



## Frequently Asked Questions

### FACT SHEET

December 2007

#### **What is the purpose of the San Joaquin River Restoration Program (SJRRP)?**

The SJRRP will implement the San Joaquin River litigation Settlement, filed in Federal Court in September, 2006.

The Settlement is based on two parallel Goals:

- To restore and maintain fish populations in “good condition” in the main stem of the San Joaquin River below Friant Dam to the confluence of the Merced River, including naturally reproducing and self-sustaining populations of salmon and other fish (Restoration Goal); and
- To reduce or avoid adverse water supply impacts to all of the Friant Division long-term contractors that may result from the Interim Flows and Restoration Flows provided for in the Settlement (Water Management Goal).

#### **Who are the Parties to the Settlement?**

The agencies and organizations that are party to the San Joaquin River litigation Settlement include the Natural Resources Defense Council (NRDC), Friant Water Users Authority (FWUA), and the Departments of the Interior and Commerce.

#### **Who are the agencies responsible for implementing the Settlement?**

The “Implementing Agencies” responsible for the management of the Program include the U.S. Department of the Interior's Bureau of Reclamation and Fish and Wildlife Service, the U.S. Department of Commerce's National Oceanic and Atmospheric Administration National Marine Fisheries Service, and the California Resource Agency's Department of Water Resources and Department of Fish and Game.

#### **What role will the State of California play in implementing the Settlement?**

The State of California has expressed strong support for this Settlement and has pledged cooperation and the financial resources of the State to help it succeed. Through the State's Resources Agency, Department of Water Resources, Department of Fish & Game, and Environmental Protection Agency, the state has entered into a Memorandum of Understanding (“MOU”) with the Settling Parties that outlines an important, collaborative role for the State in the planning, design, funding, and implementation of the actions called for by the Settlement.

#### **What is the Technical Advisory Committee (TAC) and what does it do?**

The Settlement specifies that the settling parties are to be involved in implementation of the Settlement. To accomplish this, the Settlement established a Technical Advisory Committee, comprised of the six members appointed by FWUA and NRDC. The Settlement also calls for the establishment of a Restoration Administrator, also appointed by FWUA and NRDC, to facilitate the TAC and provide specific recommendations to the Secretary of the Interior in coordination with the TAC. This process was established to assure that FWUA and NRDC would continue to have a role in the implementation of the Settlement. The Implementing Agencies carefully organized the Program Management Team in a manner to assure coordination with the TAC while conforming with Federal and State laws.

#### **What is the status of the Congressional authorization for the SJRRP?**

Federal legislation was re-introduced on January 4, 2007, by California members of Congress that would authorize Federal agencies to implement the Settlement. The current bill, HR 4074, passed out of the House Committee on Natural Resources in November 2007. The bill is expected to move to the full House in early 2008.

While authorization is still pending, the Implementing Agencies are proceeding with environmental review based on current authorities and available funding. Implementation of provisions in the Settlement and maintaining the Settlement schedule are contingent upon passage of the Congressional legislation.

**What is the estimated cost of the Program?**

Costs for implementation of the Program are related to the restoration and water management goals, as follows:  
*Restoration Goal Costs* The Settling Parties have carefully studied San Joaquin River restoration for many years and, as part of the Settlement, identified the actions and highest priority projects necessary to achieve restoration as provided in the Settlement. Preliminary cost estimates to complete these actions and projects were developed ranging from \$250 million to \$800 million. The largest variables in this range are the assumptions as to the specific type and extent of levee work that may be required in connection with some of the projects. More precise cost estimates will be completed during the Program Environmental Impact Statement/Environmental Impact Report (PEIS/R) process and through related project-specific studies.

*Water Management Goal Costs* Cost estimates for the recovery of water supply to the Friant Division have not yet been developed. The PEIS/R will evaluate operation and facility plans and associated costs needed for implementing this goal.

