

CITY-COUNTY OFFICE OF METROPOLITAN WATER PLANNING - WATER FORUM -

FLOW MANAGEMENT STANDARD PROGRAM FOR THE LOWER AMERICAN RIVER

IMPLEMENTATION PLAN - DECEMBER 2008

BACKGROUND

Objective

This document describes technical work required to implement a protective, durable, and enforceable Flow Management Standard (FMS) for the Lower American River as called for in the Water Forum Agreement:

“As part of the Water Forum Agreement all stakeholders will actively endorse permanent implementation of an Improved Pattern of fishery Flow Releases from Folsom Reservoir.” (Water Forum Agreement, page 75)

The Water Forum has been working in earnest for several years with the U.S. Bureau of Reclamation (Reclamation) to complete needed technical work with the aim of jointly submitting a change petition to the State Water Board to implement the FMS. Water Forum stakeholders are committed to completing the necessary technical work, independently from Reclamation if necessary, but hope that Reclamation will join their efforts at some point.

Water Forum stakeholders have and continue to expect that FMS implementation will include a submittal to the State Water Board:

“All signatories agree they will recommend to the State Water Resources Control Board an updated Lower American River flow standard and updated Declaration of Full Appropriation.” (Water Forum Agreement, page 134)

After completion of the required technical work, and review of expected FMS impacts, the Water Forum will weigh its options prior to proceeding with the final implementation steps.

Basis for Updating Lower American River Flow Requirements

In 1990, the State Water Resources Control Board (SWRCB) stated its conclusion that “*the existing flow requirements do not provide an adequate level of protection to the uses in the lower American River,*” and set forth a work plan to modify relevant water right permits (SWRCB Work Plan – Review of Water Rights on the American River. August 1990). The existing flow requirements are embedded in the U.S. Bureau of Reclamation’s (Reclamation) water right permit(s) for the Lower American River and were prescribed in 1958 by SWRCB decision D-893.

The Water Forum Agreement, executed in January 2000, includes the signatories’ commitment to “*actively endorse permanent implementation of an Improved Pattern of Fishery Flow Releases from Folsom Reservoir.*” (Water Forum Agreement, p. 75).

Following execution of the Water Forum Agreement, the Water Forum embarked on the process of developing a Lower American River Flow Management Standard (FMS) jointly with Reclamation, and with the participation of the U.S. Fish and Wildlife Service (USFWS), National Marine Fisheries Service (NMFS), and California Department of Fish and Game (CDFG) (collectively referred to as the “Fisheries Agencies”). The intent of the process was to reach consensus on the substance of the FMS to be included in a joint petition to the SWRCB to amend Reclamation’s water right permit(s) as they are embodied in D-893.

In October of 2004, Reclamation, the Water Forum and USFWS entered into a Memorandum of Understanding (MOU) documenting the parties intent to work together to reach agreement on a new FMS that would be the subject of a petition to be filed with the SWRCB. A schedule in the MOU provided that Reclamation would file a petition with the SWRCB to amend its American River water right permit(s) to incorporate the FMS on September 15, 2005.

The discussions among the Water Forum, Reclamation and the Fisheries Agencies resulted in consensus on the FMS, described in a technical report titled, *Lower American River Flow Management Standard*, dated July 31, 2006.

Following agreement on the FMS, the Water Forum developed and provided to Reclamation a draft petition to be filed with the SWRCB embodying the FMS. After many months, Reclamation responded that it had concerns regarding the Water Forum draft petition and wished to provide its own draft of the petition.

Subsequently, in the spring of 2008, Reclamation and the Water Forum agreed to pursue the approach of entering into a contract for implementation of the FMS. In the context of discussions on such a contract, during July 2008 the Water Forum provided Reclamation with an updated version of the July 2006 technical report containing some modifications to the FMS.

Subsequent to meetings and discussions between the Water Forum and Reclamation, including publicly-noticed contract negotiation sessions, Reclamation stated that primarily because of uncertainty regarding the pending CVP Operating Criteria and Plan (OCAP) biological opinions to be issued by USFWS and NMFS, Reclamation considered substantive work on the FMS to be impractical (See Attachment 1: Letter dated October 21, 2008 from Reclamation Regional Director Donald R. Glaser to Stuart Somach, attached).

Based on Reclamation’s position, discussions to reach agreement on a contract and/or petition to the SWRCB embodying the FMS may not be able to resume any earlier than March 2009, when the NMFS OCAP biological opinion is scheduled to be issued.

In consideration of the time that has elapsed, and will continue to elapse, with no further progress and with Reclamation’s inability to devote time to developing a contract or petition embodying the FMS, Water Forum signatories believe it is prudent to begin work on the environmental studies associated with implementation of the FMS. This work is intended to be consistent with the FMS as agreed to by Reclamation in 2006, with appropriate

modifications, which have been discussed with, but not agreed to, by Reclamation. This work will result in an updated FMS and impact analysis that will incorporate the latest operational, technical and regulatory baseline information.

At this time, and as work commences on the impact analysis, the Water Forum will continue to welcome Reclamation's technical and policy participation, provided that such participation would not prevent timely progress (See Attachment 2: Draft Letter to Reclamation Regional Director Donald R. Glaser). The Water Forum will meet with Reclamation's Regional Director and Folsom Area Manager to describe the FMS Implementation Plan process and encourage Reclamation's participation. The Water Forum will provide Reclamation ongoing opportunities to review and comment on documents and participate in meetings as appropriate. Implementation of this process, however, will not be subject to Reclamation's approval, and will not be delayed by Reclamation's inability to take actions until completion of Reclamation's revised OCAP and related actions. The Water Forum will also consult with the Fisheries Agencies and potentially affected parties as work progresses.

