Department of the Interior
DECISION ON IMPLEMENTATION OF SECTION 3406 (b)(2) OF THE CENTRAL VALLEY PROJECT IMPROVEMENT ACT
May 9, 2003

INTRODUCTION

Section 3406(b)(2) of the Central Valley Project Improvement Act, Pub. L. No. 102-575, Title XXXIV (CVPIA), directs the Secretary of the Interior to:

> dedicate and manage annually 800,000 acre-feet of Central Valley Project yield for the primary purpose of implementing the fish, wildlife, and habitat restoration purposes and measures authorized by this title; to assist the State of California in its efforts to protect the waters of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary; and to help to meet such obligations as may be legally imposed upon the Central Valley Project under State or Federal law following the date of enactment of this title, including but not limited to additional obligations under the Federal Endangered Species Act.

Project yield is defined in section 3406(b)(2) ((b)(2)) as the delivery capability of the Central Valley Project (CVP or Project) during the drought period of 1928 - 1934 as it would have been with all facilities and requirements on the date of enactment of the CVPIA (October 30, 1992) in place.

This modified decision (Decision) sets out the calculation of CVP yield in accordance with the statutory definition, the method of accounting for use of (b)(2) water, and procedures for management and accountability for the dedicated (b)(2) water. This Decision is the final agency action and supersedes all previous decisions. This Decision will be effective as of the date adopted and will be implemented in the 2004 Water Year.

Interior has been dedicating and managing water pursuant to Section 3406(b)(2) since 1993, the first water year following passage of the CVPIA. Since enactment of the statute, Interior has pursued ways to utilize (b)(2) water in conjunction with modification of CVP operations and water acquisitions to meet the goals of the CVPIA. Interior has used this experience in developing this Decision. Through this Decision, Interior exercises Secretarial discretion to implement (b)(2) in accordance with the language of CVPIA, the intent of Congress, as well as to make this Decision consistent with the rulings of the District Court in *San Luis & Delta Mendota*

Water Authority, et al v. United States, (CIV F 97-6140 OWW DLB) ((b)(2) litigation).[1] This Decision incorporates parts of the October 5,1999 Final Decision upheld by the District Court, modifies other parts and adds new components. The intent of these changes is to simplify and clarify the accounting process for (b)(2) expenditures and to integrate the dedication and management with CVP operations for other Project purposes.

CVPIA Section 3406(b)(1)(B) articulates Congressional intent for (b)(2) water to be used in conjunction with modification of the CVP operations and water acquisitions under Section 3406(b)(3), along with other restoration activities, to meet the fishery restoration goals of the CVPIA. Modification of CVP operations, or reoperation, occurs when the Bureau of Reclamation (Reclamation) alters the operation of the CVP at the request of the Fish and Wildlife Service (Service) so that the operations undertaken are more compatible with the needs of fish. In addition to the flexibility offered in Section 3406(b)(1), Interior is currently acquiring water to supplement (b)(2) water, as specified in Section 3406(b)(3), under both the Water Acquisition Program and the Environmental Water Account (EWA).

This Decision is divided into sections to address each component of (b)(2) policy. The first section addresses Interior's calculation of CVP yield. Interior has calculated the Project yield in accordance with the statutory definition. This calculation of yield was upheld by the District Court in the (b)(2) litigation.

The accounting methodology and procedures set forth in Section II below describe how Interior will account for (b)(2) water. Interior will manage (b)(2) water in order to effectuate the purposes and goals of the CVPIA. Among the purposes of the CVPIA as set out in the statute are to protect, restore and enhance fish, wildlife and associated habitats in the Central Valley and Trinity River basins; to address impacts of the CVP on fish, wildlife and associated habitats; to contribute to the State of California's interim and long-term efforts to protect the San Francisco Bay/Sacramento-San Joaquin Delta Estuary; and to achieve a reasonable balance among competing demands for use of CVP water, including the requirements of fish and wildlife, agricultural, municipal and industrial, and power contractors, Sections 3402(a), (b), (e) and (f).

