

The Proposed
**Lower Yuba
River Accord:**

A Collaborative Settlement Initiative



EXECUTIVE SUMMARY

Working with a broad coalition of 17 agricultural, environmental, and fisheries interests, including state and federal agencies, the Yuba County Water Agency (YCWA) has developed an innovative set of agreements that together form a framework – the proposed Lower Yuba River Accord (Yuba Accord) – that will resolve nearly 15 years of controversy and litigation over instream flow requirements for the lower Yuba River.

The science-based, consensus-oriented Yuba Accord proposes new instream flow requirements for the lower Yuba River that will significantly increase protection for the river’s remarkable fisheries resources. These requirements will range from 260,000 acre-feet in a dry year to over 574,000 acre-feet in a wet year, and will improve habitat conditions for the lower Yuba River Chinook salmon and steelhead – among the last remaining wild populations in California’s Central Valley.

The Yuba Accord also will represent the first major long-term water acquisition by the State of California for the CALFED Bay-Delta Program (CALFED) Environmental Water Account (EWA) and will improve water supply reliability for Yuba County farmers, the California Department of Water Resources (DWR), and the U.S. Bureau of Reclamation (Reclamation). In addition, it will provide YCWA with a source of revenue for local activities, including a comprehensive conjunctive use program, flood control improvements, and a lower Yuba River fisheries monitoring, studies, and enhancement program.

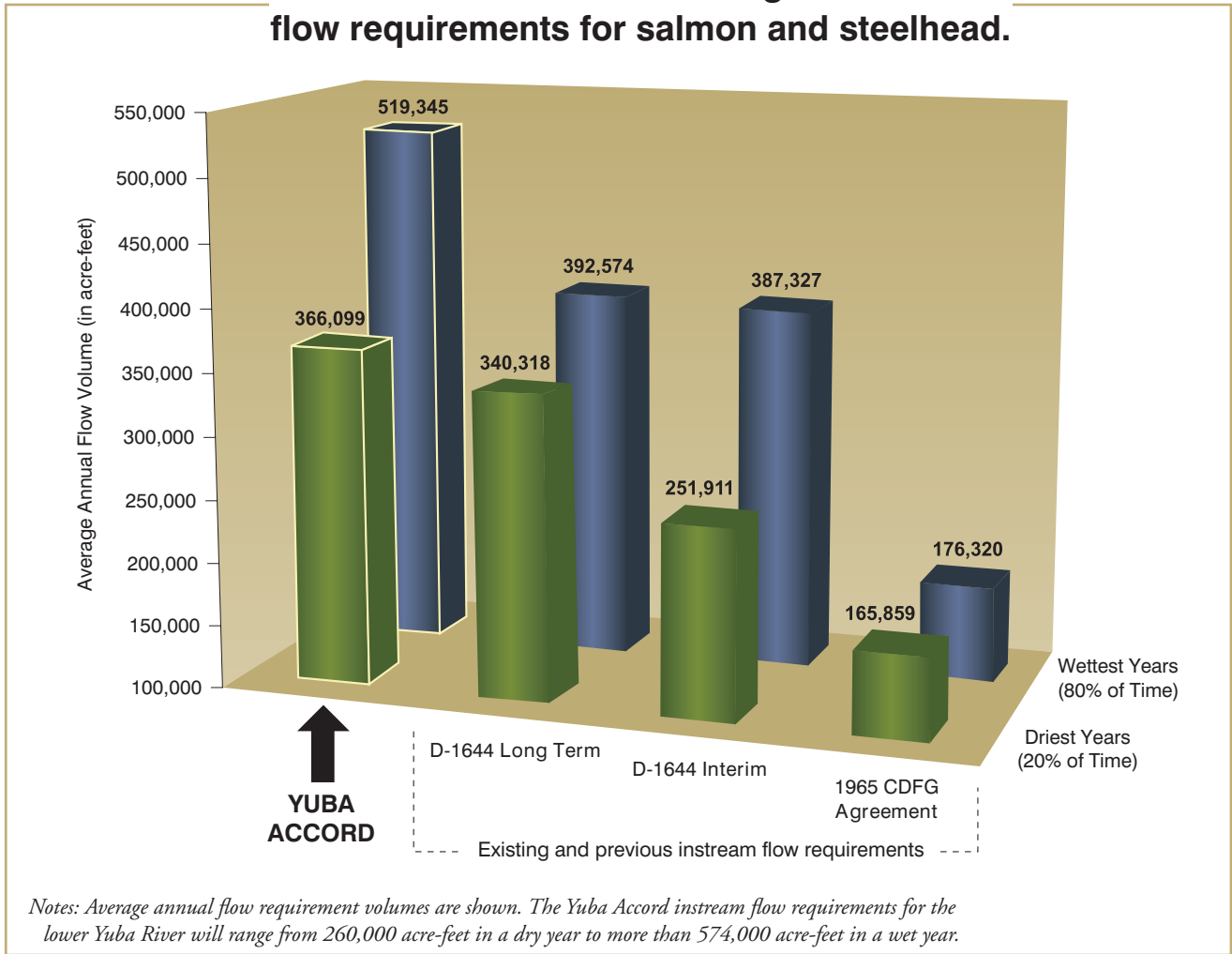
The Yuba Accord will promote the objectives of CALFED and the responsible stewardship of California’s water supplies.