IMPLEMENTATION PLAN

As described above, the City-County Office of Metropolitan Water Planning (Water Forum) is in the process of developing an Implementation Plan which includes the preparation of potential impact evaluations consistent with the requirements of an environmental impact report (EIR) for the Lower American River FMS. The Implementation Plan addresses several elements of the FMS Program, described as follows.

IMPLEMENTATION PLAN ELEMENTS

This Implementation Plan focuses on the development and implementation of core FMS Program sections, covering nine major program elements identified below and described in subsequent sections.

- Develop and implement a FMS Program strategic process.
- Describe the FMS and Alternatives.
- Develop and document hydrologic and water temperature modeling.
- Develop the methodology and conduct impact assessments for water supply, fisheries and aquatic habitat, power supply, and flood control. This section also will specify how climate change is addressed.
- Identify impact avoidance and enhancement measures.
- Evaluate cumulative impacts to water supply, fisheries and aquatic habitat, power supply, and flood control.
- Prepare the environmental document.
- Develop implementation and enforcement options.
- Consider seeking legislative authorization, if necessary, to enhance implementation, enforcement and funding of the FMS (e.g., directing Reclamation to either enter into a contract, or to jointly file a petition with the SWRCB).

Strategic Process

The Water Forum will develop and implement a Strategic Process for the FMS Program. It is anticipated that the Strategic Process will include establishment of a Steering Committee, Project Management Team, a Technical Resource Team, and Stakeholder Outreach (**Figure 1**). Effective communication between these four groups will be critical to the success of the process.

FMS PROGRAM ORGANIZATIONAL STRUCTURE

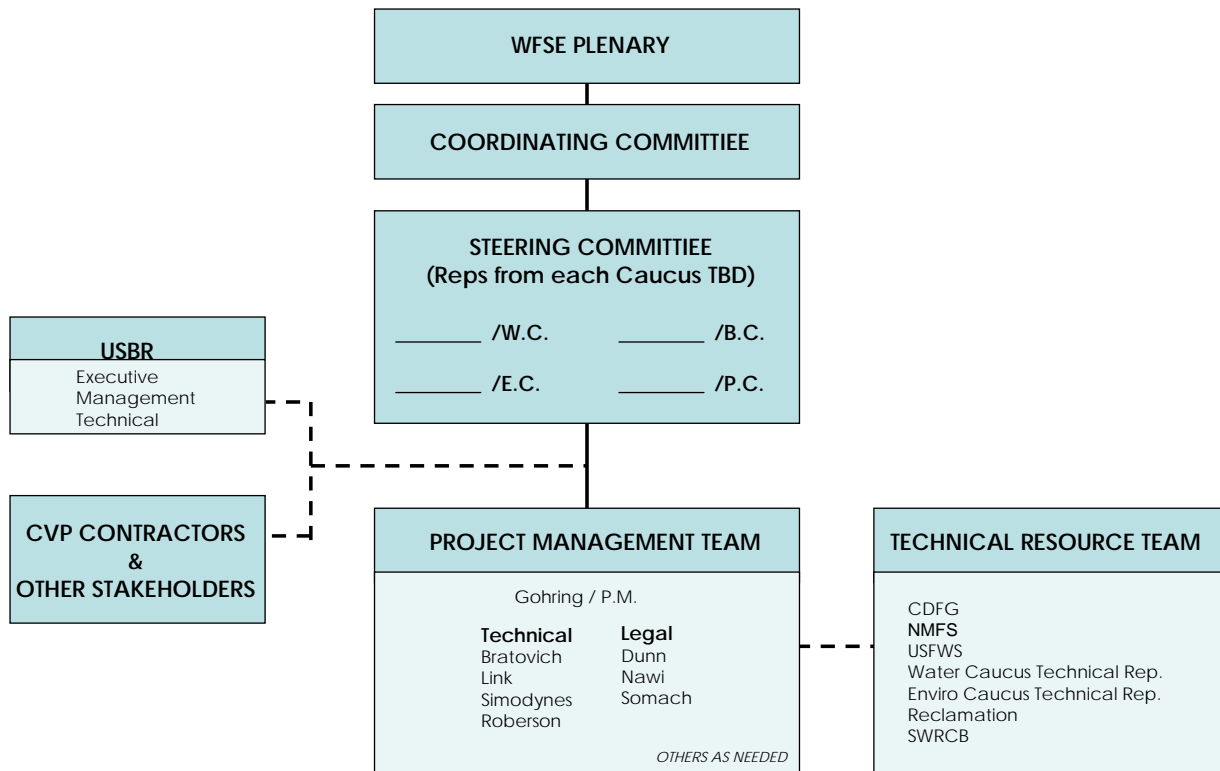


Figure 1. FMS Program Organizational Structure

Steering Committee

The Steering Committee comprises key representatives from each caucus of the Water Forum. The Steering Committee will receive information from, and provide direction to, the Project Management Team (described below). Steering Committee activities will focus on resolving policy issues that may arise related to FMS Program implementation regulatory compliance. Steering Committee meetings are anticipated to be held approximately every-other week over the course of the FMS Program process. Additional meetings or conferencing may be initiated as needed to address key policy issues for the FMS Program. Steering Committee specific activities include the following:

- Review written and oral progress reports from the Project Management team on a periodic basis.

