

M e m o r a n d u m

Date : **DEC 13 2001**

To : Thomas M. Hannigan, Director
Department of Water Resources

Robert C. Hight, Director
Department of Fish and Game

From : Department of Water Resources -Department of Fish and Game

Subject : Delta Pumping Plant Fish Protection Agreement - Amendment

Attached for your approval is Amendment Two of the Delta Pumping Plant Fish Protection (Four Pumps) Agreement. The amendment provides the Department of Water Resources and the Department of Fish and Game three more years to spend the \$5 million that still remains of the \$15 million provided under Paragraph I.B. of the original agreement.

The Delta Pumping Plant Advisory Committee reviewed the amendment and recommended its approval. We also recommend approval.

If you need further information, please contact Stephani Spaar, Staff Environmental Scientist of the Environmental Services Office at (916) 227-7536.

RECOMMEND APPROVAL:

RECOMMEND APPROVAL:

Barbara McDonnell
Barbara McDonnell, Chief
Environmental Services Office
Department of Water Resources

Perry L. Herrgesell
Perry Herrgesell, Chief
Central Valley Bay-Delta Branch
Department of Fish and Game

Date: December 13, 2001

Date: 12/14/01

Attachment



AMENDMENT TWO TO AGREEMENT BETWEEN
THE DEPARTMENT OF WATER RESOURCES AND
THE DEPARTMENT OF FISH AND GAME
TO OFFSET DIRECT LOSSES IN RELATION TO
THE HARVEY O. BANKS DELTA PUMPING PLANT

This Amendment Two is made on November 30, 2001 between the Department of Water Resources and the Department of Fish and Game to amend their 1986 agreement to offset direct losses of fish caused by the diversion of water by the Harvey O. Banks Delta Pumping Plant.

Recitals:

1. On December 30, 1986, DWR and DFG entered into an agreement to offset direct losses of fish caused by the diversion of water by the Harvey O. Banks Delta Pumping Plant (Delta Pumping Plant) since 1986.
2. In Paragraph I.B. of the 1986 Agreement, the parties recognized that direct losses of fish for any given year would probably have been greater had there not been direct losses caused by the Delta Pumping Plant in previous years. DWR agreed to provide \$15 million for fishery improvement projects to offset these potentially higher losses. Paragraph D.4. required the \$15 million to be expended by December 29, 1996. However, DWR and DFG spent only about \$6 million by that time. About \$9 million was not spent.
3. On December 13, 1996, DWR and DFG entered into Amendment One to the 1986 agreement to offset direct losses of fish caused by the diversion of water by the Harvey O. Banks Delta Pumping Plant. In Paragraph 1. of Amendment One, the parties agreed to extend the period to expend the remainder of the \$15 million provided for fishery improvement projects to December 29, 2001. However, DWR and DFG will have spent only about \$10 million by that time. About \$5 million will not have been spent.
4. At the January 10, 2001, Delta Pumping Plant Fish Advisory Committee Meeting, committee members approved a three-year time extension through December 31, 2004, for expenditure of the remaining funds. Committee members have reviewed the draft of this Amendment Two and recommend that the Amendment be submitted to the Directors of DWR and DFG for signature.

AGREEMENT

The Department of Water Resources and the Department of Fish and Game agree to the following:

- 1. The period to expend the remainder of the \$15 million provided for fishery improvement projects is extended to December 31, 2004. The funds will be allocated as specified in Attachment 1 of this amendment, unless otherwise recommended by the Delta Pumping Plant Agreement Fish Advisory Committee and agreed to by the Department of Water Resources and the Department of Fish and Game.
- 2. This Amendment Two shall become effective upon signatures below and approval by the Department of General Services.

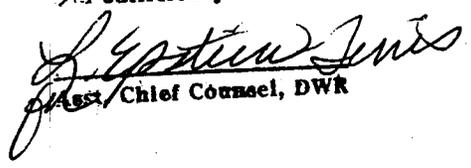

 Thomas M. Hannigan, Director
 Department of Water Resources

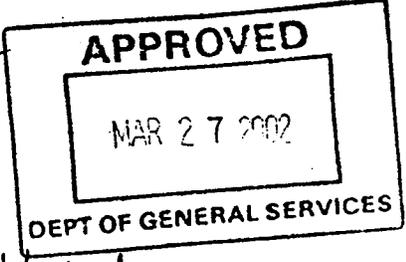
Date: 1-31-2002


 Robert C. Hight, Director
 Department of Fish and Game

Date: 1-22-02

Attachment
 Allocation of \$15 million account

Approved as to legal form
 and sufficiency:

 Asst. Chief Counsel, DWR


 APPROVED
 MAR 27 2002
 DEPT OF GENERAL SERVICES
 Kyatts

**DELTA PUMPING PLANT FISH PROTECTION AGREEMENT
\$15 MILLION LUMP SUM ACCOUNT**

Anticipated Allocation of Remaining Funds

<u>PROJECTS</u>	<u>AMOUNT FUNDED</u>	<u>COMPLETION DATE</u>
REMAINING ALLOCATIONS UNDER AMENDMENT ONE:¹		
Tuolumne River Salmon Restoration Center	\$ 147,000 ²	June 2003
Deer Creek Water Exchange Project	\$ 786,000	September 2004
San Joaquin Salmon Predator Isolation Projects	\$ 502,000	December 2004
	Subtotal \$ 1,435,000	
NEW ALLOCATIONS:		
Revised Deer Creek Water Exchange Project	\$ 950,000	September 2004
San Joaquin River Tributary Diversion Fish Screening	\$ 300,000	September 2004
Stanislaus River Spawning Habitat and Floodplain Restoration: Lover's Leap Reach	\$ 494,000	December 2004
Tuolumne River Channel Restoration Project, River Mile 43	\$ 301,000	December 2004
Tuolumne River, La Grange Gravel Addition, Phase II	\$ 433,000	September 2004
Merced River Salmon Habitat Enhancement, Expanded Western Stone Sites	\$ 1,105,000	June 2004
Merced River Wing Deflector Gravel Replenishment	\$ 68,000	June 2002
	Subtotal \$ 3,651,000	
TOTAL	\$5,086,000	

¹ Funding approved, but unexpended to date including encumbrances.

² Funds retained from initial project allocation to cover property management and disposition.