

**1995 WQCP Obligations Exceed 450 TAF
CALFED BAY-DELTA PROGRAM
Record of Decision Commitment**

ISSUE: Based on CVP operations forecasts for 2001, the water cost to the CVP to meet the 1995 Water Quality Control Plan will exceed 450 TAF. Interior credits the amount of water provided to meet the WQCP requirements toward (b)(2), up to a cap of 450 TAF annually unless the FWS determines that it is a biological priority to credit water above that cap toward (b)(2).

According to the CALFED ROD, page 55. “Appropriate CALFED Agencies will develop a strategy to deal with the rare circumstances when the CVP obligation under the Water Quality Control Plan exceeds the 450 TAF annual cap for use of CVPIA Section 3406(b)(2) water. In the strategy, to be developed in conjunction with the Governor’s Drought Contingency Plan, the Agencies will use their available resources to create an insurance policy that will seek to eliminate impacts to water users, while not adversely affecting other uses.”

ESTIMATED CVP IMPACT: 130-150 TAF, based on March 1 forecast.

POSSIBLE OPTIONS (See attached table for additional information)

The following list was generated with input from the Environmental Water Account Team, the (b)(2) Interagency Team and the Water Operations Management Team.

- Use (b)(2) above 450 TAF cap
- CVP borrow unused EWA assets
- EWA cover impacts
- Acquire water utilizing the following water purchase programs and funding
 - I. CVPIA -- 3406(b)(3)
 - II. CALFED
- Split cost of impact (water and/or funding) 3 ways CVP/SWP/Environment
- Don’t meet WQCP objectives in excess of 450 TAF
- Meet WQCP objectives exceeding 450 TAF using CVP water supplies

POSSIBLE OPTIONS FOR WQCP OBLIGATIONS EXCEEDING 450 TAF

Possible Action	Lead Agency	Resources Required	Estimated Quantity Available (AF)	Considerations	Implementation Steps
Use (b)(2) above 450 TAF Cap	FWS	(b)(2) Water	None	(b)(2) already dedicated to WQCP and VAMP. Only discretionary (b)(2) use is on Stanislaus/Clear Creek, but rescheduling these placeholders provides only a minor change to the accounting.	FWS would have to reschedule existing (b)(2) use.
CVP borrow unused EWA assets	BOR	- Staff to prepare environmental documentation - Water, or up to \$20M assuming replacement cost of \$135/AF	0-123 TAF ¹	- Availability of “ unused “ EWA assets. - Possible risk to CVP supplies next yr. - Risk of no EWA assets available for WY 2002 until mid-2002 when NEPA/CEQA is scheduled to be completed for water purchases in years 2-4.	- Prepare proposal for EWAT/WOMT > key element is payback plan - NEPA/CEQA/ESA Compliance
EWA cover impacts	CALFED Policy	- Staff to prepare environmental documents. - Funding, possible if additional water purchases are required.	40-50 TAF	- Same considerations as above except no risk to next year’s CVP water supply. - Minimal funding, if any, available for additional water purchases. - Use of EWA assets for WQCP obligations may require seller approval .	- NEPA/ESA compliance on existing assets. - EWA may have to acquire more assets than expected and identified in the ROD (Tier 3?). > Find willing sellers (real water). > CEQA/NEPA/ESA > Negotiate agreements. >SWRCB actions, possible
Acquire water (I) CVPIA (b)(3) (ii) CALFED (DWR)	BOR DWR/BOR	\$20M assuming purchase price of \$135/AF	0-150 TAF	FY2001 budgets for participating agencies are fully allotted. Would require adjusting priorities and re-allotting funds.	- Find willing sellers (real water). - CEQA/NEPA/ESA - Negotiate Agreements - SWRCB actions, possible
Split Cost (water &/or funding) 3 ways - CVP/SWP/Environment	BOR/DWR/Environment	0-150 TAF or up to \$20M, or combo.	0-150 TAF	Shares the impact, but not consistent with language in ROD (“while not adversely affecting others”)	- If contribution of funds to acquire water, same as above.
Don’t meet WQCP obligations in excess of 450 TAF	BOR	None	0-150 TAF	Non-compliance with the ROD.	None
Meet WQCP Obligations in excess of 450 TAF using CVP water supplies	BOR	Estimate up to 150 TAF of CVP water	None	Non-compliance with the ROD (WQCP Obligations - page 55).	None

¹ Limited to current estimate of unused EWA assets as of 12/31/01