



## Questions and Answers Related to Omnibus Public Land Management Act of 2009, Public Law 111-11

### FACT SHEET

April 2009

#### **What does it mean to the San Joaquin River Restoration Program (SJRRP) now that the Omnibus Public Land Management Act of 2009 was signed by the President?**

The passage of the San Joaquin River Restoration Act contained within the Omnibus Public Lands Act of 2009 authorizes and directs the Secretary of the Interior to fully implement the San Joaquin River Settlement (approved in Federal Court in October 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).

Under existing authorities and funding, the Implementing Agencies have been working on the environmental review for the SJRRP. Funding and authority to implement the provisions in the Settlement were contingent upon passage of the Congressional legislation.

#### **What is the timeline?**

The environmental review of the SJRRP was initiated with public scoping meetings held in August and September 2007. A planning phase that includes a program-level environmental analysis to comply with Federal and State requirements will conclude with the public release of a Draft Program Environmental Impact Statement/Report (PEIS/R) in late summer 2009, a Final PEIS/R in late 2009, and a Record of Decision in early 2010. A Draft Environment Assessment will be available in late May for the initiation of Interim Flows in October 2009.

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

Costs for implementation of the SJRRP 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 PEIS/R process and through related project-specific studies.

*Water Management Goal Costs* – The legislation authorizes the Secretary to provide up to \$50 million in financial assistance to local agencies for the construction of groundwater banking facilities that are designed to avoid, reduce, or offset the water supply impacts to the Friant Division long-term contractors. The legislation also provides for \$52 million for increasing water conveyance capabilities to the Friant Division contractors. In addition to these projects, Reclamation is evaluating opportunities to recapture and recirculate Interim and Restoration Flows. Cost estimates for water recovery actions are not yet complete.

**How will the Program be funded?**

Multiple funding sources, recommended in the Settlement and authorized in the legislation, will be used to finance the implementation. Specific funding sources include:

- Redirection of the capital component of water rates paid by Friant Division water users to Settlement implementation. The legislation directs the Secretary to collect the entire amount owed by the irrigation contractors in the Friant Division by 2014. The estimated amount to be collected is \$180 million by 2014.
- 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. Collection from this fee is expected to average about \$7.5 million per year (\$75 million over a 10-year period).
- Up to \$2 million annually of other CVPIA Restoration Fund payments made by Friant Division water users under the CVPIA (up to \$20 million over a 10-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. In 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.

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

The agencies and organizations that are party to the San Joaquin River 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 Natural 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 Natural 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.

**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 the water year type. In most years that are drier than normal, anticipated river restoration releases from Friant Dam will be approximately 247,000 acre-feet, and in years that are wetter than normal, about 356,000 acre-feet would be released for river restoration.

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

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 140,000 - 170,000 acre-feet each year, 12-15 percent of the 1,150,000 acre-feet of average annual deliveries to Friant Division long-term contractors.

**How will the water supply impacts to Friant water users be reduced?**

In recognition that the flows required under the Settlement will reduce water deliveries to the Friant Division long-term contractors, the Settlement provides opportunities to mitigate the water losses in two ways. First, the Settlement directs the Secretary to develop and implement a plan to recapture, recirculate, reuse, exchange, or transfer Interim and Restoration flows to reduce or avoid impacts to water deliveries. Second, the Settlement provides fixed pricing of wet-year supplies to promote opportunities for groundwater banking. In addition to the opportunities in the Settlement, the legislation authorizes \$102 million for: 1) Federal cost-share assistance for local groundwater storage projects; 2) feasibility studies and construction to restore the original capacity in the Friant-Kern and Madera Canals; and 3) feasibility studies and construction of pump-back facilities on the Friant-Kern Canal. Reclamation is pursuing all of these opportunities concurrently with the actions required to meet the Restoration Goal of the Settlement.

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

The first 4 years of restoration flows, called Interim Flows, must begin in the Fall of 2009. The full Restoration Flows called for in the Settlement are to begin no later than January 2014. The Settlement requires that the U.S. Fish and Wildlife Service acquire the necessary permits to reintroduce salmon by December 31, 2012.

**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 needed to safely pass the Restoration Flows and fish.

**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 private lands be affected?**

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 has established a process that includes meeting on a monthly basis with landowners to assure that they are informed of actions that may affect their property, including site access for observations and testing in support of the environmental review and engineering design process. 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 landowner and the acquiring agency during site-specific studies and design.

**How can the public be involved?**

Numerous opportunities exist for public involvement. Check the Program website regularly for participation opportunities and SJRRP updates at [www.restoresjr.net](http://www.restoresjr.net) or sign up on the SJRRP mailing list to receive quarterly updates through the mail.