve conflicts between operations, water quality requirements, and fishery needs in the Bay-Delta Estuary and its watershed;
- Coordination of the winter-run salmon monitoring and operations and management work groups with the delta smelt management and work groups and with the Interagency Ecological Program;
- Discussion of strategies for implementation of Bay-Delta Estuary standards;
- Review of and comment on the annual CVPIA water allocation and on other CVPIA activities related to the Bay-Delta Estuary such as the Anadromous Fish Restoration Program; and
- Cooperation with the Interagency Ecological Program as well as others to determine factors affecting Delta habitat and health of fisheries, and to identify appropriate corrective measures for the CVP and SWP.

7. The Coordination Group shall meet as necessary to accomplish the purposes of this Agreement.

8. The Coordination Group shall periodically provide briefings on its reviews, recommendations, and activities to the Governor's Water Policy Council and the FED. The Coordination Group shall also provide periodic briefings to other interested parties.

**POINTS OF AGREEMENT
ON
DEVELOPMENT OF JOINT STATE-FEDERAL PROCESS TO
DEVELOP LONG-TERM SOLUTIONS
FOR THE PROBLEMS AFFECTING PUBLIC VALUES
IN THE BAY-DELTA ESTUARY**

To secure California's water future, the Council and the FED commit to work together to equitably reconcile the economic and environmental values that are dependent on the Bay-Delta Estuary consistent with achieving and maintaining statutory objectives.

The Council and the FED are committed to the principles detailed herein. Taken together, they provide a foundation for a joint process to develop a long-term solution for the problems affecting public values in the Bay-Delta Estuary. The process will be assisted by citizen-advisors gathered from California's agricultural, environmental, urban and other affected interests. The process will be administered through cooperative and coordinated activities of responsible State and Federal agencies, will incorporate full and coordinated compliance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), and will ensure maximum opportunities for public involvement.

The Council and the FED jointly commit to the following:

1. Alternative solutions will be evaluated to address the underlying causes of problems affecting the Bay-Delta Estuary's public values. These values include:

- A. Water quality
- B. Guarantees for protection of the Bay-Delta Estuary and its fish and wildlife resources
- C. Effective planning and operation of water export systems
- D. Maintenance of Delta levees and channels

2. The Public will have a central role. A committee of citizen-advisors, representing California's agricultural, environmental, urban and other affected interests will be created to advise the responsible agencies. This committee will meet the requirements of applicable State and Federal laws. It will include existing members of the State's Bay-Delta Oversight Council as appropriate, with additional appointments as needed to ensure balanced representation. Activities of the citizen-advisors include:

- A. Recommend objectives to be met, including both the problems to be addressed and a specific set of objectives.

B. Recommend neutral evaluation criteria to measure the effectiveness of alternative solutions consistent with statutory and regulatory authorities.

C. Recommend specific solution alternatives to be evaluated in a formal CEQA/NEPA process carried out by one or more agencies.

D. As part of the CEQA/NEPA environmental documentation process, recommend the best solution alternative for implementation by the appropriate agencies.

3. The State and Federal agencies will coordinate the joint comparative evaluation within the CEQA/NEPA framework. To assure thoroughness, objectivity, and credibility, the comparative evaluation of selected solution alternatives will be conducted within the CEQA/NEPA framework. This will ensure that all reasonable alternatives will be fully and fairly considered, and that formulation of the solution alternatives and the detailed study of them will occur in an open forum.

4. The State and Federal Agencies agree to coordinate and cooperate in the joint management of the solution-finding process. The Agencies also commit to the provision of information to the citizen advisory committee. The Bay-Delta solution-finding process will also utilize the ongoing Interagency Ecological Program as an additional source of appropriate technical support.

5. The Bay-Delta solution-finding process will be linked to the Central Valley Project Improvement Act and other ongoing processes. The CVPIA is major legislation influencing the management of the CVP, the single largest source of developed water in California. Management of the CVP is linked to operation of the State Water Project through the Coordinated Operation Agreement, through operation of Joint Use Facilities, and through joint obligations to meet water quality standards and endangered species requirements. There is a long history of joint planning and cooperation between the State and Federal governments regarding operations in the Delta. Where appropriate, implementation of the CVPIA and the Bay-Delta Estuary solution-finding processes will be closely coordinated to support and complement one another.