**How will the Program be funded?**

Multiple funding sources, recommended in the Settlement and identified in the proposed legislation, would be used to pay for implementation. Funds are to be used to meet both the Water Management and Restoration goals. Specific funding sources include:

- Dedication of the capital component of water rates paid by Friant Division water users to Settlement implementation (approximately \$220-240 million over the 20-year period).
- Continuation of and the dedication of the “Friant Surcharge,” an environmental fee charged pursuant to the Central Valley Project Improvement Act (CVPIA) of \$7 per acre foot of water delivered to Friant Contractors to fund implementation. This fee is expected to average about \$8 million per year (\$160 million over the 20-year period).
- Up to \$2 million annually of other CVPIA Restoration Fund payments made by Friant Division water users under the CVPIA (\$40 million over the 20-year period)
- Up to \$250 million of additional Federal appropriations to contribute to the implementation; this requires a non-federal cost-share of an equivalent amount.
- Funding by the State of California will also support the Settlement. At the November 2006 election, State propositions 84 and 1E were passed by the California voters and should provide about \$200 million of State bond funds for projects that will directly contribute to the restoration efforts.

**What is the timeline?**

The environmental review of the SJRRP was initiated with public scoping meetings held in August and September, 2007. To meet the Settlement schedule, a planning phase that includes a program-level environmental analysis to comply with Federal and State requirements will result in the public release of a Draft Program Environmental Impact Statement/Environmental Impact Report (PEIS/R) in March 2009, a Final PEIS/R in July 2009, a Record of Decision in September 2009, and initiation of Interim Flows in October 2009.

**How much water will be released to restore salmon?**

The Settlement requires specific releases of water from Friant Dam to the confluence of the Merced River, designed primarily to meet the various life stage needs for spring and fall run Chinook salmon. The release schedule assumes continuation of the current average Friant Dam release of 116,741 acre-feet, with additional flow requirements depending on year type. In most dry years, anticipated total releases from Friant Dam are estimated at approximately 247,000 acre-feet, and in wet years, about 555,000 acre-feet would be released.

**How will this impact Friant water supplies?**

Initial studies of water delivery impacts resulting from implementation of the Settlement concluded that, in the absence of water management provisions, Friant Division long-term water contractor deliveries, on average, would be reduced by about 170,000 acre-feet each year (15% of the 1,150,000 acre-feet of average annual deliveries to Friant Division long-term contractors).

**How will the water supply be replaced to Friant water users?**

Through water management strategies being developed, the Implementing Agencies will work with Friant water users to avoid or reduce the impacts of delivery reductions. An important element of the Settlement calls for the development and implementation of tools to reduce or avoid water supply impacts and also the development of programs to return water to Friant water users through recapture, recirculation, transfers and exchanges.

**How quickly will flows and salmon be returned to the river?**

The Settlement calls for Interim flows to begin in the Fall of 2009 and full restoration flows to begin no later than January 2014. Additionally, salmon are to be reintroduced no later than December 31, 2012, in the upper reaches.

**What other restoration measures does the Settlement require?**

There are many physical improvements within and near the San Joaquin River that will be undertaken to fully achieve the river restoration goal. The improvements will focus on a combination of water releases from Friant Dam, as well as structural and channel improvements.

**How does the San Joaquin River restoration project compare to other river restoration projects?**

This historic effort to restore the San Joaquin River is one of the most significant and ambitious river restoration projects in the West. It covers 153 miles of the San Joaquin River from Friant Dam to the mouth of the Merced River, and involves not only restoring flows to approximately 60 miles of dry river bed, but also significant channel and fish passage improvements. The implementing agencies have addressed similar actions in other watersheds of the Central Valley mostly on a smaller scale, and have observed positive fisheries responses.

**Will flood control improvements be included in this project?**

In some reaches of the San Joaquin River, stipulated restoration flows exceed current flood flow capacity. These flows will not be released until the Implementing Agencies are confident that the channel capacities are sufficient to contain them. Channel modifications, including levee relocations, may result in improved flood protection, which in some reaches may improve the overall performance of the San Joaquin River flood control system. This will be analyzed in more detail as part of the PEIS/R.