- Provide input and direction regarding policies, regulations, or other requirements that affect the FMS Program environmental documentation and process.
- Provide direction on implementation strategy as issues arise.
- Continue to engage Reclamation staff and management.
- Provide outreach to staff and Board members of the SWRCB on the objectives and details of the FMS.
- Assist in the resolution of issues that may arise during the FMS Program process and evaluation of the Lower American River FMS.
- Update the respective caucuses on the status, progress and issues of the environmental documentation process.
- Review final work products and FMS Program technical memoranda regarding
 - Milestone deliverables
 - Administrative Draft environmental document
 - Public Review Draft environmental document
 - Final environmental document – Responses to Comments
- Participate in coordination/comment review meetings, as needed.

Project Management Team

The Project Management Team will be convened by the Water Forum Executive Director and consist of Water Forum staff, legal counsel, and technical consultants. With direction from the Steering Committee, the Project Management Team will:

- Oversee and direct the FMS Program process, including review of project deliverables and completion of the FMS Program documentation and approval processes.
- Bring appropriate deliverables to the Steering Committee and in some cases the Water Forum Plenary, for final approval.
- Direct the development of the FMS Program approach for Steering Committee and Plenary consideration.
- Review project information, discuss and comment on work products, and identify strategic and policy issues as they arise as input to Steering Committee.
- Evaluate regulatory compliance issues as input to the Steering Committee.
- Communicate with Reclamation, CVP Contractors, and other Stakeholders as directed by the Steering Committee.
- Conduct day-to-day FMS Program management oversight.
- Convene all meeting and report periodically on program progress to the Steering Committee.

Technical Resource Team

The Technical Resource Team will comprise technical representatives of resources agencies, Water Forum staff and Water Forum technical consultants. It is anticipated that the Technical Resource Team will include representatives from CDFG, NMFS, Reclamation, and USFWS.

A technical representative from each of the Caucuses of the Water Forum may attend meetings of the Technical Resource Team, as desired. Technical Resource Team membership could be expanded to include representatives from the SWRCB and/or other entities, as deemed appropriate.

The intent of the Technical Resource Team is to provide input, review and comment on various technical components of the FMS Program and environmental document preparation. Technical Resource Team activities will focus upon technical aspects relevant for impact assessment and impact avoidance considerations. Water Forum staff and technical consultants will provide Technical Resource Team members with technical input regarding the FMS Program, and the resource agency members of the Technical Resource Team will provide the Project Management Team input regarding technical, regulatory or other requirements/considerations to promote a streamlined and efficient approach to all project documentation and related analyses. It is also anticipated that Technical Resource Team members will assist in the development of impact avoidance measures that can be incorporated into the FMS Program. The focus of the Technical Resource Team meetings will be upon fisheries/aquatic resources and water supply issues.

The Technical Resource Team will provide input to the development of technical resource evaluation work products including hydrologic and water temperature model development and application, technical evaluation guidelines, impact indicators, impact assessment approach and methodology, and review of preliminary analytical findings and recommendations. The Technical Resource Team is not a decision-making committee for purposes of implementing the FMS Program. A critical role for Technical Resource Team participants will be attendance at meetings to review, provide input and comment on technical approaches used to conduct resource analyses. Additionally, resource agency representatives (*e.g.*, CDFG) will be requested to provide access to data or other related materials for use in the resource analyses. Water Forum staff and technical consultants will develop initial work products for review and distribution to Technical Resource Team members. Specifically, it is anticipated that Technical Resource Team activities will include the following.

- Review draft work products and FMS Program technical memoranda.
- Participate in coordination/comment review meetings.
- Attend presentations of preliminary analytical findings.
- Review and Comment on Impact Assessment Methodology
 - Hydrologic and Water Temperature Model Development and Application
 - Analytical Assumptions
 - General Scenario Characterizations
 - Analytical Detail
- Review and Comment on Evaluation Guidelines

- Specific Resources Evaluated
 - Flow and Water Temperature Technical Evaluation Guidelines
 - Index Values
 - Index Value Application
- Review and Comment on Impact Assessment Criteria and feasibility of mitigation measures.
 - Identify Impact Assessment Approach Refinements.
 - Assist in the Resolution of Technical Resource Issues that may arise during the FMS Program Process.

Stakeholder Outreach

Stakeholder outreach will be conducted to involve additional stakeholders (beyond those included in the Technical Resource Team) in the process. Potential additional stakeholders could include key policy-level representatives from state and federal water contractors, utility districts, NGOs, Reclamation, NMFS, USFWS, and CDFG.

The purpose of stakeholder outreach would be to facilitate the communication and distribution of information relative to the FMS Program, and to ensure that key stakeholders have ample opportunity to participate in supporting the results of the FMS Program. Initial stakeholder outreach activities will include identification of agencies/entities, the content of information exchanged, correspondence approach, and a schedule of outreach efforts associated with key FMS Program milestones.

Describe the FMS and Develop Alternatives

The Project Management Team will describe the FMS as the Proposed Project. The Project Management Team also will develop alternatives to the FMS for evaluation in the environmental document, and develop the screening criteria underlying decisions to eliminate alternatives from detailed evaluation in the environmental document.

The Project Management Team will prepare the final Proposed Project and alternatives descriptions by incorporating comments and revisions received from reviewing parties. The Steering Committee will approve the description of the FMS Program and alternatives.

FMS Description

The FMS (the Proposed Project) includes provisions for: (1) minimum flow and water temperature requirements; (2) the lower American River Group (ARG) to play a consultative role in operational decisions; and (3) monitoring and evaluation to ascertain the biological and ecological status of the river, and to provide input into the river management process.

The description of the Proposed Project will be inclusive, and include the following elements.