Yuba Accord Environmental and Economic Benefits

The Yuba Accord will be based on three separate but related proposed agreements: a Fisheries Agreement, a Water Purchase Agreement, and Conjunctive Use Agreements. Once implemented, the actions contained in these agreements will provide the following benefits:

- Higher instream flow requirements to protect lower Yuba River Chinook salmon, steelhead, and other fish species, ranging from 260,000 acre-feet in a dry year to more than 574,000 acre-feet in a wet year – an increase of 25,000 acre-feet in a dry year to more than 170,000 acre-feet in a wet year.
- Improved water supply reliability for DWR and Reclamation, 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 (SWP) and the Central Valley Project (CVP), including for fish and wildlife purposes.
- A \$6 million long-term fisheries monitoring, studies, and enhancement program.
- Improved water supply reliability for the Yuba County farming economy, along with a responsible conjunctive use program to improve water use efficiency for local farmers.
- A secure funding source for YCWA and the local irrigation districts/mutual water companies it serves to finance conjunctive use and water use efficiency activities, levee strengthening, and other measures to improve flood control protection, and other water management actions in Yuba County.

The Yuba Accord includes higher instream flow requirements for salmon and steelhead.



Extensive Public Involvement and Next Steps

Local, state, and federal agencies, the public, and other interested parties will have ample opportunities to comment on the Yuba Accord throughout the environmental compliance process. Public meetings, workshops, and scoping sessions are being scheduled as part of the preparation of a joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS) in compliance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), and additional reviews required by the state and federal Endangered Species Acts (ESAs). Several local, state, and federal agencies, as well as other parties to the Yuba Accord process, will be involved in developing and reviewing environmental analyses and documentation.

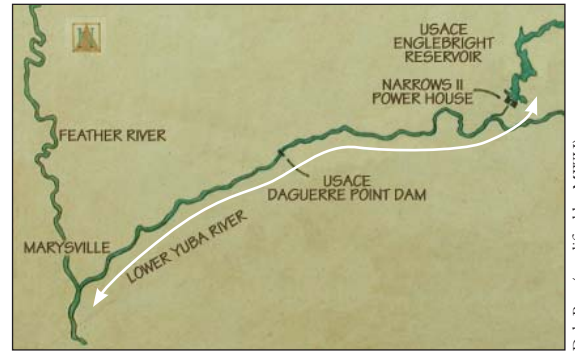
The goal of the participants is to implement the Yuba Accord by late 2006. The first step in this process was completion of a Statement of Support (for the Fisheries Agreement), a Memorandum of Understanding (for the Water Purchase Agreement), and Principles of Agreement (for the Conjunctive Use Agreements with YCWA's local irrigation districts/mutual water companies). With these measures 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 the parties and other participants in the Yuba Accord may initiate a 2006 pilot program and the environmental compliance process. The State Water Resources Control Board (SWRCB) will be asked to take actions to implement both the 2006 pilot program (including instream flow and water transfer provisions consistent with the Yuba Accord) and the Yuba Accord. Throughout the process, local, state, and federal agencies and the public will be involved in extensive input, review, and comment activities. Such involvement will be welcomed and encouraged.

