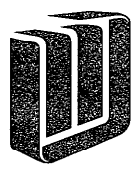


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The Metropolitan Water District
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at its meeting held

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MWD
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Barbara Enders
EXECUTIVE SECRETARY

May 30, 1995
(Water Planning and Resources Committee--Information)
To: Board of Directors (Bay/Delta Political Advisory Committee--Information)
From: General Manager
Subject: Update on Bay-Delta Activities

Recommendations:

For information only.

John R. Wodraska
General Manager

Submitted by:
Debra C. Man
Debra C. Man, Chief
Planning and Resources Division

Concur:
John R. Wodraska
John R. Wodraska
General Manager

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Executive Summary:

Since signing the December 1994 State/Federal Bay-Delta Accord on water quality and operational standards, State and Federal agencies along with interested stakeholder groups have been working together to ensure timely implementation of the principles of the three-year agreement and continued progress toward development of a long-term ecosystem management plan.

A major step toward ensuring this progress occurred on May 22, 1995, when the State Water Resources Control Board (SWRCB) unanimously adopted a Water Quality Control Plan (WQCP) for the Bay/Delta that includes salinity, outflow, and operational requirements consistent with the Accord. This WQCP was supported by the California Urban Water Agencies and agricultural water agencies (CUWA/Ag) which signed the Accord. The environmental organizations which signed the Accord also urged adoption of the WQCP. EPA Region 9 is expected to recommend that the EPA Administrator approve the Plan under Section 303 of the Clean Water Act. It is anticipated the SWRCB will begin water rights proceedings in August/September 1995.

Efforts to develop of long-term Bay-Delta environmental restoration and water supply reliability plan escalated in March 1995 when a broad-based group of stakeholders began meeting monthly to develop a consensus process. A draft workplan developed by this group includes a schedule that calls for a preferred alternative to be advanced by February 1996 with a final environmental impact report to be completed by CALFED in January 1999.

Technical efforts to implement the operational flexibility and biological guarantees underscored in the December 1994 Accord have been ongoing since December. These efforts include the development of a real-time fish monitoring program, the formation of a CALFED operations oversight group (Ops Group), and the formation of a "Category III" workgroup to develop and implement non-outflow-related measures. Through improved daily coordination resulting from formation of the Ops Group, the State and Federal project operators have been able to fulfill both the environmental and water supply objectives included in the Accord. Finally, an Implementation Plan has been developed by the Category III Workgroup for the Category III efforts with a priority list of non-outflow-related measures that could be implemented in fiscal year 1995-96.

Detailed Report:

Since the signing of the December 1994 State/Federal Bay-Delta Accord on water quality and operational standards, State and Federal Agencies along with interested stakeholder groups have been working together to ensure implementation of the principles of the three-year Agreement and continued progress toward development of a long-term ecosystem management plan. The following report describes the efforts related to these objectives:

Adoption of SWRCB Water Quality Control Plan & Water Rights Process: A major step toward implementing the Accord occurred on May 22, 1995, when the State Water Resources Control Board (SWRCB) unanimously adopted a Water Quality Control Plan (WQCP) for the Bay/Delta that includes salinity, outflow, and operational requirements consistent with the Accord. This WQCP was supported by the California Urban Water Agencies and agricultural water agencies (CUWA/Ag) which signed the Accord. The environmental organizations which signed the Accord also urged adoption of the WQCP. EPA Region 9 is expected to recommend that the EPA Administrator approve the Plan under Section 303 of the Clean Water Act.

Although the WQCP does not impose implementation requirements on water rights holders in the watershed, the requirements in the WQCP are being accomplished through either voluntary compliance by the State Water Project and the Federal Central Valley Project or through meeting Federal Endangered Species Act requirements mandated in the delta smelt and winter-run chinook salmon biological opinions.