Minimum Flow Requirements

Downstream Compliance Flows

Minimum Release Requirements
Water Availability Indices and Other Definitions

Implementation Criteria

Nimbus Dam Flow Measurement
October through December Criteria
 FRI Implementation
 Spawning Flow Progression Prescriptive Adjustment
 Fish Protection Discretionary Adjustment
January and February Criteria
 SRI Implementation
 Prescriptive Adjustments Based on End-of-Month Folsom Reservoir Storages
March through May Criteria
 IFII Implementation
 Prescriptive Adjustments Based on End-of-May Folsom Reservoir Storage
June through September Criteria
 IFII Implementation
 Prescriptive Adjustment Based on End-of-September Folsom Reservoir
 Storage
 Water Conservation Discretionary Adjustment
 Fish Protection Discretionary Adjustment
Additional Implementation Criteria
 Flow Ramping Rate Objectives

Annual Operations Forecast and Water Temperature Management Plan

Annual Operations Forecast
Annual Water Temperature Management Plan

Water Temperature Requirements

Lower American River Group

Purpose
Membership
Process and Procedures
Responsibilities
 Annual Water Temperature Management Plan
 Operational Decision-Making Input
 Water Conservation and Fish Protection Discretionary Adjustments
 FMS Monitoring and Evaluation Program

Monitoring and Evaluation Program

Introduction
River Hydrology
Water Temperature
Adult Chinook Salmon Population
 Spawning Escapement (Carcass Monitoring)
 Biological Sampling of Carcasses
 Assessment of In-River Angler Harvest

Monitoring of Fish Passage into the Nimbus Hatchery
Chinook Salmon Spawning
Steelhead Spawning
Steelhead Rearing
Chinook Salmon Downstream Movement

Hydrologic and Water Temperature Modeling

Comparative Scenarios

The Project Management Team will define the comparative scenarios and modeling assumptions for use in the impact analyses for the FMS and alternatives.

The Project Management Team will develop the specific scenarios compared for impact assessment including operational assumptions, and specifically address Reclamation operational considerations, demand levels, and Folsom Dam water temperature control device utilization. This section of the FMS Program environmental document will include assumptions regarding establishment and characterization of the basis of comparison, alternative operational scenarios, and the representative time period (years) included in the evaluation. Characterization of the basis of comparison (*i.e.*, the Existing Condition) will address characterization of recent and forthcoming regulatory requirements including updated OCAP biological opinions and legally mandated measures. It is presently anticipated that this section of the FMS Program environmental document will include a scenario comparison assumption/characterization matrix for all scenarios (*e.g.*, bases of comparison, No Project and Action Alternatives).

Models Used for Impact Analysis

This section of the FMS Program environmental document will specify the suite of technical topics to be addressed regarding model documentation, performance, and characterization. This section will provide a detailed, rigorous description of the specific models used in the impact evaluation.

Modeling applications will be applied to surface systems in the local and regional study areas to simulate the operations associated with the existing conditions/environmental setting with and without the FMS or Alternatives, and future conditions with and without the FMS or Alternatives.

Implementation of the FMS elements would result in changes in reservoir storage and elevation and instream river flows for facilities and waterways. These facilities include the CVP/SWP system reservoirs, related power plants, rivers and the Delta. The modeling performed under this task will assess the potential effects of the FMS upon water-related resources within the regional and local study areas.

Reservoir storage and river flow modeling and post-processing results for the CVP/SWP system facilities will be analyzed and used to assess potential surface water-related effects on the following environmental resources:

- Hydrology
- Water Supply

- Power Supply
- Flood Control
- Fisheries and Aquatic Habitat Resources

A Technical Memorandum will be prepared in which surface modeling tools, applications and assumptions used in the assessment of the FMS and Alternatives will be described. The Technical Memorandum will be presented to the Project Management Team for review and comment. These team members will be asked to approve the Modeling Approach prior to initiation of modeling for the project.

It is presently anticipated that two distinct modeling approaches will be conducted for the hydrologic\water temperature evaluations. The first approach will incorporate CVP/SWP system-wide mass balance modeling approaches commonly used in EIRs and other applications for long-term planning purposes. The second approach will utilize specific modeling tools for a finer resolution evaluation of potential impacts on the Lower American River.

System-wide Modeling

The CVP operates as an integrated system. CVP obligations are met through the use of one or more of the CVP reservoirs in order to maximize the resources of the system to the benefit of its customers. The combined use of CVP facilities means that changes to American River operations will affect other components of the CVP, and will necessitate analysis of effects on CVP components including Shasta Reservoir, the Sacramento River, the Lower American River, and the Delta. Further, because the CVP and SWP are integrated by virtue of shared facilities in and south of the Delta, the SWP could be affected by American River operations. It will be necessary to analyze SWP components including Oroville Reservoir, Feather River, and SWP export operations.

Anticipated models and related procedures/applications to be utilized include:

- Most recent CALSIM II OCAP studies
- Post-Processing Application incorporating the FMS into CALSIM format output
- Reclamation's Reservoir Temperature Models
 - Shasta
 - Oroville
 - Folsom
- Reclamation's River Temperature Models
 - Feather River
 - Sacramento River
 - American River
- Sacramento River, Feather River, and Lower American River Salmon Mortality Models
- Sacramento River, Feather River, and Lower American River Physical Habitat Simulation Models
- DWR Delta Simulation Model 2 (DSM2)

- Delta Fish Salvage Analysis

Focused Lower American River Modeling

It is presently anticipated that the flow and water temperature output for evaluation of potential impacts will be facilitated by utilization of the hydrodynamic HEC-RAS water temperature model for the lower American River. Model documentation will include model development, model inputs, calibration, time-step outputs, model constraints and limitations, and comparisons with previously applied mass-balance modeling tools.