**What land will be affected by the Program?**

Specific lands have not been identified at this time. General locations of potentially affected property will be identified in the PEIS/R, and specific parcels will be determined pending environmental review and analysis in subsequent site-specific documents.

**Will private lands be affected?**

Yes. Much of the land adjacent to the San Joaquin River is privately owned and some areas will be affected by implementation of Program actions. The Program team is establishing a process to assure that land owners are informed of any and all actions that may affect their property, including site access for observations and testing in support of the PEIS/R. Although implementation of some projects will require acquisition of private lands, the method of acquisition (easement or fee title) has not been determined and ideally will be mutually agreed upon between the land owner and the acquiring agency during site-specific studies and design.

**How will property values be determined?**

The process to be followed in determining property values will be described in the PEIS/R.

**Will eminent domain be invoked?**

Ideally, all land acquisition will be based on agreements with willing sellers. The Implementing Agencies will make every effort to work cooperatively with affected property owners throughout the decision-making process. However, the application of eminent domain has not been ruled out. Specific decisions regarding land acquisition will be made as part of site-specific studies for project designs.

**Are the alternatives to be developed constrained by the Settlement, or can other options be considered?**

The SJRRP has been established to implement the Settlement. Many structural features and non-structural actions are specified in the Settlement, although the details regarding their specific implementation have not yet been developed. The PEIS/R and subsequent site- or project-specific evaluations will evaluate alternative configurations of these features and options but will not evaluate alternatives to the Settlement itself. Through these evaluations, other opportunities may be considered, such as flood control improvements and levee enhancements that are consistent with the restoration and water management goals of the Settlement and for which authorizations and appropriations are available.

**How will environmental justice issues be addressed?**

The Implementing Agencies are actively soliciting the input and participation of minority and disadvantaged communities in the project area in the public involvement processes. Consideration of cultural and language needs are being addressed in developing the public involvement programs. The SJRRP will comply with Federal and State regulations and guidelines pertaining to environmental justice by identifying potentially disproportionately high and adverse human health or environmental effects on minority and/or low-income populations and establishing reasonable mitigation measures.

**If sensitive cultural resources are encountered, how will these be addressed?**

All State and Federal laws pertaining to cultural resources will be followed. All cultural resources identified within areas that would be impacted by project implementation will be evaluated for inclusion in the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR), pursuant to Section 106 of the National Historic Preservation Act (NHPA) and CEQA. A memorandum of agreement or programmatic agreement will be developed, in consultation with the State Historic Preservation Officer (SHPO) and consulting parties, to resolve adverse effects to any resources that are determined to be significant as required by the regulations implementing Section 106 (36 CFR Part 800). This agreement document will require detailed treatment and mitigation for adverse effects to such resources. If human remains are discovered on federal lands, federal procedures required by the Native American Graves Protection and Repatriation Act (NAGPRA) will be followed. If human remains are encountered on State or private lands, procedures detailed at Section 7050.5 of The California Health and Safety Code will be implemented. In the event that additional cultural resources are discovered during the construction phase of the project, such inadvertent discoveries will be treated in accordance with 36 CFR Part 800.13.

**If hazardous or toxic waste sites are encountered, how will these be addressed?**

All State and Federal laws that regulate activities involving hazardous materials, hazardous substances, or hazardous waste will be followed. Environmental site assessments (ENSAs) will be performed at all sites where construction will be conducted. A soil and groundwater characterization program will be developed and implemented at all excavation locations in proximity to listed hazardous waste sites identified in the ENSA.

The soil and groundwater characterization program will identify those excavation areas that will require development and implementation of appropriate remediation measures. Where contact with contaminated soil or groundwater is suspected, a Hazardous Material Management Plan will be developed and provide an established plan of action if hazardous materials are encountered during construction and establish best management practices to reduce the potential for exposure to hazardous wastes.

**How can I get involved as a member of the public?**

Numerous opportunities are expected throughout the process for public involvement. The best way to be informed of meetings and information is to be on the public notification mailing list or through the Program web site at [www.restoresjr.net](http://www.restoresjr.net).