INTRODUCTION

The lower Yuba River flows 24 miles from Englebright Dam and Reservoir to its confluence with the Feather River, just past the city of Marysville. Today, the Yuba River is one of California's most important rivers because it nurtures one of the Central Valley's last wild, native Chinook salmon and steelhead runs. But the river has been the subject of controversy since the 1850s, when Gold Rush miners plundered it in their relentless search for gold. Hydraulic mining and other destructive techniques took a devastating toll on the river. Debris from these activities – estimated at a volume equal to three times the volume of the earth excavated for constructing the Panama Canal – clogged the river, damaged salmon and steelhead spawning beds, and led to later flooding in nearby communities.

To stabilize the debris and reduce the flood risk, the California Debris Commission – a division of the U.S. Army Corps of Engineers (USACE) – constructed Daguerre Point Dam in 1906 and Englebright Dam in 1941. In the late 1960s, YCWA financed and built the Yuba River Development Project (Yuba Project) to further reduce the risk of flooding in Yuba County. Located upstream of the two USACE projects, this multipurpose project includes New Bullards Bar Dam and Reservoir, several small dams, diversion tunnels, and hydroelectric facilities. The Yuba Project provides a water supply to local farmers, flood control, and recreational benefits, and produces nearly 360 megawatts of hydroelectric power.

Despite the flood control capacity provided by the Yuba Project and an extensive system of levees, flooding is still a significant problem in Yuba County. In 1986 and 1997, the Yuba and Feather rivers ripped through levees in the county. In each flood, several people were killed and tens of thousands of acres of land were inundated, destroying businesses, schools, and homes.



Deb Pate (modified by MWH)

The lower Yuba River is designated as the 24-mile reach from the USACE Englebright Dam and Reservoir to the confluence with the Feather River.



Appeal-Democrat/Brian Davies

Submerged Arboga neighborhood. Of the more than 890 Arboga area homes damaged when the Feather River levee broke, 730 were destroyed or suffered major damage. (January 3, 1997)



