THE SAN FRANCISCO BAY-DELTA AGREEMENT

December 15,1994

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 6 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 .

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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.

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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, in 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.

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Bay-Delta Framework Signatures

STATE OF CALIFORNIA

Douglas P. Wheeler
Secretary, California Resources Agency

UNITED STATES OF AMERICA

Bruce Babbitt
Secretary of the Interior

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

Ronald H. Brown
Secretary of Commerce

Carol M. Browner
Administrator
Environmental Protection Agency

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INTERESTED PARTIES

Walter J. Bishop
Contra Costa Water District
By: Greg Gertrell

Gary Bobker
The Bay Institute

Stephen R. Hall
Association of California
Water Agencies

John Krautkraemer
Environmental Defense Fund

Anson K. Moran
California Urban Water Agencies

Daniel G. Nelson
San Luis-Delta Mendota Water Authority

David R. Schuster
Kern County Water Agency and
Tulare Lake Water
Storage District

John R. Wodraska
Metropolitan Water District
of Southern California

INTERESTED PARTIES

David Fullerton
Natural Heritage Institute

Richard Golb
Northern California Water Association

THE SAN FRANCISCO BAY-DELTA AGREEMENT - 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.

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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 Venalis 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.

Feb-June Flows (cfs)*	April-May pulse flows (cfs)*
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 resource. 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 no be intended to assume the responsibility of the SWRCB to assign responsibility for meeting water quality standards in the Delta.

Sacramento River System- Addition Measures

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

THE SAN FRANCISCO BAY-DELTA AGREEMENT - 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 econsystem protection plan for the Bay-Delta Estuary.

To achieve this objective we agree to the following principles:

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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:

If 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:

If 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 or 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.

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