

The Proposed Lower Yuba River Accord

Frequently Asked Questions

Q	1	<i>How will the Yuba Accord be better for the lower Yuba River wild salmon and steelhead?</i>
A		<p>The Yuba Accord will benefit fisheries populations in the lower Yuba River in several significant ways. It will establish new instream flow requirements that significantly increase the minimum protection for Chinook salmon, steelhead, and other fish species. These new flows will range from 260,000 acre-feet in a dry year to over 574,000 acre-feet in a wet year – an annual increase of 25,000 acre-feet to over 170,000 acre-feet compared to present requirements. These higher requirements, in concert with other non-flow commitments in the Yuba Accord, will improve habitat conditions, including water temperatures, for lower Yuba River Chinook salmon and steelhead – among the last remaining wild populations in California’s Central Valley. A River Management Team will address operational, monitoring, and enhancement actions, including a \$6 million fisheries monitoring, studies, and enhancement program. This program will be financed by long-term purchases of YCWA water for the EWA and by state and federal water users.</p>
Q	2	<i>What guarantees that the Yuba Accord’s higher instream flow requirements will actually be released as envisioned?</i>
A		<p>After the SWRCB has amended its existing Water Right Decision (Decision 1644) and YCWA’s water right permits to implement the Yuba Accord, YCWA will be contractually and legally obligated under the Fisheries Agreement and its amended water right permits to comply with the Yuba Accord instream flow requirements. Failure to make these releases will result in substantial fines and makeup water requirements. If the agreement terminates early for any reason, Fisheries Agreement flows will not halt but will be implemented under the terms of YCWA’s water right permits.</p>
Q	3	<i>When will these Yuba Accord flows actually begin, and what will happen to them when the Yuba Accord ends?</i>
A		<p>The instream flow requirements in the Fisheries Agreement will begin in 2006 under a one-year pilot program. This program will allow the participants in the Yuba Accord to begin to implement the new requirements while they are working on a joint EIR/EIS, as required by state and federal environmental laws, and while YCWA secures all of the necessary permits and approvals to implement the Yuba Accord. This environmental review is planned to be completed in late 2006. The Yuba Accord’s instream flow requirements may be modified when FERC issues a new long-term Federal Power Act license to YCWA for the Yuba Project, which will occur during or after 2016.</p>

Q

4 What are the likely benefits of the Yuba Accord to the State of California?

A

As some of the higher instream flows required by the Yuba Accord continue down the 24 miles of the lower Yuba River, then into the Feather and Sacramento rivers and to the Bay-Delta, the flows will create additional environmental and economic benefits. For example, the Water Purchase Agreement will provide (a) a minimum of 60,000 acre-feet each year for the EWA to meet the needs of salmon, steelhead, and other fish and wildlife species throughout the Bay-Delta watershed, and (b) a supplemental water supply of up to 140,000 acre-feet in dry years for DWR and Reclamation. DWR and Reclamation will use these water supplies to meet their supplemental needs, including the needs of fish and wildlife, primarily in dry years when the two agencies normally must reduce their contractual water deliveries to their respective contractors.

Water transfers under the Water Purchase Agreement are scheduled to be provided through December 31, 2015. From 2016 and through 2025, at least 20,000 acre-feet per year of water transfers are to be provided. During this latter period, any transfer quantity above 20,000 acre-feet per year will be negotiated among the parties to the Water Purchase Agreement. These post-2016 transfers will be subject to review by the SWRCB and will comply with any new FERC or water right permit conditions.

Q

5 Will the Yuba Accord increase SWP or CVP exports from the Bay-Delta?

A

Overall, the answer is no. In most years, transfer water provided by the Yuba Accord will be used for the EWA, which typically limits exports during fish-sensitive times of the year (winter and spring), with offsetting Bay-Delta exports later in the year (summer and fall), thereby reducing impacts on Bay-Delta fish species. Offsetting Bay-Delta exports are expected to result in no net increase in pumping by either DWR or Reclamation. Water supplies provided by the Yuba Accord will be integrated into these operations. In some dry years when water deliveries from the SWP and CVP normally are reduced, some of the Yuba Accord water supplies may be used to make up some of the deficiencies in DWR and Reclamation's export area water supplies. These additional transfers will represent a continuation on the same scale of YCWA's past sales to DWR, Reclamation, and south of Bay-Delta water users, but with new environmental requirements for protecting Yuba River and Bay-Delta fisheries.