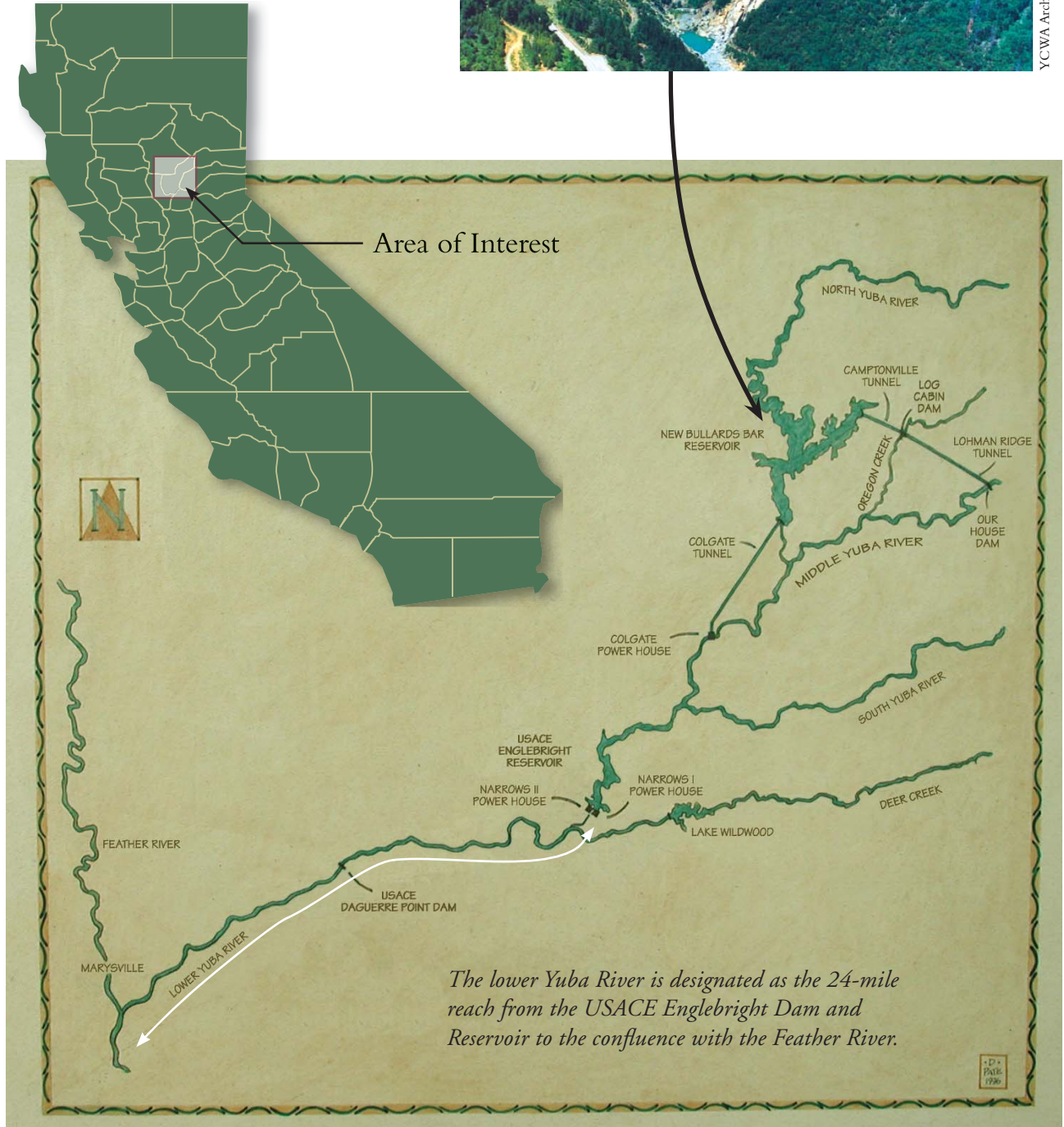
Appeal-Democrat/Craig Kohlruss

Vanessa Castorana feeds a baby at the Red Cross evacuation center. More than 6,000 people filled the school while thousands more took shelter in private homes. (January 2, 1997)

New Bullards Bar Dam and Reservoir (pictured right) was financed and constructed by YCWA in 1969. This modern multipurpose facility is part of the Yuba Project and produces 360 megawatts of hydroelectric power, provides flood control and recreation benefits, and water supplies to local farmers.



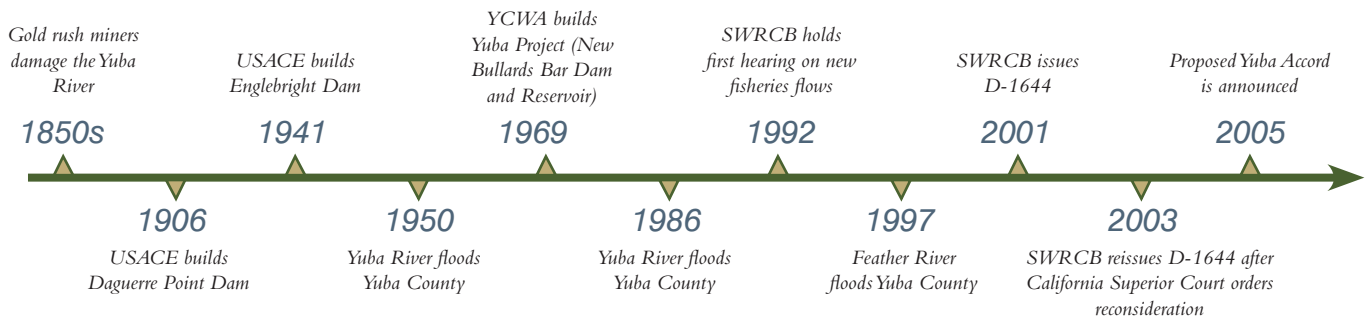
YCWA Archives



Deb Pate (modified by MWH)

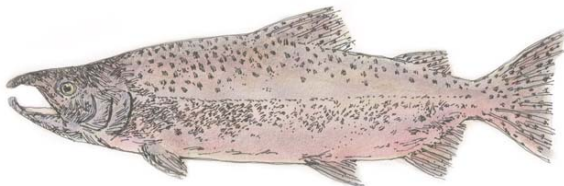
FROM CONTROVERSY TO CONSENSUS

In the early 1990s, the California Department of Fish and Game (CDFG) released a “Lower Yuba River Fisheries Management Plan,” which proposed new instream flow requirements to improve lower Yuba River fisheries habitat conditions. The plan called for significantly higher flows than those required by a 1965 agreement between CDFG and YCWA. After a decade of hearings and court actions, the SWRCB in 2001 adopted new instream flow requirements. The SWRCB order is known as Water Right Decision 1644 (Decision 1644 or D-1644), and is today the subject of legal challenges in California Superior Court from both YCWA and environmental interests.



To resolve this controversy, the litigants, YCWA, the South Yuba River Citizens League, Trout Unlimited, The Bay Institute, and Friends of the River, along with CDFG, the U.S. Fish and Wildlife Service (USFWS), and the National Marine Fisheries Service (NOAA Fisheries), developed the comprehensive proposal contained in the Fisheries Agreement.

