



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
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**POLICY STATEMENT OF
NOAA's NATIONAL MARINE FISHERIES SERVICE**

REGARDING THE

**YUBA COUNTY WATER AGENCY'S
PETITIONS FOR THE LOWER YUBA RIVER ACCORD**

**BEFORE THE
CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

DECEMBER 5, 2007

Members of the Board, thank you for the opportunity to provide this statement for the State Water Resources Control Board's hearing regarding the Yuba County Water Agency (YCWA) petitions for modifications of its water-right permits and the long-term transfer for the Lower Yuba River Accord. NOAA's National Marine Fisheries Service (NMFS) would like to express our support for these petitions.

NMFS has statutory obligations under the federal Endangered Species Act (ESA) and the Magnuson-Steven Fishery Conservation Act (MSA) to insure the protection of Pacific Salmon and federally listed threatened or endangered anadromous fish species, including Central Valley spring-run Chinook salmon, Central Valley steelhead and the southern distinct population segment of North American green sturgeon, all three of which are listed as threatened and which occur in the lower Yuba River. For this reason, NMFS has been an active participant in the process that led to the Yuba Accord, including the development of the Lower Yuba River Fisheries Agreement. NMFS was actively engaged in development of the flow schedules, River Management Team provisions, and biological studies program that are all key elements of the Yuba Accord package.

NMFS believes that implementation of the provisions of the Accord's Fisheries Agreement will provide a level of protection for salmonids and green sturgeon in the lower Yuba River that is equal to or greater than that provided under RD-1644. Key elements of the Accord such as the initiation of flow schedules and funding of biological studies in the Lower Yuba River are important steps in the recovery of listed anadromous fish which occupy the lower Yuba River.

NMFS will continue to participate in the EIR/EIS analyses of the Yuba Accord and work with interested stakeholders to ensure that perceived benefits will in fact be realized by the fisheries resources. NMFS also intends to maintain its active participation in the



River Management Team and help to direct how studies and restoration projects will be implemented under the Lower Yuba River Fisheries Agreement.

In addition to the specific benefits of the Yuba Accord to Yuba River fisheries, NMFS believes that the basic concepts underlying the Accord and the cooperative process through which the Accord was developed represent a unique and important breakthrough in the critical interface of fisheries protection and water management in the State of California. We believe that successful implementation of the Yuba Accord could act as a template for future, similar agreements across the state resulting in significant benefits to both the fisheries resources and the water users of California.

NMFS believes that the State Water Resources Control Board should approve YCWA's petitions for the Yuba Accord so that this process can go forward.

Thank you.