Water dedicated under (b)(2) will continue to be used to implement the fish, wildlife, and habitat restoration purposes and measures authorized by the CVPIA, as well as to assist in meeting the 1995 Delta Water Quality Control Plan (WQCP) requirements and post-1992 obligations under the Endangered Species Act (ESA). This decision also addresses modifications of CVP

[1] The (b)(2) litigation involves a challenge to Interior's implementation of (b)(2) pursuant to the October 5, 1999 Final Decision and earlier decisions. The initial challenge to Interior's (b)(2) policy was initiated in 1997 when Interior released its "CVPIA Administrative Proposal, Management Section 3406(b)(2) Water (800,000 acre feet)". The litigation also addressed the "Interim Decision of Implementation of Section 3406(b)(2) of the Central Valley Project Improvement Act, released July 14, 1999 and the Final "Decision on Implementation of Section 3406(b)(2) of the Central Valley Project Improvement Act" issued October 5, 1999.

operations, banking of (b)(2) water and shortage criteria. In addition, Interior addresses the coordinated implementation of (b)(2) with other CALFED agencies and with comparable tools for fishery improvements such as the EWA and ecosystem improvement actions.

Despite the fact that the CVPIA was enacted ten years ago, many of the purposes and goals of the CVPIA, including the doubling of anadromous fish populations in Central Valley Rivers and streams, have yet to be realized. In order to fulfill these goals, Interior will ensure that water dedicated and managed under (b)(2), in conjunction with other tools, is used to achieve measurable benefits within the bounds of scientific knowledge. Interior recognizes a need for the annual accounting and accountability. Interior will continually monitor fish and wildlife and habitat conditions to assess the biological results and effectiveness of use of (b)(2) water.[2] The assessment of decisions for dedication and management of (b)(2) water will be reported to Congress in the annual reports on CVPIA implementation and also annually to the CALFED agencies.

Interior provided a 30-day public comment period on the draft Revised Decision, dated December 18, 2002. Following issuance of the Revised Decision, Interior will continue to consult with the State of California on the Revised Decision and (b)(2) implementation.

I. CALCULATION OF YIELD

Attachment 1 to Interior's October 5, 1999 Final Decision, entitled "Calculation of Central Valley Project Yield for Section 3406(b)(2) of the Central Valley Project Improvement Act", describes the calculation of CVP yield for purposes of (b)(2). In summary, the calculation set out in Attachment 1 of the October 5, 1999 Final Decision is based on the average delivery capability of the Project during the 1928-1934 period, adjusted to reflect requirements in effect on the date of CVPIA enactment (October 30, 1992). The CVP yield as calculated for (b)(2) purposes is 5,990,000 acre-feet.[3] As noted above, this calculation of yield was upheld by the District Court in the (b)(2) litigation.

II. PROCESS AND ACCOUNTING

The accounting methods and procedures set out in this Decision explain how Interior will account for the 800,000 acre-feet annually dedicated and managed. Interior has developed this accounting method to simplify and clarify the process for (b)(2) accounting that was previously

[2] Interior will conduct this monitoring through the various monitoring programs established prior to and since CVPIA, such as Interagency Ecological Program.

[3] The yield is slightly greater than the yield identified in the October 5, 1999 decision and reflects a revision in the modeling as ordered by the District Court on March 13, 2000 to use the D-893 flows at Nimbus.

described in the October 5,1999 Final Decision. Through this Decision, Interior seeks to incorporate this ecosystem improvement tool with the other tools and requirements related to ecosystem improvement in the Bay-Delta and its watershed in a more easily understandable manner.

A. Accounting Period. The accounting period for determining the use of the annual (b)(2) allocation will be October 1 through September 30.

Explanation: The water year October 1 through September 30 begins with the onset of the yearly precipitation season and is the same water year that has traditionally been used at irrigation projects throughout the West. (See U.S. Geological Survey Circular 1123, 1995). The District Court upheld Interior's use of the water year as the accounting period for determining the use of CVP yield dedicated pursuant to (b)(2).

