

<b>Issue</b>	<b>LMMWC Position</b>	<b>DFW Position</b>	<b>SWRCB Position</b>	<b>Next Steps/ Implementation Issues/Potential Resolution</b>
Base and pulse flows	Flows in dry and critically dry years; volume, timing, and terms and conditions of flows to be negotiated.			Negotiations on amount, timing, and terms and conditions of flows.
Compensation	New water compensated at fair market value			Funding needs to be identified. DFW/DWR/SWRCB will identify funding sources.
Temperature standard on base and pulse flows	flow contributions cease when EPA 68° F. temp standard exceeded in Mill Creek.			
Multi-benefit channel restoration project consisting of short-term hand modification	short-term physical passage improvements are necessary for the protection and recovery of the fishery			LMMWC will apply for regulatory approvals and implement project if: <ol style="list-style-type: none"> <li>1. Grant/funding provided to retain consultant/expert to assist with regulatory process; and</li> <li>2. Grant/funding provided to fund implementation of project</li> </ol>
Multi-benefit channel restoration project consisting of critical riffles and long-term channel improvements	long-term physical passage improvements are necessary for the protection and recovery of the fishery			LMMWC will apply for regulatory approvals and implement project if: <ol style="list-style-type: none"> <li>1. Grant/funding provided to retain consultant/expert to assist with regulatory process; and</li> <li>2. Grant/funding provided to fund implementation of project</li> </ol>

Current and Future SWRCB Emergency Regulations	CDFW will neither request nor support the SWRCB's adoption of emergency regulations regarding instream flow on Mill Creek			Upon execution of comprehensive settlement agreement, CDFW to request that the SWRCB withdraw current emergency regulations
Safe Harbor Agreement with NMFS under FESA	safe harbor agreement with NMFS under FESA			
Safe Harbor Agreement with CDFW under CESA	safe harbor agreement with DFW under CESA			
1990 Agreement of DWR/DFW/LMMWC	DFW to immediately commit to performance under 1990 Agreement in 2022 including allotment of groundwater pumping credits to LMMWC			
1990 Agreement of DWR/DFW/LMMWC	existing conjunctive use agreement expanded to intended 25 cfs (currently ±11 cfs) to make additional flow available			LMMWC and DFW jointly request that DWR identify funding and implement actions necessary to develop agreed upon 25 CFS capacity
Groundwater Impact Evaluation	any flow measures to be subjected to and conditioned on continuing evaluation and avoidance of potential groundwater impacts.			

Groundwater Impacts Study and Recharge Mitigation Measures	funding to retain groundwater consultant to study potential groundwater impacts and to identify and implement groundwater recharge projects to mitigate any impacts, if there are any.			Funding needs to be identified. DFW/DWR/SWRCB will identify funding sources.
Other Regulatory Certainty	Recognition that flow/project contributions satisfy regulatory obligations, including as voluntary agreement for Phase 2 WQCP Update.			
Fish Ladder	assistance and cooperation from regulatory agencies to reduce deposits in fish ladder			Funding in place. Install 3 bendway weirs above ward dam in summer of 2022.
LMMWC system improvements	financial and regulatory assistance to implement improvements in LMMWC's water distribution system.			