

Clean Water Act Section 404 Update

- CALFED Agency Discussions
 - Issues Raised by DWR, USBR, DOI
- Stakeholder Briefing Proposed for November 10



Clean Water Act Section 404 Update

Issues Regarding Content of

Memorandum of Agreement (MOA):

- Programmatic Determination of Need for New Water Supplies
- Timing: Implement Water Management Alternatives *versus* Study New Storage
- Nature of Alternatives to New or Expanded Storage: What? How Much?
- 404 Permit for Delta Conveyance: Temporary or Permanent?



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Programmatic Determination of Need for New Water Supplies

- MOA Will Include CALFED Purpose and Need Statement
- MOA Will Describe Process for Demonstration of Need
 - Assure Continued Implementation of Water Management Alternatives
 - Adhere to Principle of “Beneficiaries Pay” Full Cost of New Water
- CALFED Has Not Quantified Mismatch Between Supply, Demand



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Timing: Implement Water Management

Alternatives vs. Study New Storage

- Proceed Immediately with Studies for ISI, New Surface Storage
- Establish Institutional Mechanisms, Assurances, Funding for Water Management Alternatives (May Take 2-3 Years)
- Apply for Project Level 404 Permit for Any Proposed Storage (No Need to Wait 7 Years)



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Nature of Alternatives to New or Expanded Storage:
What? How Much?

Alternatives Include:

- Water Conservation (Urban, Ag, Managed Wetlands)
- Water Transfers (Including Yield of Conservation, Temporary Fallowing)
- Water Recycling
- Conjunctive Use/Groundwater Banking

How Much?

- Consistent With Final CALFED Program Plans
- Cost of Water From New Storage Sets the Floor
- Subject to Negotiation



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404 Permit for Delta Conveyance:

Temporary or Permanent?

- Permanent Permit Inconsistent with Adaptive Management: Preferred Alternative May Not Meet Water Quality, Fisheries Goals
- Water Users Want Certainty of Permanent Permit
- Possible Solution:
 - Permit That is Modifiable or Voidable at End of Stage 1 Depending on CALFED/CMARP Water Quality and Fisheries Monitoring and Research, But Not Automatically Voided



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Stakeholder Briefing

- Proposed for Wednesday, November 10, 1:30 p.m., Rm. 1131
- Invited Stakeholders Representing Urban, Ag, Environment
- Outside Facilitation
- USACE, USEPA Involvement
- Draft MOA, Issues Discussion Paper Distributed in Advance