Focused Lower American River modeling will apply specific methodologies used to develop water temperature index values and metrics for their application. It is presently anticipated that water temperature index values (*e.g.*, acute – incipient lethal; chronic – sub-lethal levels affecting long-term survival, growth and reproduction; and optimal) will be applied to focused Lower American River water temperature modeling for identified species of primary management concern in the Lower American River. Metrics for water temperature index value application will be identified including consideration of duration of exposure and consistency with SWRCB and EPA applications. Potential metrics include MWAT (maximum 7-day running average of daily mean temperature), 7DADM (7-day running average of daily maximum temperature) and 7DMAVG (7-day running average of daily average temperature).

Develop Methodology and Conduct Impact Assessments

Under direction of the Project Management Team, Water Forum staff and technical consultants will develop the Environmental Setting sections for the water supply, fisheries and aquatic habitat, power supply, and flood control. The Environmental Setting sections will provide a description of the existing conditions (*i.e.*, both local and regional project setting), including public policies or laws and other facilities and projects, existing and underway, that potentially would be influenced or influence the resources to be evaluated in the FMS Program environmental document. Characterization of the environmental setting and regulatory framework for each resource topic described in the impact analysis task will include explanation of the local and regional boundaries, primary characteristics pertinent to the specific topic with emphasis upon unique or other important features, and definition of the regulatory setting that may affect or be affected by implementation of the FMS. The Methodology and Impact Assessment sections will include the following.

- Technical evaluation guidelines and significance criteria for use in the assessment of potential impacts.
- Analytical methodology (quantitative and qualitative, as appropriate for each resource) for each of the impact topics and analysis guidelines/criteria.
- Resource-specific information and data analyses.
- Environmental consequences and levels of significance utilizing the technical evaluation guidelines and significance criteria.

The identification of resource-specific environmental consequences will be developed through use of the technical evaluation guidelines and significance criteria to enable determination of the significance of potential impacts. For the identified resource topics (*i.e.*,

water supply, fisheries and aquatic habitat, power supply, and flood control) the impact analyses related to river system and reservoir hydrology will be supported by the hydrologic modeling and post-processing results. Impact assessment will include: (1) a quantitative comparison of the Lower American River and other CVP/SWP potentially affected areas with implementation of the FMS to evaluate potential impacts; and (2) assessment of the modeling result comparisons relative to the technical evaluation guidelines and significance criteria. Resource-specific impact assessment will include, but not necessarily be limited to the following.

Fisheries and Aquatic Resources Assessment

It is presently anticipated that the Fisheries and Aquatic Resources assessment will include, but not necessarily be limited to the following:

- Species of Primary Management Concern
 - Lifestage Timing
 - Habitat Use in the Lower American River
- Treatment of Other Species (*e.g.*, native species)
- Impact Indicators
 - Physical Habitat
 - Water Temperature
- Impact Assessment
 - Model Output Application
 - Metrics Application
- Significance Criteria
 - Establishment and Rationale
 - Application and Impact Determination

Water Supply, Power Supply, and Flood Control

Implementation of the FMS has the potential to affect CVP/SWP deliveries, project generation, project power use, and flood control operations. It is presently anticipated that the water supply, power supply, and flood control assessments will include, but not necessarily be limited to the following.

- Impact Indicators
 - CVP/SWP Contractor Deliveries
 - Note: Water supply impact analysis will include impacts within the American River Division, including water quality issues for deliveries within the American River Division resulting from Folsom Reservoir water levels [Note: Still checking with SWRI if this is correct – will bring answers to Coordinating Committee]
 - CVP/SWP Power Generation
 - CVP/SWP Pumping Power Use
- Impact Assessment
 - Model Output Application

- Metrics Application
- Significance Criteria
 - Establishment and Rationale
 - Application and Impact Determination

Allocation of 3406 (b)(2) Assets

Implementation of the FMS has the potential to influence or be influenced by the allocation of (b)(2) assets throughout the CVP. A specific evaluation will be conducted to characterize (b)(2) asset allocation under implementation of the FMS relative to the basis of comparison.

Identify Impact Avoidance and Enhancement Measures

Develop recommended measures to reduce the significance of identified impacts, to avoid impacts, or to enhance conditions of the Lower American River.

Evaluate Cumulative Impacts to Water Supply, Fisheries and Aquatic Habitat, Power Supply, and Flood Control

The cumulative impact assessment approach and methodology sections for water supply, water quality, fisheries and aquatic habitat, power supply and flood control will be developed. The cumulative impact assessment will be conducted either quantitatively or qualitatively, as appropriate. In addition, whether incorporated in to the cumulative impact assessment section or elsewhere, as deemed appropriate by the Project Management Team, the issue of climate change will also be addressed.

Prepare the Environmental Document

Preparation of the FMS Program environmental document will involve compilation of the environmental setting/affected environment, technical evaluation guidelines and significance criteria, impact assessment approach and methodology (including modeling), preliminary analytical findings, and recommended impact avoidance and enhancement measures.

Develop Implementation and Enforcement Options

The overall objective of the program is to institutionalize a protective, durable, and enforceable flow management standard for the Lower American River. Water Forum stakeholders have and continue to expect that FMS implementation will include a submittal to the State Water Board. However, after completion of the required technical work, and review of expected FMS impacts, the Water Forum will weigh FMS implementation and enforcement options.