Interior selected the October 1 through September 30 accounting period because it is consistent with the life cycle of most of the salmon and steelhead that spawn in Central Valley rivers and streams, it contributes to meeting the Anadromous Fish Restoration Program (AFRP) doubling goals, and it promotes the efficient use of the 800,000 acre-feet for the primary purpose of implementing the fish, wildlife, and habitat restoration measures authorized by the CVPIA. The flow-related fishery actions specified by the Service pursuant to Section 3406(b)(2)(B) in the fall and early winter target the spawning period for salmon and steelhead. The salmon and steelhead lay their eggs in gravel nests called redds, where the eggs incubate and then hatch after approximately two months. After the eggs hatch and the salmonid fry emerge from the gravel, the fishery actions target the rearing habitat for the juvenile life stage during the winter and early spring. Finally, during April through June, the fishery actions target the emigration habitat for juvenile salmon as they migrate downstream, through the Delta and to the ocean. The spring fishery actions also benefit resident estuarine fish. As described above, the Central Valley salmon and steelhead "planting and growing season" (i.e., spawning, incubation and rearing) generally begins in CVP streams in October and November.

The accounting period of October 1 through September 30 allows the Service to specify late winter and spring fishery actions with a more complete knowledge of the year's salmon and steelhead spawning population, actual and forecasted hydrology and the amount of CVP yield actually used for the fall and early winter actions. Consequently, this will result in fishery actions that make the most accurate and effective use of the 800,000 acre-feet. In order to ensure that sufficient (b)(2) water is maintained throughout the accounting period, the Service will target using approximately 200,000 acre feet of (b)(2) water in October through January for fishery purposes. This target is not a cap, and may vary from year to year depending on fishery needs. However, in the event that the amount of (b)(2) dedicated in the October through January period is projected to exceed 200,000 acre-feet, the Service and Reclamation will confer to determine the best course of action, taking into account the fisheries' needs and the projected and/or realized WQCP/ESA costs for the accounting year. The final determination to exceed 200,000

acre-feet prior to February 1 in any year will require written concurrence of both the Manager of the Service's California Nevada Operations Office and the Director of Reclamation's Mid-Pacific Region to allow for proper planning and coordination with project operations.

B. Accounting Methodology.

The appropriate accounting methodology for the dedication and management of (b)(2) water is based upon how and where the water is used. Interior's new methodology for accounting for (b)(2) will involve only two measurement methods, or metrics, to account for how the water is managed under (b)(2). The two metrics used will be upstream releases and Delta exports. Measurement of water banked, transferred or exchanged will be accounted as set out in section IV.

Explanation: The CVPIA specifies that (b)(2) water is to be used "for the primary purpose of implementing the fish, wildlife, and habitat restoration purposes and measures authorized by this title; to assist the State of California in its efforts to protect the waters of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and to help to meet such obligations as may be legally imposed upon the Central Valley Project under State or Federal law following the date of enactment of this title, including but not limited to additional obligations under the Federal Endangered Species Act" (Section 3406 (b)(2)). Interior will account for the total amount of CVP water costs associated with meeting the WQCP obligations against the annual (b)(2) allocation remaining at the time the cost is incurred.[4] Similarly, Interior will account for the costs of meeting the CVP's ESA obligations that have been or may be legally imposed after enactment of CVPIA against the annual (b)(2) allocation remaining at the time the cost is incurred.

1. Upstream Actions – October 1 through September 30.

a. Accounting Methodology: Upstream fishery actions from October 1 through September 30 will be accounted as the increase in releases from upstream reservoirs[5] with the fishery actions, compared to releases from the reservoirs that would have resulted from baseline CVP operations[6] during the same period without the fishery actions. The calculation of increase in release with the fishery measures will be based on daily changes in releases resulting from the (b)(2)

[4] In 1995, the State Water Resource Control Board issued its WQCP for the Delta. The CVP and State Water Project are responsible for meeting the flow related objectives contained in the 1995 Delta WQCP.