Finally, similar coordination will be developed between the Bay-Delta solution-finding process and other existing State and Federal programs focused on the Bay-Delta Estuary.

6. Implementation. The State and Federal agencies commit to develop as soon as practicable such details as are necessary to commence joint management of the long-term solution-finding process. In the interim, the FED agrees to cooperate, as appropriate, with the State's current long-term solution finding process.

**PRINCIPLES FOR AGREEMENT ON BAY-DELTA STANDARDS BETWEEN
THE STATE OF CALIFORNIA AND THE FEDERAL GOVERNMENT**

Preamble

In order to provide ecosystem protection for the Bay-Delta Estuary, representatives of the State and Federal governments and urban, agricultural and environmental interests agree to the implementation of a Bay-Delta protection plan through the California State Water Resources Control Board (SWRCB) consistent with the following principles. These Principles describe changes to the California Urban Water Agency/Agricultural Water Users (CUWA/AG) proposal as the base case for Bay-Delta protections, which are intended to be in force for three years, at which time they may be revised.

Water Quality Standards and Operational Constraints

1. February Protections: Subject to the flexibility provisions described below, the exports during February shall be no greater than 35% of Delta inflow in years when the January Eight River Index is greater than 1.5 million acre feet (MAF). If this index is less than 1 MAF, the allowable exports will be 45% of Delta inflow. If this index is between 1 and 1.5 MAF, operational decisions will be made by the California Water Policy Council and Federal Ecosystem Directorate (CALFED) Coordination Group (Ops Group) as set forth in the Exhibit B of the Framework Agreement of June 1994. (The CALFED process is described in Attachment A.)

2. March through June Protections: During March through June, exports shall be no greater than 35% of Delta inflow, subject to the flexibility provisions described below.

3. July through January: During July through January exports shall be no greater than 65% of Delta inflow, subject to the flexibility provisions described below. Criteria for exercising this flexibility will be developed by the Ops Group.

4. X-2 Protection Measures: X-2 protection shall be based on the CUWA/AG proposal with the following adjustment. The Chipps Island requirement in February will be zero days when the Eight River Index in January is less than 0.8 MAF and 28 days when it is greater than 1.0 MAF with linear interpolation between 0.8 and 1.0 MAF. The requirement at the confluence shall be 150 days, except that when the May 1 90% forecast of the Sacramento River Index is less than 8.1 MAF, the maximum outflows for May and June shall be 4,000 cfs, with all other flow requirements removed. When the February index falls below 0.5 MAF, the requirement for March will be reviewed by the Ops Group. Additional refinements, which will involve no further water costs above those which are required for this paragraph may subsequently be made.

5. San Joaquin River Protection Measures: The protection measures will consist of the narrative standard and implementation provisions agreed to on December 12, 1994 (Attachment B). In addition, export limits during the April/May 30-day pulse flow period will be consistent with the CUWA/AG proposal. The parties agree to take immediate actions, as appropriate, to resolve the biological concerns related to the removal of the barrier and to provide adequate transport of fisheries consistent with the CALFED process

identified in Attachment C. If biological problems arise before the solution(s) can be implemented, resolution of these concerns shall be made within CALFED.

6. Additional Modifications to CUWA/AG Proposal: Daily export limits shall be based on the average Delta inflow over the preceding three days under balanced conditions as defined in the Coordinated Operation Agreement or fourteen days under unbalanced conditions.

During the period November to January, the Delta Cross Channel will be closed a maximum of 45 days. The timing and duration of the closures will be determined by the Ops Group.

During the period May 21 through June 15, the Delta Cross Channel may be rotated closed four days and open three days, including the weekend.

ESA FLEXIBILITY

1. No Additional Water Cost: Compliance with the take provisions of the biological opinions under the Federal Endangered Species Act (ESA) is intended to result in no additional loss of water supply annually within the limits of the water quality and operational requirements of these Principles. To implement this principle, the Ops Group will develop operational flexibility through adjustment of export limits.

2. Real Time Monitoring: To the maximum extent possible, real time monitoring will be used to make decisions regarding operational flexibility. CALFED commits to aggressively develop more reliable mechanisms for real time monitoring.