Implementation and enforcement options could include: (1) submission of a joint petition to the SWRCB by the Water Forum and Reclamation; (2) a complaint filed with the SWRCB; (3) a contractual arrangement between Reclamation and Sacramento County; (4) a contract that would be the basis of a petition to the SWRCB; (5) implementation and enforcement through legislation; or (6) other options as yet unidentified. Evaluation of these alternatives will include discussion with Reclamation in an effort to achieve a mutually-acceptable approach, and presentation to the Water Forum Caucuses to obtain input. Upon completion of the environmental document (around November 2009), the Project Management Team, in

coordination with the Steering Committee, will prepare a proposal for implementing and enforcing the FMS. The proposal will be submitted to the Water Forum Coordinating Committee and then to the Plenary for consideration and action.

Parallel Legislative Effort

In addition to the implementation and enforcement alternatives identified above, the Project Management Team will develop and present to the Water Forum Coordinating Committee and Plenary a draft of legislation authorizing and directing Reclamation to either enter into a contract (in the form of an operations agreement) with the Water Forum (or appropriate member agency), or to jointly file a petition to the SWRCB for the purposes of implementing a protective, durable, and enforceable FMS for the Lower American River. The FMS would be based upon the work outlined above. The legislation would also authorize and direct Reclamation to take temperature-related measures associated with the Lower American River, as part of its Folsom Dam and Reservoir operations, and to participate in monitoring and evaluation of the FMS. The draft legislation would authorize appropriations to fund the temperature-related measures and the costs associated with monitoring and evaluation. No action would be taken to pursue the draft legislation unless authorized by a vote of the Water Forum Plenary.

IMPLEMENTATION PLAN SCHEDULE AND BUDGET

The schedule for completion of this Implementation Plan for the FMS Program extends to November 2009 (Figure 2). A more detailed schedule associated with specific milestones, deliverables and processes is presented in **Attachment 3** (Attached 1 in separate PDF file).

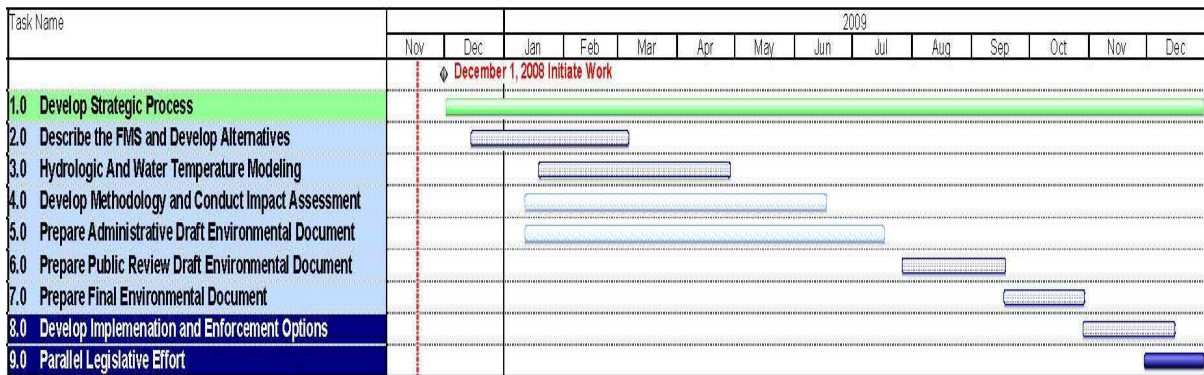


Figure 2. Overview of FMS Implementation Schedule

Attachment 1

**Letter dated October 21, 2008
from
Reclamation Regional Director Donald R. Glaser
to
Stuart Somach**



United States Department of the Interior

BUREAU OF RECLAMATION
Mid-Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825-1898

IN REPLY
REFER TO:

MP-400
WTR-1.10

OCT 21 2008

Mr. Stuart Somach
Somach, Simmons and Dunn
813 Sixth Street, Third Floor
Sacramento, CA 95814-2403

Subject: Lower American River Flow Management Standard

Dear Mr. Somach:

This letter is to confirm communications arising from our last negotiation session on August 4, 2008, and subsequent conversations about the Bureau of Reclamation's position relative to the implementation of a Flow Management Standard for the Lower American River.

Reclamation is supportive of developing and implementing a flow standard for the Lower American River that provides for threatened and endangered species and benefits for other aquatic resources; and is willing to work with the Water Forum and other interested parties to that end. At this point though, we are constrained by legal impediments, and by the unknown parameters of the pending Central Valley Project Operating Criteria and Plan (OCAP) Biological Opinion. A revised Biological Opinion will establish baseline flows and temperature conditions upon which a flow standard will necessarily be premised. Until we have a new OCAP, substantive work on a flow standard for the Lower American River is not practical.

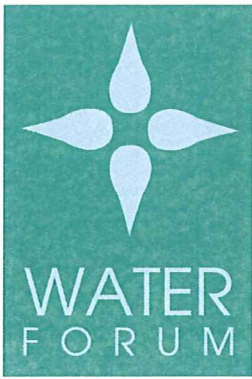
We are interested in maintaining an open line of communication with the Water Forum and continuing a dialogue that will lead to a flow standard for the Lower American River. Thank you for your continuing interest and please feel to contact me directly at 916-978-5000.

