

DRAFT 12/06/96

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**MEMORANDUM OF AGREEMENT
AMENDING AND UPDATING
THE AGREEMENT FOR COORDINATION OF
CALIFORNIA BAY/DELTA ISSUES**

In September 1993, representatives of the U.S Fish and Wildlife Service (USFWS), National Marine Fisheries Services (NMFS), U.S. Bureau of Reclamation (USBR) and U.S. Environmental Protection Agency (USEPA) signed the Agreement for Coordination of California Bay/Delta Issues (Agreement for Coordination). In this Agreement for Coordination, the signatory agencies agreed to coordinate their respective actions and efforts in the San Francisco Bay, Sacramento-San Joaquin Delta Estuary and its watershed (Bay/Delta) through the mechanism of the Federal Ecosystem Directorate (now generally referred to as Club FED).

In the summer of 1994, Club FED and the Water Policy Council of the State of California entered into a Framework Agreement establishing a comprehensive program for coordination and communication between Club FED and the Council with respect to environmental protection and water supply dependability in the Bay/Delta. This Framework Agreement provided for increased coordination and communication with respect to (1) substantive and procedural aspects of water quality standard setting, (2) improved coordination of water supply operations with endangered species protection and water quality standard compliance; and (3) development of a long-term solution to fish and wildlife, water supply reliability, flood control, and water quality problems in the Bay/Delta Estuary.

On December 15th, 1994, representatives of the State and Federal governments and urban,

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agricultural and environmental interests signed the Principles for Agreement on Bay-Delta Standards between the State of California and the Federal Government (Bay Delta Accord).

In October 1995, Club FED and the Water Policy Council entered into a Memorandum of Understanding for Preparation of Environmental Impact Statement/Report for Long-Term Improvements to the Bay-Delta Estuary in which the signatory agencies delegated responsibility of preparing a joint environmental impact statement (EIS) and environmental impact report (EIR) to the CALFED Bay Delta Program interagency team. Further, the signatory agencies assumed their respective roles as co-lead agencies under the National Environmental Policy Act (NEPA) (42 USC §§ 4321, et seq.) and lead and responsible agencies under the California Environmental Quality Act (CEQA) (Cal.Pub.Resources Code §§ 21000 et seq.), and committed to support the development of the EIS/EIR.

On September 3, 1996, the member agencies of Club FED and the Water Policy Council signed a joint letter to the Governor of the State of California and the Secretary of the Interior of the United States. In this joint letter, the signatory agencies concluded that Phase I of the CALFED Bay Delta Program had been successfully identified a reasonable range of alternatives for further detailed analysis in the environmental review process of Phases II and III. The signatory agencies further reaffirmed their commitment to the CALFED Bay Delta Program, to completing a Programmatic EIR/EIS, and to working cooperatively to solve the problems of the Bay Delta system.

On November 5, 1996, the voters of the State of California approved State Proposition 204,

which authorized the issuance of state bonds to fund a total of \$390 million for the ecosystem restoration components of the preferred alternative to be developed in the CALFED Bay Delta Program. On October 1, 1996, the President of the United States signed the California Bay-Delta Environmental Enhancement and Water Security Act (H.R. 4126), which authorized up to \$443 million in federal funds to match the Proposition 204 state funds.

At this time, the Natural Resources Conservation Service in the U.S. Department of Agriculture (NRCS) and the U.S. Corps of Engineers (Corps) have agreed to participate in the Club FED coordination effort. The NRCS has substantial responsibilities in the Bay/Delta under the [LIST ACTS AND PROGRAMS]. The Corps has substantial responsibilities in the Bay/Delta under the [LIST ACTS AND PROGRAMS].

AGREEMENTS

In order to reflect the developments described above, the signatory agencies hereby agree as follows:

1. USFWS, NMFS, USBR and USEPA reaffirm all agreements contained in the Agreement for Coordination of California Bay/Delta Issues, the Framework Agreement and Memoranda of Agreement described above. NRCS and the Corps affirm all agreements contained in these documents, except that neither the NRCS nor the Corps shall have any liability for any obligations

arising under such documents prior to the date of execution of this Agreement.

2. We affirm our commitment to the successful development of a final EIS/EIR by the CALFED Bay Delta Program.

3. In order to create a more effective coordination of the signatory agencies' statutory responsibilities and related actions and efforts, we agree to reorganize Club FED as follows:

(a) Each signatory agency will designate an employee in Washington D.C. to serve on the Washington Coordination Group. This Washington Coordination Group will chose one group member as the Washington Club FED Coordinator.

(b) Each signatory agency will designate an employee in California to serve on the Regional Coordination Group. This Regional Coordination Group will chose one group member as the Regional Club FED Coordinator.

(c) The Washington Club FED Coordinator and Regional Club FED Coordinator shall convene such meetings or conference call meetings of the Washington Coordination Group and/or Regional Coordination Group as are necessary, and shall generally chair or co-chair, as applicable, these meetings or conference calls.

(d) The broad purposes of the Washington and Regional Coordination Groups will be to provide

management-level guidance to the CALFED Bay Delta Program and to provide a forum for management-level discussions of other issues arising out of the Federal programs in the Bay/Delta Estuary, including issues arising out of coordination efforts with the State of California. .

4. In order to more effectively provide coordination between the Federal and State of California agencies involved in Bay/Delta issues, each signatory agency will designate one primary and one alternate representative to the CALFED Management Group.

[Signature Page Follows]