Q

6 Even though the Yuba Accord water supplies for DWR and Reclamation will be only supplemental supplies, won't they lead to further growth in California?

A

Unlike the annual commitment of 60,000 acre-feet for the EWA, the transfer flows for DWR and Reclamation for urban, agricultural, and fish and wildlife purposes will be supplemental water supplies, provided primarily in dry years when DWR and Reclamation normally must reduce their contract deliveries to their water users. These Yuba Accord transfer supplies will improve the water supply reliability of DWR and Reclamation deliveries in dry years, but will not increase DWR and Reclamation water supplies in other years. Furthermore, such transfers from YCWA to south of Bay-Delta water users have traditionally occurred in past dry years; the main difference is the new fisheries protections from the Yuba Accord's instream flow requirements and the EWA's export controls. The public environmental compliance process will analyze potential environmental effects of implementing the Water Purchase Agreement, if any.

Q

7 Will the allocation of funds to acquire water for the EWA be a good investment?

A

Yes. The Water Purchase Agreement will establish a firm annual commitment of 60,000 acre-feet of water for the EWA through December 31, 2015, for a total delivery of 540,000 acre-feet. CALFED may receive even more water from the Yuba Accord in dry years. This commitment will represent the first major long-term water acquisition by the State of California for CALFED. (The CALFED Record of Decision includes an annual water purchase target of 185,000 acre-feet.) CALFED will use these water supplies to benefit fish and wildlife species throughout the Bay-Delta.

As compensation for this water, DWR and Reclamation will provide YCWA two payments: (a) \$32,700,000 within 60 days of the effective date of the Water Purchase Agreement – once all environmental compliance steps have been completed as required by state and federal law, and (b) an additional \$2,550,000 on or before September 30, 2015. These payments will equate to less than \$70 per acre-foot of water throughout the entire 9-year period of the Yuba Accord – considerably less than the average overall price per acre-foot paid by CALFED in recent years for water supplies from sources north of the Bay-Delta. By comparison, EWA purchases north of the Bay-Delta during 2001-2004 averaged \$83 per acre-foot. YCWA will receive a payment of \$4,200,000 for 60,000 acre-feet that it will provide for the EWA under the 2006 pilot program.

Q

8 What will be the funding source for the upfront payment for water provided to the EWA?

A

DWR proposes to use bonding authority pursuant to Chapter 7(d) of Proposition 50, California Water Code Section 79550(d), as the funding source for the EWA payment. Use of this funding source will be consistent with the CALFED Record of Decision, which requires water purchases for the EWA. Use of these funds also will help meet the goal of a new state law requiring DWR to use not less than 50 percent of the funds from Chapter 7(d) of Proposition 50 for the long-term purchase of water supplies for the EWA. (See Section 35 of Assembly Bill 1747, Chapter 240, August 8, 2004, adding Water Code Section 79555:

- (a) For the 2004-05 fiscal year, and each fiscal year thereafter, not less than 50 percent of the funds made available pursuant to subdivision (d) of Section 79550 for acquisition of water for the CALFED environmental water account shall be expended for long-term water purchase contracts, permanent water rights, and associated costs.
- (b) The California Bay-Delta Authority shall report annually to the Legislature on the state's efforts in acquiring long-term purchase contracts and permanent water rights in accordance with this section.)

DWR also is investigating other funding sources for this water acquisition.