[5] Releases from Trinity Reservoir for Trinity River flows pursuant to 3406(b)(23) of the CVPIA are excluded from the accounting under this provision. Releases to the river from Whiskeytown Dam, Keswick Dam, Nimbus Dam and Goodwin Dam comprise the basis for this metric.

[6] Interior is currently using the pre-1992 base CVP operations with D-1485 water quality obligations as the baseline CVP operation. The pre-1992 base includes the 1992 Winter Run Chinook Salmon Biological Opinion and other licenses and permits as construed at that time.

measures prescribed by the Service, accumulated over the period.

Explanation: The metric for upstream actions from October through September (releases from upstream reservoirs) reflects the amount of the annual (b)(2) allocation dedicated to (b)(2) purposes through those actions.[7]

b. Upstream Releases may Flow through Delta: If specified by Interior, based on a written assessment of biological benefits to the fishery from the Service, steps will be pursued under California law to allow upstream releases to flow through the Delta. Upstream releases specified to flow through the Delta would be accounted for solely under this provision, and not as Delta actions.

Explanation: Releases from upstream storage may benefit juvenile anadromous fish in their downstream migration to move safely through the Delta into saline water. This provision will permit the upstream releases to assist in the downstream migration when such actions are needed. To accomplish the action, releases specified to flow through the Delta must be excluded from the calculation of the export/inflow ratio necessary to meet WQCP requirements to allow for the full benefit of the outflow through the Delta. This will necessitate coordination with the State of California for project operations in the Delta. If Interior determines the release is needed for Delta outflow, Reclamation will take steps pursuant to their water rights, to protect the specified flows.

If Interior does not specify that the release is needed for Delta outflow, it is available for recapture and reuse pursuant to provisions of the Coordinated Operations Agreement and Environmental Water Account Operating Principles, including use for export south of the Delta. Water released solely for an upstream fishery action under this Section II.B.1b is not available for banking, transfer or exchange under section IV and shall be accounted solely under this section. On the other hand, water released under Section II.B.1a may be banked, transferred or exchanged if the water is identified for banking, transfer, or exchange before it is released. Such releases will be accounted for solely under the applicable provisions of Section IV.

2. Delta Actions that affect Exports – October 1 through September 30

a. Accounting Methodology: Delta actions that affect exports will be accounted throughout the water year as the reduction in exports from the Delta resulting from the prescribed fishery actions. Any export reductions prescribed by the Service below the baseline operation will be accounted as (b)(2) actions.[8] The

[7] Agreements for flows at Clear Creek, Butte Creek and other streams provide for (b)(2) water as a backstop and therefore may require increased releases that will be accounted under this metric.

[8] This metric does not preclude use of the Environmental Water Account (EWA) to allow for export reductions in the Delta. Any export reduction compensated by EWA will not be accounted for as a (b)(2) action.

calculation of decrease in Delta exports with the fishery measures will be based on daily changes in Delta exports resulting from the (b)(2) measures prescribed by the Service, accumulated over the period.

Explanation: This metric applies only to those actions in and upstream of the Delta that affect exports. The metric of export reduction for such Delta measures was selected because it is the most accurate indicator of use of the annual (b)(2) allocation in the Delta. Actions designed to affect conditions in the Delta that entail increased releases from upstream reservoirs will be accounted using the upstream metric. Other fish and wildlife actions upstream that do cause exports to be reduced compared to CVP baseline operations will be accounted using the export metric.

b. Limitation on Delta Actions- February 1 through August 31: During the period February 1 through August 31 (the "low point" for CVP storage in San Luis Reservoir), (b)(2) prescriptions for export reductions will be limited to a maximum of 640,000 acre-feet (80 percent of 800,000 acre-feet of (b)(2) water). This maximum amount will be reduced to 80 percent of the amount of (b)(2) water available when the (b)(2) account is shorted in accordance with the shortage criteria set out in Section VI below.[9]