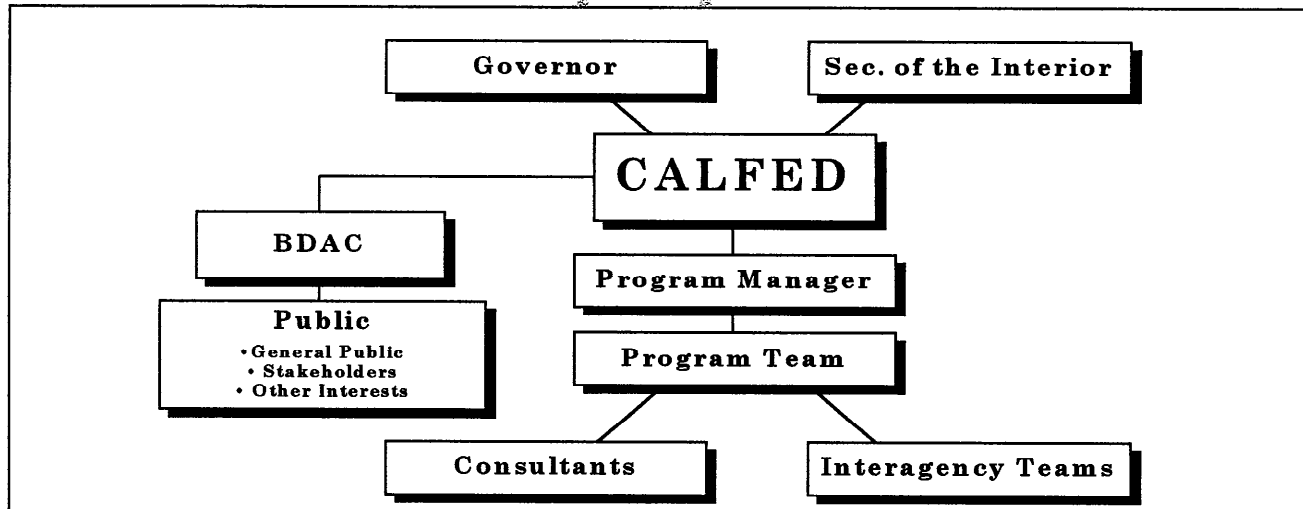
SWRCB water rights proceedings are anticipated to begin in August/September 1995. It is not known whether the SWRCB will begin with formal evidentiary hearings or with a more informal scoping-type set of workshops. These proceedings are required to implement many of the WQCP's requirements and will address the relative responsibility among the water users in the Bay/Delta watershed. To develop information to assist in these proceedings, Metropolitan staff are working in coordinated technical efforts with CUWA, export agriculture, and upstream agricultural water users. These technical groups are developing information on the relative impacts of watershed users and how the responsibility for apportioning these impacts could be met through a water rights plan.

Although these discussions have led to better defining the areas of consensus on water rights issues, recent discussion with upstream San Joaquin agricultural water agencies have indicated the likelihood of litigation on the WQCP. Their major concerns are over: (1) the lack of scientific basis for required San Joaquin flows; (2) the exclusion of language in the WQCP requiring installation of an Old River barrier facility; and (3) the adequacy of environmental documentation. MWD legal staff are working with these agricultural agencies to minimize the potential of litigation delaying the implementation of the WQCP. The Sierra Club Legal Defense Fund also submitted a letter to the SWRCB asserting a number of alleged procedural and substantive defeats in the WQCP.

Development of Stakeholder Strategy: Efforts to develop of a long-term Bay-Delta environmental restoration and water supply reliability plan escalated in March 1995 when a broad-based group of stakeholders began meeting monthly to develop a consensus process. The overall goal of this group is to develop and promote an agreement that will balance environmental restoration and water supply reliability beyond the three-year Agreement signed in December 1994.

