

Conclusion

Joint Presentation of State Water Contractors
and
San Luis & Delta-Mendota Water Authority

Flexibility is Nothing New

- The 1995 WQCP authorizes flexing of the Export Objectives and, in limited circumstances, the Outflow Objectives.

Flexibility is Nothing New

- Footnote 22 to table 3 of the 1995 WQCP provides, in part:

“Variations to this maximum export rate are authorized if agreed to by the operations group established under the Framework Agreement. This flexibility is intended to result in no net water supply cost annually within the limits of the water quality and operational requirements of this plan. Variations may result from recommendations of agencies for protection of fish resources, including actions taken pursuant to the State and federal Endangered Species Act. Disputes within the operations group will be resolved by the CALFED policy group. Any agreement on variations will be effective immediately and will be presented to the Executive Director of the SWRCB. If the Executive Director does not object to the variations within 10 days, the variations will remain in effect.” Emphasis added.

Flexibility is Nothing New

- Footnote 24 to table 3 of the 1995 WQCP provides, in part:

“The **percent Delta inflow diverted values can be varied** either up or down. Variations are authorized subject to the process described in footnote 22.” Emphasis added.

Flexibility is Nothing New

- Footnote 14 to table 3 of the 1995 WQCP provides, in part:

“If the best available estimate of the Eight River Index for February is less than 500 TAF, the **standard may be further relaxed** in March upon the recommendation of the operations group established under the Framework Agreement, with any disputes resolved by the CALFED policy group. The standard does not apply in May and June if the best available May estimate of the Sacramento River Index (described in footnote 6) for the water year is less than 8.1 MAF at the 90% exceedence level. Under this circumstance, a minimum 14-day running average flow of 4,000 cfs is required in May and June.” Emphasis added.

What is New

- Contractors propose flex decision-making:
 - (1) be based upon an established process and within specific guidelines, and (2) have explicit State Water Board oversight and stakeholder review.

What is New

- Contractors propose a science-based process, the decisions from which would be memorialized in reports to the State Water Board and available to the public for review.

What is New

- Contractors propose that, if Agencies agree on flex action, limits would be set by State Water Board to ensure flex has:
 - No significant environmental impacts,
 - No adverse impacts to water supply of CVP and SWP contractors,
 - No adverse impacts to beneficial uses protected by water quality objectives.

What We Learned From The Gaming

- The Contractor Proposal Works.
 - Gaming shows that improved water management for beneficial uses of Delta water can be achieved if the State Water Board adopts the process described and the sideboard present in the Contractors' proposed decision tree.

What The Contractors Propose

- State Water Board modify text of 1995 WQCP, under section entitled “Water Quality Objectives for Fish and Wildlife Beneficial Uses” to update the text and authorize flexing of Outflow, Export and Rio Vista Objectives. (*See* exhibit A to written material).

What The Contractors Propose

- State Water Board modify text of footnotes to table 14 of 1995 WQCP, to again allow for flexibility, according to the Decision Tree. (*See* exhibit B to written material).

What The Contractors Propose

- State Water Board modify text of footnote [a] to table A of footnote 14 for table 3 to the 1995 WQCP to address “over-compliance” by allowing the carryover of compliance days from one month to the next. (*See* exhibit C to written material).

What The Contractors Propose

- State Water Board adopt the Decision Tree, to establish a defined process that is referenced in but could be modified without affecting the Water Quality Control Plan. (*See* exhibit D to written material, as amended).