Sincerely,

Donald R. Glaser
Regional Director

Attachment 2

**Letter dated December 15, 2008
from
Water Forum Executive Director Tom Gohring
to
Reclamation Regional Director Donald R. Glaser**



December 15, 2008

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SACRAMENTO, CA
95814

PHONE 916/808-1999
FAX 916/808-5286

www.waterforum.org

Mr. Donald Glaser
Regional Director
Mid-Pacific Region
U.S. Bureau of Reclamation, P-100
2800 Cottage Way, Room W-1105
Sacramento, CA 95825

Re: Lower American River Flow Management Standard

Dear Mr. Glaser:

This letter is written on behalf of the Water Forum in response to your October 21, 2008 letter to Stuart Somach. We recognize that the pending Central Valley Project (CVP) Operating Criteria and Plan (OCAP) biological opinions create a level of uncertainty regarding Reclamation's future operations and that your staff is fully committed to the ongoing OCAP Endangered Species Act consultations. We understand that Reclamation will not be available until about April of next year to begin evaluation of an American River flow standard.

Although Reclamation staff will not be immediately available to participate, the Water Forum intends to undertake certain technical work essential to realization of the Flow Management Standard. In October 2004, Reclamation signed a Memorandum of Understanding with the Water Forum pledging to work diligently towards completion of the Flow Management Standard. Despite Reclamation's prior commitments little progress has been made. Thus, the Water Forum has developed an implementation plan (attached) that sets forth what is necessary to achieve a protective, durable and enforceable Flow Management Standard for the lower American River. As an element of the implementation plan, the Water Forum is proceeding with the development of an impact assessment of the proposed Flow Management Standard. This assessment will effectively evaluate the impacts of the Flow Management Standard using the most recent operational and regulatory information related to the lower American River and the CVP. We also intend to update the Flow Management Standard as may be appropriate, with the intent that the updated Flow Management Standard will adhere to the same principles and objectives as the 2006 Technical Report that was produced jointly with Reclamation.

Mr. Donald Glaser
Re: Lower American River Flow Management Standard
December 15, 2008
Page 2 - - -

We will establish a Water Forum Steering Committee to manage this process, to be assisted by a Technical Team to provide input, review, comment and verification of the technical approaches employed in preparing the resources analyses. The Water Forum anticipates that the Technical Team would comprise representatives of the California Department of Fish and Game, U.S. Fish and Wildlife Service, and National Marine Fisheries Service. The Water Forum plans to provide Reclamation notice of Technical Team and Steering Committee meetings, and hopes that Reclamation representatives participate in this process.

The Water Forum is convinced that a joint cooperative effort with Reclamation is the most effective means of implementing a protective, durable and enforceable Flow Management Standard. As we proceed to carry out the work set forth in the attached implementation plan, the Water Forum would welcome Reclamation's renewed participation at any time. However, with or without Reclamation's involvement, the Water Forum will proceed towards implementation of the Flow Management Standard.

Sincerely,



Tom Gohring
Executive Director

cc: Stuart L. Somach
Water Forum Successor Effort

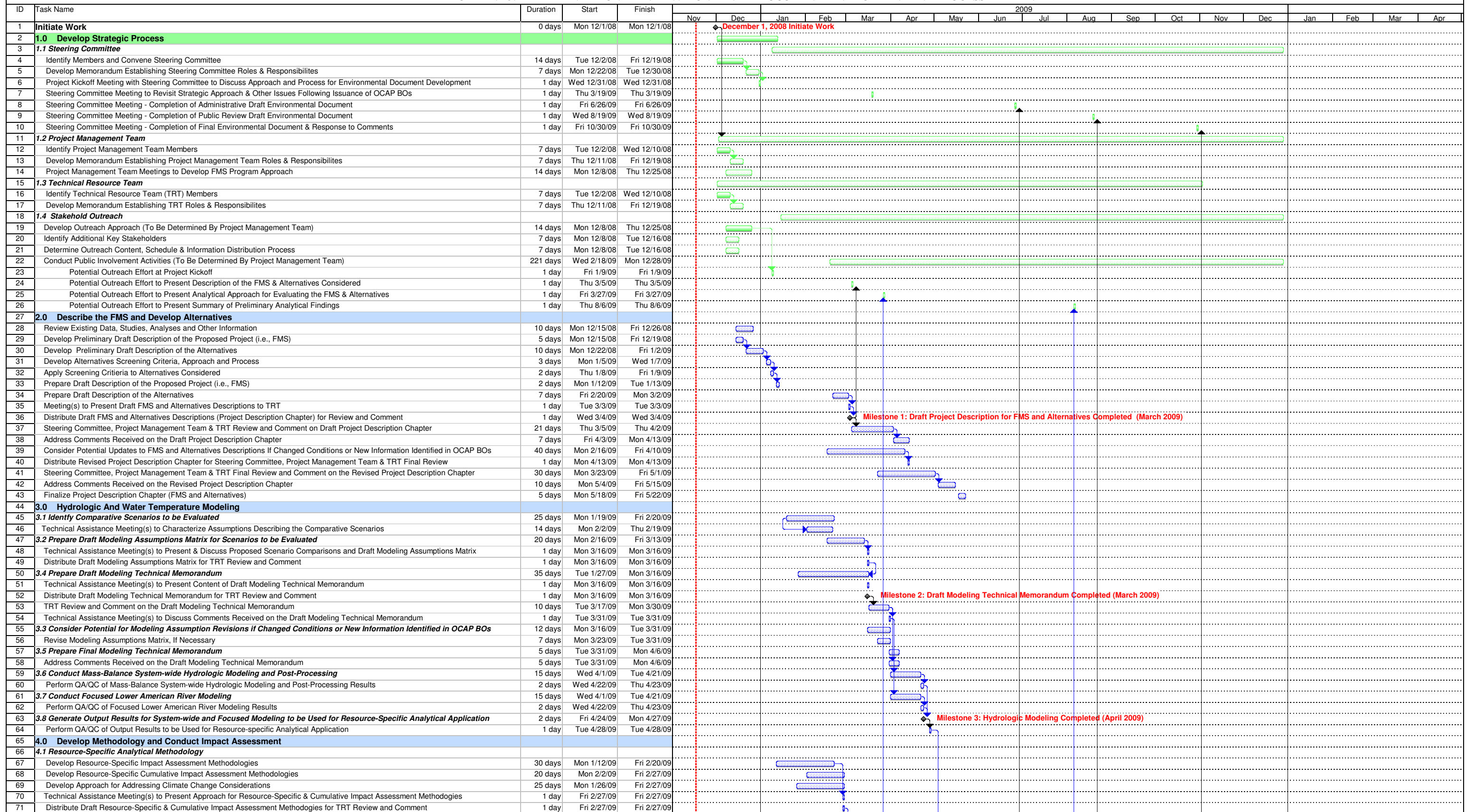
Encl.

