

Issue	SVRIC Position	DFW Position	SWRCB Position	Next Steps/ Implementation Issues/Potential Resolution
Base and pulse flows	Flows in dry and critically dry years; volume, timing, and terms and conditions of flows to be negotiated.			Negotiations on amount, timing, and terms and conditions of flows.
Compensation	New water compensated at fair market value			Funding needs to be identified. DFW/DWR/SWRCB will identify funding sources.
Temperature standard on base and pulse flows	flow contributions cease when EPA 68° F. temp standard exceeded in Deer Creek.			
Multi-benefit channel restoration project consisting of short-term hand and limited mechanical modification	short-term physical passage improvements are necessary for the protection and recovery of the fishery			SVRIC will apply for regulatory approvals and implement project if: <ol style="list-style-type: none"> 1. Grant/funding provided to retain consultant/expert to assist with regulatory process; and 2. Grant/funding provided to fund implementation of project
Multi-benefit channel restoration project consisting of critical riffles and long-term channel improvements	long-term physical passage improvements are necessary for the protection and recovery of the fishery			SVRIC will apply for regulatory approvals and implement project if: <ol style="list-style-type: none"> 1. Grant/funding provided to retain consultant/expert to assist with regulatory process; and 2. Grant/funding provided to fund implementation of project

Current and Future SWRCB Emergency Regulations	CDFW will neither request nor support the SWRCB's adoption of emergency regulations regarding instream flow on Deer Creek			Upon execution of comprehensive settlement agreement, CDFW to request that the SWRCB withdraw current emergency regulations
Safe Harbor Agreement with NMFS under FESA	safe harbor agreement with NMFS under FESA			
Safe Harbor Agreement with CDFW under CESA	safe harbor agreement with DFW under CESA			
Conjunctive Use Project of DWR/DFW/SVRIC	Create conjunctive use Project for groundwater pumping to make additional flow available			SVRIC requests that DWR identify funding and implement actions necessary to develop groundwater pumping capacity
Groundwater Impact Evaluation	any flow measures to be subjected to and conditioned on continuing evaluation and avoidance of potential groundwater impacts.			
Groundwater Impacts Study and Recharge Mitigation Measures	funding to retain groundwater consultant to study potential groundwater impacts and to identify and implement groundwater recharge projects to mitigate any impacts, if there are any.			Funding needs to be identified. DFW/DWR/SWRCB will identify funding sources.

Other Regulatory Certainty	Recognition that flow/project contributions satisfy regulatory obligations, including as voluntary agreement for Phase 2 WQCP Update.			
Fish Ladder and Screens	DFW commitment to perform operation, maintenance, and repair duties for fish ladders and screens. DFW commitment to bear costs and responsibility of improvements or replacements of ladders and screens.			
SVRIC system improvements	financial and regulatory assistance to implement improvements in SVRIC's water distribution system.			