Q	9 How much revenue will YCWA receive for providing additional transfer water under the Water Purchase Agreement?
A	<p>Payments that YCWA will receive for providing water supplies for the EWA are discussed in the answer to Question 7. The rest of the transfer water under the Water Purchase Agreement is expected to be paid for by DWR and Reclamation's contractors or through additional EWA acquisitions. The amount of other transfers will depend on hydrology, Bay-Delta conditions, water year type, groundwater conditions, and applicable flow schedules as specified in the Fisheries Agreement. The per acre-foot prices, and overall revenue, that DWR and Reclamation will pay for these additional transfers will vary depending on hydrological conditions (e.g., \$75 per acre-foot in a below-normal year, \$100 per acre-foot in a dry year, and \$125 in a critically-dry year). These prices are the same as the pricing schedule under the agreement between Sacramento Valley water agencies and export interests to settle the SWRCB's Bay-Delta Phase 8 hearings.</p>
Q	10 How will the Yuba Accord benefit the Yuba County area?
A	<p>The Yuba Accord was conceived by local interests. For example, the Fisheries Agreement will be used to resolve long-standing litigation over water and fisheries between local organizations such as the South Yuba River Citizens League and YCWA. More generally, the Yuba Accord is the outcome of a collaborative effort to secure protective measures for Yuba River fisheries, water rights, and local water supplies. It will provide YCWA a clear set of operational rules for managing New Bullards Bar Dam and Reservoir and other facilities of the Yuba Project, enabling YCWA to continue its mission of ensuring an adequate water supply for local farmers, recreation, and hydropower generation. The Yuba Accord also will allow YCWA to fund improvements to local flood control and other water management projects, and local fisheries restoration projects. The Yuba Accord also will include a set of agreements known as the Conjunctive Use Agreements. These agreements, between YCWA and some of the local irrigation districts/mutual water companies it serves, will result in a carefully-managed, responsible conjunctive use program to ensure that all groundwater use will be within the safe yield of the groundwater aquifer. This program will be consistent with YCWA's Groundwater Management Plan. To safeguard air quality, some local diesel groundwater motors will be converted to more efficient and cleaner electric motors. Since the late 1980s, YCWA has been at the forefront in the Sacramento Valley in developing water transfer programs that provide statewide water supply benefits while protecting local surface and groundwater supplies, and in using transfer revenues for the benefit of Yuba County water supplies and flood protection. The Yuba Accord builds on these experiences.</p>
Q	11 Will the Yuba Accord protect local groundwater supplies?
A	<p>Yes. YCWA and local irrigation districts/mutual water companies will implement a Groundwater Monitoring and Reporting Program to ensure that groundwater pumping associated with the Yuba Accord will be within the safe yield of the groundwater aquifer to safeguard agricultural, domestic, and municipal wells. Under the Conjunctive Use Agreements, groundwater will be pumped for use in Yuba County to implement the Yuba Accord consistent with YCWA's Groundwater Management Plan and within the safe yield of the groundwater aquifer. Under the Yuba Accord, groundwater will be used only to irrigate farmland – no groundwater will be exported out of Yuba County.</p>

Q

12

Why will the Yuba Accord contain provisions for a new, second point of diversion on the lower Yuba River or Feather River?

A

These provisions will help ensure that YCWA will be able to meet future water-supply needs within Yuba County. The instream flow requirements in the Fisheries Agreement were developed, in part, based on the need to meet present and anticipated water supply demands within Yuba County through 2016. YCWA believes that if demands continue to increase within the county after 2016, flows in the lower Yuba River may need to do “double duty” (i.e., flows first will be used to improve habitat for lower Yuba River fisheries, and then some of the flows will be diverted near the confluence of the Yuba and Feather rivers as necessary for urban and agricultural use only within Yuba County). To prepare for this possibility, YCWA is considering a new Feather River Diversion Facility in the event it determines that operation of such a facility would assist YCWA in making water supplies available to meet future water supply needs within Yuba County. The Yuba Accord does not require construction of any such facility. However, if YCWA elects to pursue construction of a new diversion facility in the future, project-specific environmental review will be required. For the moment, other parties to the Fisheries and Water Purchase agreements reserve judgment on a potential Feather River Diversion Facility until the comprehensive environmental compliance process has been completed for the Yuba Accord.

Q

13

What does YCWA plan to do with the proceeds it expects to receive from the Water Purchase Agreement?

A

YCWA plans to use its proceeds from the Water Purchase Agreement to fund various components of the Yuba Accord, including the Conjunctive Use Agreements, the Fisheries Agreement River Management Fund, and other ongoing needs in Yuba County, particularly flood control improvements. Proceeds also will assist in resolving the South Fish Screen issues discussed in the answer to Question 14. All of these activities will be consistent with the YCWA Act of 1959 which states that the primary purposes of YCWA are flood control protection, irrigation, recreation, and hydropower generation.

Q

14

Will issues associated with the South Fish Screen by Daguerre Point Dam be resolved as part of this process?