Explanation: This provision is intended to manage impacts to deliveries south of the Delta prior to the San Luis Reservoir low point in late August. The provision is based on an 80%-20% ratio of unconstrained water supply capability before and after the low point. Under unconstrained conditions, the pumping and storage capability of the Project can provide 80 percent of the annual water supply prior to August 31 (the San Luis Reservoir low point) and 20 percent following low point. Interior will apply that same constraint on its designation of (b)(2) measures affecting export south of the Delta. The CVPIA provides that the 800,000 acre-feet dedicated under (b)(2) may be reduced based on hydrologic conditions. If the amount of (b)(2) water available in any year is reduced pursuant to the Shortage Criteria set forth in Section VI, the maximum amount of (b)(2) available for use in the Delta during this time period will be correspondingly reduced.

C. Accounting Process

To assist Interior in implementing the methodology and (b)(2) policy set forth in this Decision, Interior has established a B2 Interagency Team (B2IT). This interagency team of project operators and project and resource agency biologists currently consists of representatives from the California Department of Water Resources (DWR), the California Department of Fish and Game (DFG), Reclamation, the Service, and the National Marine Fisheries Service (NOAA

[9] Nothing in this section is intended to limit CVP compliance with WQCP and ESA obligations as described in Section V.

Fisheries). The coordination of the (b)(2) fish actions with the implementation of the EWA occurs at EWA Team and Water Operations Management Team (WOMT) meetings, which also include representatives from DWR, DFG, Reclamation, Service and NOAA Fisheries.

To assist the Service in developing the annual actions to dedicate and manage the (b)(2) allocation, Interior will continue to utilize the stakeholder process described in Attachment 2 of the October 5, 1999 Final Decision. The stakeholder process will be used as an opportunity for the project operators and resource agencies to present and discuss information and seek input regarding the development of the annual (b)(2) fishery action plan and how the plan is integrated into the operations forecast. This will be accomplished through bi-annual workshops with all interested parties as described in Attachment 2 of the October 5, 1999 Final Decision.

The process for accounting is as follows:

1. **Reclamation's Forecast.** Reclamation will provide the Service a preliminary 12-month baseline forecast[10] of operations each month, beginning in October. Reclamation's objective is to develop each forecast by mid-month. The forecast will be based on the applicable CVP Operations Criteria and Plan (OCAP).

2. **Service Schedule.** Each month, beginning in October, the Service will submit to Reclamation an updated 12-month schedule for the proposed prescribed fishery measures, including proposed transfers, exchanges and banking. These measures will be adjusted at least monthly, as the season's hydrology evolves and CVP operations respond, and preliminary (b)(2) accounting becomes available, to stay within the target and retain sufficient (b)(2) water to implement desired measures, both in the Delta and upstream.

3. **Monthly and Final Accounting:** Reclamation and the Service will jointly develop an initial daily accounting of (b)(2) water prior to the 15th day of every month showing the current accounting for that accounting year as of the end of the previous month. A final accounting of the amount of (b)(2) water used for actions during the October-January period will be completed by March 25 of each year. Final accounting for all (b)(2) actions during the February-September period will be calculated by November 15.

Interior recognizes that this process for accounting for (b)(2) actions is very time consuming and resource intensive. Interior therefore is reviewing the accounting process to determine possible methods for streamlining the process.

[10] In most months (generally October-May), Reclamation provides both the 90 percent and 50 percent exceedance forecasts to the Service for developing potential fish actions.