Improving habitat for the lower Yuba River wild fisheries and preserving the value of Yuba Project water and hydroelectric facilities are both beneficial.



CHINOOK SALMON • KING •
ONCORHYNCHUS TSCHAWYTSCHA



STEELHEAD
ONCORHYNCHUS MYKISS

Deb Pate (modified by MWH)

The Yuba Accord will increase instream flows in the lower Yuba River for the benefit of Chinook salmon, steelhead, and other fish and wildlife species.

THE THREE AGREEMENTS

The Yuba Accord will contain three separate but related proposed agreements:

- (1) A Fisheries Agreement
- (2) A Water Purchase Agreement
- (3) Conjunctive Use Agreements

The Fisheries Agreement will be the cornerstone of the Yuba Accord. It was developed by state, federal, and consulting fisheries biologists, fisheries advocates, and policy representatives. In comparison to the interim flow requirements of D-1644, the Fisheries Agreement will establish higher instream flow requirements during specified periods of the year. To provide these flows, YCWA proposes to implement the Conjunctive Use Agreements, which will establish a comprehensive conjunctive use program that integrates surface water and groundwater supplies with the local irrigation districts/mutual water companies YCWA serves in Yuba County. Under the Water Purchase Agreement, DWR and Reclamation propose to enter into a long-term agreement to purchase water from YCWA to improve water supply reliability for the SWP and CVP, including for fish and wildlife purposes, and contribute to long-term EWA security.

The Water Purchase and Conjunctive Use agreements will enable YCWA to operate the Yuba Project in a new, more comprehensive manner in order to implement the Yuba Accord's higher instream flow requirements. Additionally, an amendment to a power agreement between YCWA and the Pacific Gas and Electric Company (PG&E) will enable YCWA to meet Yuba Accord flow requirements while still providing PG&E with the ability to generate hydroelectric power from the Yuba Project for its customers.

The Yuba Accord's instream flow requirements may be modified when the Federal Energy Regulatory Commission issues a new long-term Federal Power Act license to YCWA for the Yuba Project, which will occur during or after 2016.



YCWA/Curt Aikens

The Yuba Accord will include a comprehensive monitoring, studies, and enhancement program. Rotary Screw Traps (like the one pictured above) will be used to evaluate the downstream movement of juvenile Chinook salmon and steelhead.

On behalf of the EWA, state and federal agencies buy water from willing sellers or divert surplus water when safe for fish, then bank, store, transfer, and release it as needed to protect fish and compensate water users.

KEY YUBA ACCORD BENEFITS

Fisheries Agreement

- The Yuba Accord will establish instream flow requirements for lower Yuba River Chinook salmon, steelhead, and other fish species that are equal to or greater than current protections. These higher consensus-based flow requirements 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 flow requirements will improve habitat in the lower Yuba River for Chinook salmon and steelhead – among the last remaining wild populations in California’s Central Valley.
- The Yuba Accord will improve instream habitat conditions, including water temperatures, during summer and fall months – a period critical to Chinook salmon adult immigration, holding, and spawning, and steelhead juvenile rearing. The Yuba Accord instream flow requirements for the fall will provide the maximum amount of suitable Chinook salmon spawning habitat in all but the driest years.
- The Yuba Accord River Management Fund (RMF), to be administered by the River Management Team (RMT), will provide \$6 million to finance a long-term scientific fisheries monitoring, studies, and enhancement program for the lower Yuba River. The enhancement program element will include actual physical restoration projects. The RMT will comprise representatives from YCWA, CDFG, NOAA Fisheries, USFWS, Reclamation, DWR, PG&E, and key environmental and fisheries organizations.

Water Purchase Agreement

- The Yuba Accord will improve water supply reliability for DWR and Reclamation, including a firm commitment of 60,000 acre-feet per year for the EWA – the first major long-term water acquisition for the EWA, and a supplemental water supply of up to an additional 140,000 acre-feet in dry years for the SWP and CVP, including for fish and wildlife purposes. The proposed transfer flows will be used first to protect and improve fisheries habitat on the lower Yuba River.
- The Yuba Accord will provide YCWA with a stable source of revenue for flood control and other activities in Yuba County, including the conjunctive use program to be implemented by the local irrigation districts/mutual water companies. Yuba County has an estimated need of more than \$150 million for flood control projects, such as strengthening existing levees.
- The Yuba Accord 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 (Assembly Bill 1747, adding Water Code Section 79555).