A

The issues surrounding the South Fish Screen are not directly a part of the Yuba Accord, which resolves disputed flow issues on the lower Yuba River. As an outgrowth of the collaborative discussions regarding the Yuba Accord, however, YCWA recently executed a separate, independent letter agreement with CDFG to resolve issues associated with the water diversion and fish screen located on the south bank of the Yuba River immediately upstream from Daguerre Point Dam. The parties who developed the Yuba Accord’s Fisheries Agreement recognize that addressing these issues is an important step in the ultimate improvement of habitat for the lower Yuba River’s salmon and steelhead populations. Under this letter agreement, CDFG and YCWA, in coordination with environmental and fisheries interests and the local irrigation districts/mutual water companies that receive their water supplies through the South Canal, will collaborate on development and implementation of a plan to construct a new fish screen at the head of this canal so that South Canal diversions will comply with applicable state and federal fish screen criteria. Improved protections for the Yuba River fisheries and continued irrigation supplies to farmers in the southern portion of Yuba County are co-equal objectives of this collaborative effort. The overall plan will include a feasibility study phase, a design study phase, and a construction phase. The letter agreement between YCWA and CDFG specifies timelines for these elements. Although continued work on the South Fish Screen is on a separate track from the process to implement the Yuba Accord, resolution of these issues is a prerequisite for final adoption of the Yuba Accord.

Q	15 What is the schedule for implementing the Yuba Accord?
A	The goal of the participants is to implement the Yuba Accord by late 2006. The first step in this process was completion of a Statement of Support (for the Fisheries Agreement), a Memorandum of Understanding (for the Water Purchase Agreement), and Principles of Agreement (for the Conjunctive Use Agreements with YCWA's local irrigation districts/mutual water companies). With these approvals now in place, parties to the Yuba Accord that also are parties to the litigation will request that the California Superior Court stay its proceedings so that these parties and other participants in the Yuba Accord may initiate the environmental compliance process required by CEQA, NEPA, and the state and federal ESAs. After completion of the EIR/EIS, the SWRCB will be asked to take actions to implement the Yuba Accord. Throughout the process, local, state, and federal agencies, the public, and other interested parties will be involved in extensive input, review, and comment activities.
Q	16 By supporting any one of the three agreements now, are the parties and participants to the Yuba Accord committed to its ultimate implementation?
A	No. The 17 parties and participants in the Fisheries Agreement, the Water Purchase Agreement, and the Conjunctive Use Agreements support moving forward with the legal and procedural steps necessary to evaluate the Yuba Accord, which would allow for its eventual implementation. Many of these interests are parties to only one of the agreements that are part of the Yuba Accord and reserve judgment on other components of the Yuba Accord until the comprehensive environmental compliance process has been completed. Many of these parties will formally participate in the development of a joint EIR/EIS. On completion of this thorough environmental review, the parties and participants will determine whether to support the Yuba Accord's ultimate implementation in late 2006. Additionally, many of the interests involved in the Yuba Accord are participating in other forums regarding the use and allocation of water in the State of California (e.g., CALFED). Their support for the Yuba Accord now does not necessarily change their positions on other issues unrelated to this process.
Q	17 What will happen if the Yuba Accord is not approved?
A	The existing Water Right Decision (Decision 1644) would remain in effect, subject to the continuing legal challenges by both YCWA and environmental interests, which these parties have stayed to allow the Yuba Accord to be developed, reviewed, and implemented.

ABBREVIATIONS & ACRONYMS

Bay-Delta - San Francisco Bay/Sacramento-San Joaquin Delta
CALFED - CALFED Bay-Delta Program
CDFG - California Department of Fish and Game
CEQA - California Environmental Quality Act
CVP - Central Valley Project
Conjunctive Use Agreements - proposed Conjunctive Use Agreements
DWR - California Department of Water Resources
EIR- Environmental Impact Report
EIS - Environmental Impact Statement
ESA - Endangered Species Act
EWA - CALFED Bay-Delta Program Environmental Water Account

Fisheries Agreement - proposed Fisheries Agreement
FERC - Federal Energy Regulatory Commission
NEPA - National Environmental Policy Act
Reclamation - U.S. Bureau of Reclamation
SWP - State Water Project
SWRCB - State Water Resources Control Board
Water Purchase Agreement - proposed Water Purchase Agreement
YCWA - Yuba County Water Agency
Yuba Accord - Lower Yuba River Accord
Yuba Project - Yuba River Development Project