The stakeholder group consists of environmental interests, export agricultural interests, upstream agricultural interests, urban interests, and fishing interests. Possible additions being considered are waterfowl and Delta agricultural interests. Metropolitan is participating within the full stakeholders group and as a member of the stakeholder's "Matrix Team" which in May developed a proposed workplan for developing long-term agreement. The proposed workplan strategy includes: (1) stakeholders developing project alternatives by July 1995; (2) stakeholders presenting their preferred alternative(s) to CALFED through the public hearing process and the Bay/Delta Advisory Council (the successor to the Governor's Bay/Delta Oversight Council); (3) CALFED, through public and stakeholder comment, developing its alternatives including a preferred alternative by February 1996; and (4) stakeholders and CALFED completing the long-term agreement, including financing mechanisms and a final Environmental Impact Report/Statement by January 1999.

CALFED, the body created by the June 1994 State/Federal Framework Agreement to coordinate Bay-Delta activities, is expected to play a formal role in preparing a joint Environmental Impact Report/Environmental Impact Statement for the long-term management plan. The stakeholders plan to actively coordinate development of their analytic work-product to meet the schedule of CALFED's public input process. Stakeholder input would occur through the following organizational structure as part of the public input to the Bay/Delta Advisory Council (BDAC):



Implementation of Bay/Delta Agreement: Technical efforts to implement the operational flexibility and biological guarantees underscored in the December 1994 Accord have been ongoing since December. These efforts include the development of a real-time fish monitoring program, the formation of an operations oversight group (Ops Group), and the formation of a "Category III" workgroup to develop and implement non-outflow-related measures.

To fulfill the Accord objectives, a coordinated operations oversight group referred to as the "CALFED Ops Group", consisting of State and Federal agencies and interested stakeholders, has been meeting on a weekly basis to strike a balance between meeting the environmental objectives while maintaining water supply reliability. Decisions which achieve this balance have been made successfully, furthering agency and stakeholder confidence in the process.

A significant effort by the agencies and stakeholders within the Ops Group has been the development of a real-time monitoring program. This "real-time" program is to be implemented on a pilot basis in 1995 with a full program expected to begin in 1996. The goal of this effort is to: (1) develop information on fishery habitat, food sources, and relative abundance; and (2) reduce the risk of mortality at the State and Federal pumping facilities by developing an early warning system to detect increasing densities of targeted species in the channels and shifting pumping to the appropriate facility which is less susceptible to fish loss.

Finally, an Implementation Plan has been developed by the agency and stakeholder Category III Workgroup for the Category III effort along with a priority list of non-outflow-related measures that could be implemented in fiscal year 1995-96. This workgroup consists of representatives from State and Federal resource agencies, commercial fishery interests, environmental interests, and urban and agricultural water agencies. The priority list consists of 15 projects totaling approximately \$18 million and includes projects dealing with waste discharge, unscreened diversions, habitat restoration, channel alterations, fish passage/barrier, and artificial propagation. In coordination with the Category III workgroup, the CUWA/Ag policy group is developing a proposed workplan for achieving consensus by November 30, 1995 on the source of funds needed to meet the up to \$60 million/year commitment.

Technical Clarifications to SWRCB Decision 1485: As a step in implementing the principles of December Accord, the Department of Water Resources and the U.S. Bureau of Reclamation jointly submitted a request to amend SWRCB Water Rights Decision 1485 to allow for joint use of both export pumping facilities. A SWRCB hearing was held in May 1995 to receive testimony on this joint request. This request, if adopted, would allow the State and Federal water projects to shift their export pumping to the pumping facility which is less susceptible to fish loss depending on fish distribution in the Delta. Other amendments requested to conform Decision 1485 to the requirements of the December Accord include: a technical clarification of a striped bass salinity objective; and a request to extend compliance with two salinity stations in the western Suisun Marsh until after the effected parties have re-negotiated the Suisun Marsh Preservation Agreement. The SWRCB is expected to render a decision on this request on June 8, 1995.

Metropolitan staff will be reporting to your Board on a frequent basis regarding the progress achieved through these various efforts to implement the Accord and develop a long term agreement for the Bay/Delta. Staff will also continue meeting monthly with the Bay/Delta Political Advisory Committee to obtain Board direction.