

DRAFT
ALTERNATIVE FOR DEVELOPING ASSURANCES
BDAC ASSURANCES WORK GROUP
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This is an example of how assurances could be developed. We began with a somewhat abbreviated version of a dual through-Delta isolated conveyance alternative with upstream storage. We abbreviated the list of assurances that would be needed for that alternative.

This example is solely for the purpose of simplifying the discussion of developing specific assurances. There is no intent to recommend any particular CalFed alternative or alternative component or any particular set of assurances.

We assume that an Ecosystem Improvement Authority would be created to carry out the Ecosystem Program.

ABBREVIATED LIST OF ASSURANCES

Environmental and Resource Agency Interests

That funding for the Ecosystem Program as set forth in CalFed Plan will be provided over the long term.

That the operating rules for through-Delta and isolated conveyance and upstream storage will not be changed to the detriment of the environment.

That the water use efficiency programs will be carried out as set forth in the CalFed Plan.

That the decision-making structure for the Ecosystem Program will not be changed.

Delta Interests

That the funding for the levee program will be provided over the long term.

That water quality and other water project operational standards set forth in the CalFed Plan will be met over the long term.

Export Water User Interests

That all necessary federal and state operating and construction permits for conveyance and storage facilities will be consistent with the requirements in the CalFed Plan and will be provided in a timely manner to comply with the implementation schedule in the CalFed Plan.

That the quantity and quality of water supplies available based on the CalFed Plan will be available over the long term.

That export water user costs for carrying out the CalFed Plan will not increase over what is set forth in the plan.

Upstream Water Users

That upstream water user water supplies will be as set forth in the CalFed Plan over the long term, including upstream users' share of water produced by upstream storage, and will not be diminished in quality or quantity except by voluntary water transfers that mitigate secondary effects.

Other Interest Groups: Other interest groups would be expected to have particular assurances they would want. The absence of these assurances in this case study should not be taken as an indication that they are not important. They have not been included herein simply for the sake of simplifying this case study.

HOW THE ABBREVIATED LIST OF ASSURANCES COULD BE PROVIDED

This section describes one alternative of how the assurances listed in the last section might be provided. Even this attempt to provide for an abbreviated list of assurances becomes some sort of an implementation plan for the CalFed Program. This points up the fact that providing assurances and developing an implementation plan are highly related efforts.

We listed the assurances by interest group to make it easier for members of the Work Group to focus on assurances important to their constituents.

This alternative method of providing assurances rests heavily on the use of a multi-party contract, executed by state, federal, and local agencies as well as private interest groups. The inclusion of private interest groups provides insulation of the contract against state or federal legislative changes adverse to the interests of any party to the contract.

Other assurance alternatives should also be considered.

Environmental and Resource Agency Interests

Ecosystem Program funding

Prop 204 and the corresponding already-authorized federal share would be assured by the passage of 204 and the subsequent appropriation of the federal share.

Water user's share would be assured by including that money in the long term contracts for water deliveries.

Additional state funds would require legislative or initiative action. A "Master CalFed Contract" would be executed among state and federal agencies and selected water users and private interests. Federal legislation would be required to authorize federal agencies to execute this contract. One provision of this contract would be that until additional state and federal funds are provided as set forth in the CalFed Plan (in addition to Prop 204 and the currently authorized federal \$400 million), construction could not begin on water conveyance facilities.

No environmentally damaging changes in operating rules for Delta conveyance

The Master CalFed Contract would contain a provision to this effect.

Implementation of water use efficiency programs

The Master CalFed Contract would contain a provision that water produced as a result of the CalFed Plan would not be delivered to ag or urban users or to wildlife refuges unless they were carrying out water use efficiency programs set forth in the CalFed Plan.

No changes in Ecosystem Program decision-making structure

Both the state and federal legislation creating the Ecosystem Improvement Authority would require concurrence by both the state and federal governments to any changes in the decision-making structure.

Delta Interests

Long term levee program funding

Funding would be assured by state legislation.

The Master CalFed Contract would provide that construction of Delta conveyance facilities could not begin until such funding was provided.

Long term compliance with Delta water quality and other water project operational standards

The Master CalFed Contract would contain a provision to this effect.

Export Water User Interests

Provision of all necessary federal and state operating and construction permits

Federal and state agencies would authorize the CalFed Final Plan and include in that authorization their agreement to issue all permits, plans, and other requirements to conform with the CalFed Plan in a timely manner.

Long term availability of quantity and quality of water supplies

The Master CalFed Contract and the enacting documents for the Ecosystem Improvement Authority would specify that the quality and quantity of Delta supplies to water users cannot be diminished by future environmental requirements except by purchase of water using funds available to the Ecosystem Improvement Authority.

No increase in water user costs as set forth in the CalFed Plan

The long term contracts for water deliveries would provide this assurance.

Upstream Water Users

Protection of upstream water user water supplies and quality

The Master CalFed Contract and the enacting documents for the Ecosystem Improvement Authority would specify that the quality and quantity of upstream supplies to water users cannot be diminished by future environmental requirements except by purchase of water using funds available to the Ecosystem Improvement Authority.

The Master CalFed Contract would also contain a provision describing how secondary effects of water transfers would be mitigated.