

POLICY STATEMENT
of the United States Bureau of Reclamation
before the California State Water Resources Control Board
at the December 11, 2006 Water Right Hearing
on the Petition to Change the Effective Date of the
Long-Term Instream Flow Requirements Established in
Revised Decision 1644

INTRODUCTION

The Yuba County Water Agency, petitioner, requests that the State Water Resources Control Board defer the effective date of the long-term flow requirements established in Revised Water Right Decision 1644 (RD-1644) from March 1, 2007 to April 1, 2008. The petitioner's purpose for seeking this change is to facilitate implementation of a temporary water transfer in 2007, as part of the 2007 Lower Yuba River Pilot Program (Pilot Program), to be conducted prior to requesting revisions to the long-term flow requirements and approval of a long-term transfer of water as part of the proposed Lower Yuba River Accord (Yuba Accord). The petitioner states that the change is required in order to implement the temporary transfer because without the change the carryover storage in New Bullards Bar Reservoir after September 30, 2007, and after implementation of the temporary transfer, would be up to 70,000 acre-feet lower than it would be with the change, resulting in increased severity of deficiencies in water deliveries to local water users in 2008 if that year is a dry year. The petitioner also indicates that if this petition is approved, it will operate to comply with the interim flow requirement currently in effect and to provide the minimum instream flows specified in the proposed Fisheries Agreement for the Pilot Program. Reclamation believes that implementation of the Pilot Program is an important step toward successful implementation of the proposed Yuba Accord. While also assisting the California Department of Water Resources (DWR) in meeting its Environmental Water Account (EWA) asset acquisition goals for 2007, the Pilot Program affords the petitioner and DWR with a valuable opportunity to gain practical experience in successfully implementing the proposed Yuba Accord.

THE PROPOSED LOWER YUBA RIVER ACCORD

The Yuba Accord proposes new instream flow requirements for the lower Yuba River for purposes of increased fisheries protection. It has been developed through discussions among the petitioner and numerous irrigation, environmental, and fisheries interests and State and Federal agencies.

The Yuba Accord, when in effect, would result in improved water supply reliability for Reclamation, as well as for the DWR, including a firm commitment of 60,000 acre-feet per year for the EWA, and up to an additional 140,000 acre-feet of water in dry years for the State Water Project and the Central Valley Project, including for fish and wildlife purposes.

A Memorandum of Understanding for the Water Purchase Agreement is now in place. Under the proposed Water Purchase Agreement, one of three separate agreements constituting the Yuba Accord, Reclamation, along with the DWR, would enter into a long-term agreement to purchase water from the petitioner to improve water supply reliability for the projects, including for fish and wildlife purposes, and to contribute toward a long-term EWA or equivalent program.

Reclamation is a lead agency for preparation of the joint Environmental Impact Report /Environmental Impact Statement (EIR/EIS) on the proposed Yuba Accord. At this time, Reclamation expects that a draft EIR/EIS will be made available for public review and comment starting in the early spring of 2007 and that a final EIR/EIS will be issued in late summer of 2007.

CONCLUSION

The proposed Yuba Accord is a collaborative effort designed to benefit fisheries populations in the Lower Yuba River while making available for purchase 60,000 acre-feet of water per year for multiple years for the Cal Fed Bay-Delta Program EWA as well as supplemental water supplies for the Central Valley Project and the State Water Project.

Reclamation, as one of the parties to the proposed Yuba Accord, supports the petitioner's requested change to RD-1644 in order to implement the Pilot Program.