3. Additional Study Programs: CALFED commits to aggressively pursue study programs to develop information allowing better decisions to be made about managing the Estuary and its watershed.

4. Operational Flexibility: Decisions to exercise operational flexibility under the Ops Group process may increase or decrease water supplies in any month and must be based on best available data to ensure biological protection and be consistent with the Federal and State Endangered Species Acts.

5. Dispute Resolution: Any disputes within the Ops Group will be resolved by CALFED, as set forth in Attachment A.

CATEGORY III -- NON FLOW FACTORS

1. Principles: Implementation of Category III principles will be consistent with the principles set forth in Attachment C.

2. Financial Commitment: The water user community agrees to make available by February 15, 1995, an initial financial commitment of \$10 million annually for the three years of these interim standards to fund Category III activities. Metropolitan Water District of Southern California (MWD) will guarantee this commitment. Subsequent financial agreements relative to Category III will credit this early commitment of funds to MWD's obligation.

INSTITUTIONAL AGREEMENTS

1. EPA Standards: Consistent with the Framework Agreement, EPA commits to withdraw Federal standards pursuant to the Clean Water Act when the SWRCB adopts a final plan consistent with these Principles.

2. Endangered Species Act

a. Limitation To Aquatic Species: These Principles apply only to aquatic species affected in the Bay-Delta Estuary.

b. Impacts of Additional Listings: This Plan, in conjunction with other Federal and State efforts, is intended to provide habitat protection sufficient for currently listed threatened and endangered species and to create conditions in the Bay-Delta Estuary that avoid the need for any additional listings during the next three years. To the extent that due to unforeseen circumstances in the Estuary, or to factors not addressed in the Plan, additional listings may be required, it is understood that protection of these species shall result in no additional water cost relative to the Bay-Delta protections embodied in the Plan and will, to the maximum extent possible, use the flexibility provided within Section 4(d) of the ESA. Additional water needs will be provided by the Federal government on a willing seller basis financed by Federal funds, not through additional regulatory re-allocations of water within the Bay-Delta.

c. Other Endangered Species Issues: To the extent consistent with the requirements of Federal and State ESAs, all other actions related to this Plan required to

implement the Acts as they affect the Bay-Delta, including but not limited to future biological opinions, incidental take statements, recovery plans, listing decisions and critical habitat designations, are intended to conform to these Principles, and decisions regarding ESA implementation will be made utilizing the CALFED process.

3. Central Valley Project Credits. All CVP water provided pursuant to these Principles shall be credited toward the CVP obligation under Section 3406 (b) (2) of the Central Valley Project Improvement Act to provide 800,000 acre feet of project yield for specified purposes.

4. Immediate Implementation:

a. Biological Opinions: It is agreed that there will be an immediate reconsultation on the biological opinions currently governing project operations with appropriate modifications by the end of 1994, to the extent practicable, to conform with the requirements of these Principles.

b. State Implementation: Consistent with the Framework Agreement, the SWRCB will finalize the Plan and immediately thereafter initiate water right proceedings to implement the adopted Plan. In implementing the Plan, the SWRCB will act in compliance with all provisions of law which may be applicable, including, but not limited to, the water rights priority system and the statutory protections for areas of origin.

5. SWRCB Authority: Variations in the operational criteria approved by the CALFED process in accordance with the above provisions will be communicated to the Executive Director of the SWRCB for appropriate action, if any, if accordance with the Plan.

6. Authority under State and Federal ESA's: Any actions or decisions of the Ops Group or CALFED which would create or alter requirements under the State or Federal ESA's shall be communicated, as appropriate, to the U.S. Fish and Wildlife Service, National Marine Fisheries Service, or California Department of Fish and Game for appropriate processing consistent with the provisions of the State and Federal ESA's.

7. Legal Consistency: All provisions of this agreement are intended and shall be interpreted to be consistent with all applicable provisions of State and Federal law.


Douglas B. Wheeler
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INTERESTED PARTIES

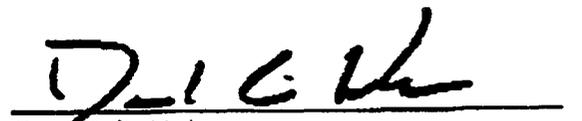

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Attachment A

The "CALFED process" referred to herein consists of the following steps:

Initial deliberations and decisions occur in the "Ops Group." "Ops Group" deliberations shall be conducted in consultation with water user, environmental and fishery representatives.

