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The Metropolitan Water District
of Southern California
at its meeting held

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Debra C. Man
EXECUTIVE SECRETARY



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METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

May 30, 1995

To: Board of Directors (Water Planning and Resources Committee—Information)
From: General Manager
Subject: Memorandum of Agreement for Development of a Lower Colorado River Species Conservation Program.

RECOMMENDATION:

For information only.

John R. Wodraska
General Manager

Submitted by:

Debra C. Man

Debra C. Man, Chief
Planning and Resources

Concur:

John R. Wodraska

John R. Wodraska
General Manager

MRM:arb

MRMLCRM/BOARD

EXECUTIVE SUMMARY:

The Lower Division States/Tribes Endangered Species Steering Committee has reached consensus to initiate development of a proactive multi-species conservation program for the lower Colorado River. A Memorandum of Agreement (MOA) to that effect is currently circulating for signature among the seven State and federal parties. The MOA specifically provides for a three-year planning period, during which the State parties will receive interim regulatory assurances to ensure Endangered Species Act compliance, while accommodating current Colorado River water and power operations. In exchange, the State parties agree to make sufficient progress towards multi-species conservation program development and to develop and implement interim conservation measures to benefit the endangered bonytail chub and razorback sucker.

DETAILED REPORT:

In response to the designation of critical habitat for four endangered fish species, and potential additional species listings in the Lower Colorado River Basin, representatives of Arizona, California, and Nevada, and the U. S. Department of the Interior (U. S.) formed the Lower Division States/Tribes Endangered Species Steering Committee (Steering Committee).^{*} Metropolitan participates in Steering Committee discussions. The purpose of the Steering Committee is to explore the possibility of pursuing a proactive ecosystem-based approach to endangered species management on the lower Colorado River (Lower River). In a letter dated January 24, 1995, you were informed of the Steering Committee's progress, which included execution of a partnership Memorandum of Understanding (dated February 28, 1995), and preparation of a feasibility assessment study of alternative management strategies. The February 28, 1995, Memorandum of Understanding stated the signatories' intent to create a forum for consideration of Colorado River Endangered Species Act (ESA) issues and to endorse a set of objectives to guide resolution of those issues.

The feasibility assessment study report describes nine alternatives, which include both reactive and proactive strategies. The Steering Committee has reached consensus to proceed with a proactive comprehensive management approach and has prepared a new Memorandum of Agreement (MOA) to that effect. The MOA is currently circulating for signature among the seven parties.

The overall purpose of the MOA is to provide the vehicle by which the State parties agree to cooperatively initiate development of a multi-species habitat conservation program (Program) for the Lower River. In exchange, the State parties will receive interim regulatory assurances during Program development from the Department of the Interior and applicable State agencies, which will accommodate current water diversions and power development, and optimize opportunities for future water and power development. Compliance with the ESA will be accomplished (subject to sufficient progress criteria) through designation of the MOA as the reasonable and prudent measures, alternatives, and the

^{*} Arizona Department of Water Resources, Arizona Game and Fish Commission, Colorado River Board of California, California Department of Fish and Game, Colorado River Commission of Nevada, Nevada Division of Wildlife, and the U.S. Department of the Interior.

conservation recommendations for all ESA section 7 consultations on included species within the Program planning area. Future approval and implementation of such a Program would provide the basis for desired long-term regulatory assurances. The MOA specifically provides for the following:

- the MOA will be in effect for a period of three years during Program development;
- the Program planning area encompasses the mainstem lower Colorado River from below Glen Canyon Dam to the Southerly International Boundary, including the 100-year floodplain and reservoir full-pool elevations within the states of Arizona, California, and Nevada;
- sufficient progress criteria will be based on preparation and implementation of Program process mileposts and interim conservation measures;
- Program process mileposts will be agreed upon within three months of signing the MOA;
- interim conservation measures will be developed and implemented to work toward preventing extinction, and preserving genetic diversity of the endangered bonytail chub and razorback sucker in the mainstem lower Colorado River;
- the terms and conditions of the MOA will remain in effect for the full three-year period, along with any interim regulatory assurances or permits, even if the U.S. terminates its participation; and
- any of the signatories may terminate their participation during the planning period, with six months written notice, should they not concur with the development and implementation of the program.

Following execution of the MOA, the next steps are to reach agreement on specific sufficient progress criteria, which will include:

- defining the biological scope of the Program;
- identifying the preferred regulatory strategy for the Program (i.e. whether to proceed with a habitat conservation program [HCP] under ESA section 10(a)(1)(b), or other strategy);
- agreeing on an equitable funding and cost-sharing strategy; and
- developing Program process and interim conservation mileposts for incorporation into a sufficient progress agreement.

These issues are currently being addressed by the Steering Committee.

It is anticipated that total costs for development of a multi-species HCP, and implementation of interim conservation measures will range from \$1-1.5 million annually for the three-year period. Such funding would be provided by the agencies participating in the effort including the United States, and the power and water interests in the three states. Your Board will be apprised of the various funding scenarios proposed for consideration once they are developed by the Steering Committee.