III. MODIFICATION OF CVP OPERATIONS

Interior may modify CVP operations in accordance with CVPIA Section 3406(b)(1) to provide flows of suitable quality, quantity, and timing, including timing of exports, for fishery purposes. Determinations on whether to modify CVP operations will be made on a case-by-case basis and will only occur with the concurrence of both the Service and Reclamation. Modification of operations, or reoperation, will occur only after a determination is made that there is no conflict with the fulfillment of the Secretary's remaining contractual obligations to provide CVP water for other authorized purposes. This means that, at the time when an action is requested, Reclamation must know that it has the resources to take compensating actions with no identified impact or foreseeable risk of impact to the Secretary's remaining contractual obligations to provide CVP water for other authorized purposes. An additional factor that will be considered when determining whether it is appropriate to modify operations is whether corresponding actions can be taken close in time to the initial reoperation.

IV. WATER BANKING AND TRANSFER/EXCHANGES OF WATER

Interior has discretion to determine whether to bank (b)(2) water. This discretion was affirmed in the October 19, 2001 District Court decision. Interior plans to develop a banking policy at some point in the future, subject to the criteria outlined below.

A. Banking: Subject to section IV.C below, the Service may request that (b)(2) water be banked in CVP or non-CVP facilities for fish and wildlife purposes. Any amount banked within the reservoir of origin will be accounted as (b)(2) water on a one-to-one basis at the time it is banked. Any water banked elsewhere shall be accounted on a one-to-one basis only once, at the time it is released from the reservoir of origin. Any banked water shall be accounted solely under this provision, regardless of the time of storage or release. The amount banked will not be included for any purpose in the accounting of (b)(2) water under II.B.1 or II.B.2, above.

B. Transfers to or exchanges with other water users: Subject to section IV.C below, the Service may request that (b)(2) water be transferred or exchanged from upstream CVP reservoirs to or with other CVP water users or non-CVP water users during any part of the water year to accomplish (b)(2) purposes. Any amount transferred or exchanged shall be accounted as (b)(2) water on a one-to-one basis as released from the reservoir of origin, and shall be accounted solely under this provision. The Service may request transfer or exchange of (b)(2) water from San Luis Reservoir only to the extent that it has delivered (b)(2) water to that reservoir. The amount transferred or exchanged will not be included for any purpose in the computation of (b)(2) water under II.B.1 or II.B.2.

C. Limitations: The costs of any banking, storage, diversion or delivery (applicable

cost of service rate) necessary to carry out the banking, transfers, and exchanges under this section, including carriage water losses, storage losses, conveyance losses and/or other costs normally incurred with a transfer, exchange, or banking, will be arranged by Interior. Any accomplishment of a transfer, exchange, or banking of water will be dependent upon the capability of the conveyance and/or storage facilities involved. Water transfers, exchanges or banking must comply with state water law and include appropriate environmental documentation. Priority of access to storage or conveyance capacity must be arranged by Interior before the time of the transfer, exchange, or banking transaction. The transfer, exchange, and/or banking of (b)(2) water cannot interfere with the storage, diversion, or delivery of water for other purposes of the CVP.

V. WATER TO MEET WQCP/ESA OBLIGATIONS

Interior will continue to fulfill the commitment to meet the 1995 Bay-Delta WQCP obligations (SWRCB D1641). These costs will be accounted as the increase in releases and decrease in exports, compared to releases and exports that would have resulted from simulated CVP baseline operations during the same period. The CVP will be operated in accordance with the WQCP obligations and ESA obligations. Interior will account for the total amount of CVP water costs associated with meeting the WQCP obligations and ESA obligations imposed after enactment of CVPIA against the annual (b)(2) allocation, up to the balance of (b)(2) water remaining at the time the cost is incurred.