Attachment 3

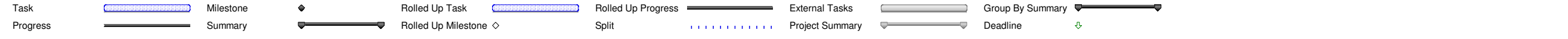
Process Timeline

CITY-COUNTY OFFICE OF METROPOLITAN WATER PLANNING - WATER FORUM
FLOW MANAGEMENT STANDARD PROGRAM
FOR THE LOWER AMERICAN RIVER

ATTACHMENT 3: IMPLEMENTATION PLAN - ENVIRONMENTAL DOCUMENT DEVELOPMENT AND PROCESS TIMELINE

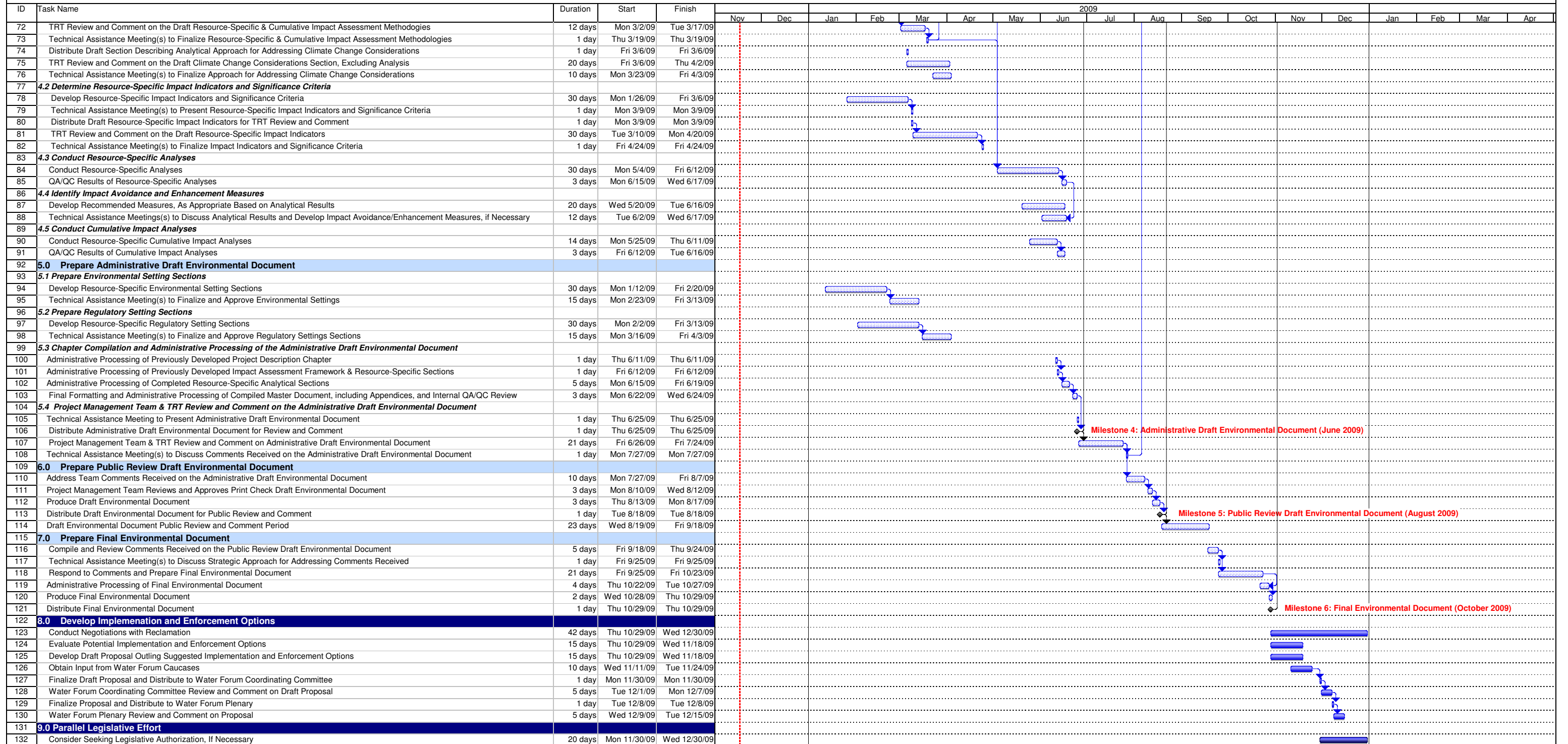


Project: Flow Management Standard Program
 File: Attachment 1 - Implementation Plan Schedule 11-17-08
 Date: Mon 11/17/08



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Task Milestone Rolled Up Task Rolled Up Progress External Tasks Group By Summary
 Progress Summary Rolled Up Milestone Split Project Summary Deadline