Previous water transfers by YCWA have resulted in broad benefits. A 1992 Rand Corporation report noted that the state’s 1991 drought water bank, to which YCWA significantly contributed, generated nearly \$100 million in overall economic benefits.



Gary Kramer

Many Yuba County rice farmers flood their fields in the winter months to decompose leftover rice stubble, providing habitat benefits for waterfowl, shore birds, and other wildlife species. The Yuba Accord will facilitate this practice.

Conjunctive Use Agreements

- The Yuba Accord will provide long-term water supply reliability for the continued irrigation of crops, helping to stabilize the Yuba County agricultural economy.
- The Yuba Accord will establish a comprehensive stewardship program of surface water and groundwater supplies used by the local irrigation districts/mutual water companies, including improved conservation, efficiency, and conjunctive use measures.
- The Yuba Accord will enable the local irrigation districts/mutual water companies to convert diesel motors to more efficient and cleaner electric motors to improve air quality conditions.

“Conjunctive use” is the coordinated management of surface water and groundwater supplies to increase the yield of both and enhance water supply reliability.

ENVIRONMENTAL COMPLIANCE PROCESS

The 17 participants in the Yuba Accord have completed 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). Most participants are parties to only one of the agreements and reserve judgment on the other components of the Yuba Accord until the comprehensive environmental compliance process has been completed. With these interim measures 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 the parties and other participants in the Yuba Accord may initiate the 2006 pilot program, a joint EIR/EIS required by CEQA and NEPA, and additional reviews required by the state and federal ESAs. The SWRCB will be asked to take actions to implement both the 2006 pilot program (including instream flow and water transfer provisions consistent with the Yuba Accord) and the Yuba Accord. The Yuba Accord would go into effect starting in late 2006. Throughout the process, local, state, and federal agencies, the public, and other interested parties will be involved in extensive input, review, and comment activities.




YUBA ACCORD PARTICIPANTS

Most participants will be parties to only one of the proposed agreements and have reserved judgment on the other components of the Yuba Accord until the comprehensive environmental compliance process has been completed.

Fisheries Agreement

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|---|---|--|-------------------------|
|  | California Department of Fish and Game | www.dfg.ca.gov/news | (916) 358-2900 |
|  | Friends of the River | www.friendsoftheriver.org | (916) 442-3155 |
|  | South Yuba River Citizens League | www.yubariver.org | (530) 265-5961 |
|  | The Bay Institute | www.bay.org | (415) 506-0150 |
|  | Trout Unlimited | www.tu.org www.tucalifornia.org | (510) 528-4164 |
|  | Yuba County Water Agency | www.ycwa.com | (530) 741-6278 |
|  | National Marine Fisheries Service (NOAA Fisheries) ¹ | swr.nmfs.noaa.gov/sac/index.htm | (916) 930-3601 |
|  | U.S. Fish and Wildlife Service ¹ | www.delta.dfg.ca.gov/afrp | (209) 946-6400 ext. 315 |

Water Purchase Agreement

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|---|--|--|----------------|
|  | California Department of Water Resources | www.water.ca.gov | (916)653-6192 |
|  | Yuba County Water Agency | www.ycwa.com | (530) 741-6278 |
|  | U.S. Bureau of Reclamation | www.usbr.gov/mp | (916) 978-5100 |

Conjunctive Use Agreements

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|---|-----------------------------------|--|----------------|
|  | Brophy Water District | | (530) 671-1550 |
|  | Browns Valley Irrigation District | | (530) 743-5703 |
|  | Dry Creek Mutual Water Company | | (530) 633-0306 |
|  | Hallwood Irrigation Company | | (530) 632-4317 |
|  | Ramirez Water District | | (530) 674-4211 |
|  | South Yuba Water District | | (530) 674-2380 |
|  | Wheatland Water District | | (530) 633-2908 |
|  | Yuba County Water Agency | | (530) 741-6278 |

¹ NOAA Fisheries and the U.S. Fish and Wildlife Service have signed the Fisheries Agreement Statement of Support. Because of federal law constraints, they will not be signing the final Fisheries Agreement.

**For more information on the Proposed Lower
Yuba River Accord, please visit**

www.ycwa.com

or

Contact Jeanene Upton

(530) 741-6278