If the Ops Group disagrees on a particular issue, or if an Ops Group action requires additional water that it is believed cannot be made up within existing requirements, the issue will be decided by CALFED.

If CALFED cannot reach agreement, and if the issue involves listed species, a final decision will be made by the appropriate listing agency. Other issues not involving ESA will be decided by the appropriate regulatory or resources management agency.

Attachment B

Narrative Criteria for Chinook Salmon on the Sacramento and San Joaquin Rivers

Water quality conditions shall be maintained, together with other measures in the watershed, sufficient to achieve a doubling of production of chinook salmon, consistent with the mandates of State and Federal law.

Implementation Measures - San Joaquin River System

1. Not later than three years following adoption of this Plan, the SWRCB shall assign responsibility for the following flows, together with other measures in the watershed sufficient to meet the narrative criteria, in the San Joaquin River at Vernalis among the water right holders in the watershed. During this three-year period, the Bureau of Reclamation shall provide these flows, in accordance with the biological opinion for Delta smelt. These flows are interim flows and will be reevaluated as to timing and magnitude (up or down) within the next 3 years.

	<u>Feb-June Flows (cfs)*</u>	<u>April-May pulse flows (cfs)*</u>
C	710-1140	3110-3540
D	1420-2280	4020-4880
BN	1420-2280	4620-5480
AN	2130-3420	5730-7020
W	2130-3420	7330-8620

*higher flows provided when the 2 ppt isohaline (x2) is west of Chipps Island.

2. Install a barrier at the head of Old River during the April-May pulse flows.
3. During the 3-year period, decisions by the Federal Energy Regulatory Commission (FERC) or other regulatory orders may increase the contribution from other upstream water users into the Estuary. These additional flows will benefit the Delta resources. These flows will be recognized by ClubFED in its calculation of flows available to the Delta and be considered by the SWRCB in its assignment of responsibility among the water rights holders in the watershed during its water rights proceeding.

The SWRCB will initiate a water rights proceeding to assign responsibility for meeting these flow requirements. Actions of the NMFS and FWS in the FERC proceedings will be in furtherance of their authority and responsibility under the ESA. Such actions shall not be intended to assume the responsibility of the SWRCB to assign responsibility for meeting water quality standards in the Delta.

Sacramento River System - Additional Measures

Close the Delta Cross Channel gates from February-May 20, and during half of the period from May 20-June 15.

Attachment C

PRINCIPLES FOR IMPLEMENTATION OF CATEGORY III

The State and Federal governments and agricultural, urban and environmental interests are committed to the implementation and financing of "Category III" measures as an essential part of a comprehensive ecosystem protection plan for the Bay-Delta Estuary.

To achieve this objective we agree to the following principles:

1) Level of funding:

Category III activities are expected to require a financial commitment estimated to be \$60 million a year.

2) Sources of funds:

It is anticipated that new sources of funds will be required to adequately finance Category III activities. A process for evaluating existing funding and possible reprioritization will be used to finance a portion of Category III activities. Additional funds will be secured through a combination of Federal and State appropriations, user fees, and other sources as required.

3) Monitoring:

It is further agreed that monitoring is a high priority in addition to the Category III elements, and has a high priority for separate funding.

4) Unscreened Diversions:

It is agreed that the highest priority Category III activity for funding is the screening of currently unscreened diversion points in the Bay-Delta watershed. An evaluation of the benefits of a screening program for listed species will be conducted immediately and used to improve listed species survival no later than during the 95/96 water year.

5) Consensus Process:

CUWA/Ag will work with CALFED and environmental interests in an open process to determine precise priorities and financial commitments for the implementation of all Category III elements. The CUWA/AG work plan currently being developed will be revised consistent with these Principles.

6) Deadline:

This process will be under the sponsorship of CUWA/AG, which commits to an open and collaborative approach involving CALFED and the environmental community. It is agreed that detailed implementation for these Principles will be finalized before publication of the final SWRCB standards, which is currently planned by March 31, 1995.