

DRAFT POLICY STATEMENT
CALIFORNIA DEPARTMENT OF FISH AND GAME

Before the State Water Resources Control Board
Regarding Petition Requesting Change in the Effective Date of the Long Term Flow
Requirements Established in RD-1644 and Order WR 2006-0009

December 11, 2006

Hello and good morning. I thank you for accommodating my schedule and providing time for me to address you this morning. I am Ryan Broddrick, Director of the California Department of Fish and Game (Department). I am here today to voice the Department's support for the petition filed by the Yuba County Water Agency (YCWA) to change the effective date of the long term instream flow requirements specified in RD-1644 and Order WR 2006-0009 from March 1, 2007 to April 1, 2008. The Department understands that the extension is necessary for YCWA to implement the 2007 Pilot Program, a one year transfer and instream flow arrangement that is based on the proposed Yuba Accord. This extension was discussed among the parties to the proposed Yuba Accord as a necessary step in the overall proposed Yuba Accord process in order to allow time to develop an adequate CEQA/NEPA document for the proposed Yuba Accord.

The Department was involved throughout the process that led to the proposed Lower Yuba River Fisheries Agreement (Fisheries Agreement), an element of the proposed Yuba Accord. Department staff actively participated in the work that led to the development of the proposed Yuba River instream flow schedules that are a key element of the Fisheries Agreement. Department staff also participated in the negotiation of other aspects of the Fisheries Agreement, including the development of a cooperative River Management Team approach to river management and creation of an outline of a program of studies for the Lower Yuba River.

The Department will participate in the EIR/EIS process and plans to actively participate on the River Management Team for the implementation of the 2007 Pilot Program. The Department believes that the EIR/EIS analysis currently underway for the proposed Yuba Accord will demonstrate that the comprehensive Accord agreements, as a package, will provide an equivalent or better level of protection for fish in the Lower Yuba River relative to the regulatory requirements currently in place.

The Department believes that the proposed Yuba Accord will benefit not only the aquatic resources in the Yuba River, but also those in other parts of the State. The Accord will provide a long term water supply for the CALFED Environmental Water Account, a program intended to increase the survival of fish, primarily in the Delta, and increase water supply reliability for consumptive use. The EWA enables the fish agencies to modify water project operations at key times to benefit fish and later replace water supplies interrupted by those modifications. Water transferred from the Yuba River through the Delta will constitute a portion of those replacement supplies.

The Department urges the State Water Resources Control Board to approve the petition before it today to change the effective date of the long term instream flow requirements specified in RD-1644 and Order WR 2006-0009. The Department also urges the Board to approve the petition filed by Yuba County Water Agency for a temporary transfer of water to occur from April 1, 2007 through December 31, 2007. The Department believes this temporary transfer petition will implement the 2007 Pilot Program. Due to high flows through the summer in the Delta this year, the water transfer aspect of the 2006 Pilot Program did not occur. If conditions in the Delta are substantially different in 2007, the Department believes that implementation of the 2007 Pilot Program will inform the CEQA/NEPA process and benefit fish and wildlife. These petitions work together and both are necessary to ensure that the objectives of the proposed Yuba Accord are met.

Thank you very much for your time and attention today.