VI. SHORTAGE CRITERIA

CVPIA Section 3406(b)(2)(C) provides: "The Secretary may temporarily reduce deliveries of the quantity of water dedicated . . . up to 25 percent of such total whenever reductions due to hydrologic circumstances are imposed upon agricultural deliveries of CVP water." Interior interprets this to mean that the amount of (b)(2) water available will be reduced when deliveries to CVP agricultural water service contractors north of the Delta are reduced because of hydrologic circumstances. Interior will use the State Water Resources Control Board's Sacramento Valley Water Year Hydrologic Classification (40-30-30 index) as an indicator of whether shortages to CVP north of the Delta agricultural service contractors are due to hydrologic circumstances. If the water year is considered critical or dry, any CVP north of the Delta agricultural water service contractor shortages will be deemed to be due to hydrological circumstances. In critical years, the amount of (b)(2) water available may be reduced by up to 25%, or 200,000 acre-feet. In dry years, the amount of (b)(2) water available may be reduced by up to 12.5%, or 100,000 acre-feet. The percentage by which (b)(2) water is reduced in any year will not be greater than the percentage reduction to CVP agricultural service contractors north of the Delta, based on hydrology. For the purposes of classifying the water year type and developing operation plans, the 90-percent exceedance hydrology will be used.

The formal shortages to (b)(2) water will be established on the same schedule as all CVP water service contractors, beginning in February of each water year. Interior will use the Sacramento Water Year Hydrologic Classification prepared by DWR based on February 1 hydrologic conditions and the allocation to the CVP north of the Delta agricultural water service contractors determined by Reclamation based on its February forecast of CVP water and power operations. If subsequent water year indices prepared in March, April or May indicate a change from a critical year to a dry year or a dry year to a below normal year, the shortage to (b)(2) water will be relaxed accordingly. If, based on update forecasts of CVP operations prepared in March, April and May, Reclamation increases allocation to CVP north of the Delta agricultural contractors to more than 75 percent, the corresponding change to the shortage to (b)(2) will be made. Because the conservative 90-percent exceedance hydrology will be used for determining water year indices and CVP allocations, increased shortages to (b)(2) water after the initial determination in February are not likely; however, under extremely dry conditions in the February through May period, a reduction of (b)(2) water is possible. As the first formal reductions of (b)(2) water will not occur until February, the amount of (b)(2) water actually used in the October-January period is dependent on fishery needs with consideration of current storage and hydrologic conditions.[11]

VII. COORDINATION

Interior recognizes that the implementation of Section 3406(b)(2) is important to many actions that are included in the CALFED Bay-Delta Program, and is particularly critical to the implementation of the Environmental Water Account (EWA), as well as to other actions involving operations that may be affected by this change to (b)(2) implementation. Interior will work with the CALFED Management Group and Policy Group, or their successors, to ensure that this Decision is coordinated with implementation of the CALFED Program.

Interior will use the B2IT, the EWA Team and the WOMT to coordinate the (b)(2) fishery action plan and (b)(2), (b)(1), (b)(3) and EWA operations with other operational programs or resource-related aspects of Project operations. The WOMT will coordinate with the CALFED Operations Group, a stakeholder forum. This coordination serves as an opportunity, in addition to the workshops described in Attachment 2 to the October 5, 1999 Final Decision, for stakeholders to interact with the project operators and resource agency staff. Project operators and resource agency staff will use this opportunity to update stakeholders on the progress of implementing provisions of this Decision and to receive input from individual stakeholder interests.

As mentioned above, the B2IT will also coordinate its actions with the EWA Team. Interior recognizes that there may be the need to revise existing EWA protocols or to develop new protocols to maintain the ESA commitments described in the CALFED Record of Decision. Interior will work with its EWA partners to ensure coordination of EWA with this policy.

[11] See Section II.A. above.

Section 3406(b)(2)(B) provides that the water dedicated under (b)(2) shall be managed pursuant to conditions specified by the Service after consultation with Reclamation and DWR and in cooperation with DFG. In addition, the Service, in managing for anadromous fish species, routinely coordinates and consults with NOAA Fisheries. It is Interior's intent to accomplish much of this coordination through participation and discussion with stakeholders and state and federal agencies in the B2IT and CALFED processes. Additional coordination with these and other agencies and stakeholders may also be necessary and will be carried out.

Interior's policy is that (b)(2) actions will not injure the State Water Project (SWP), operated by DWR. However, this policy does not extend to impacts to the SWP that result from its obligations under either the WQCP or the ESA.