

**To: John Kirlin
Executive Director
Delta Vision**

Response to questions posed by Delta Vision staff concerning current implementation of the CALFED ERP, prepared by the Department of Fish and Game, Water Branch, August 12, 2008. Questions should be directed to Carl Wilcox at 916-445-1231, or Cwilcox@dfg.ca.gov.

We understand the Delta Vision Blue Ribbon Task Force is seeking information on the consequences of full success of DFG's Ecosystem Restoration Program (ERP) as well as other related processes (DRMS, BDCP, and the SWRCB's Strategic Work Plan). The Task Force has asked each of these efforts to address the following questions:

Why are you undertaking this effort?

The conflict between declining ecological conditions in the Delta and the ability of the Delta to continue accommodating freshwater exports was the main impetus for creation of the CALFED Bay-Delta Program in the mid-1990s. The ERP was one component of the CALFED Program, which was finalized with the certification of its Record of Decision (ROD) in August 2000. With the certification of that documentation, the newly-created California Bay-Delta Authority was tasked with overseeing the coordination of existing responsible State and federal agencies toward the goals of the CALFED Program, which has a permitted life of 30 years.

In recognition of the critical need for improvement in ecological conditions in the Delta (as well as in upstream areas for anadromous species and other watershed benefits), implementation of ecosystem restoration and enhancement projects was occurring prior to August 2000, with funding from Prop 204, federal Bay-Delta Act, and CUWA matching funds ("Category III" projects).

The entire CALFED Program, including the ERP, was designed so that it would be re-evaluated after the first seven years of implementation (in 2007). The analysis of the ERP that was conducted during 2007 has concluded that while some progress has been made in upstream areas (particularly as it relates to temperature, flow, and habitat improvements for anadromous fish), not enough restoration has been conducted in the Delta toward the improvement in ecological health of several key endemic species, including delta and longfin smelt which have been suffering precipitous declines in abundance since 2000. The situation has become so tenuous that water supplies for export from the Delta have been negatively impacted by court-ordered reductions in exports to avoid or minimize take of these species.

The ERP is now closely focusing more attention on the Delta and Suisun Marsh, in alignment with other important planning processes occurring for this geographic area (including but not limited to the Delta Vision process, the Bay-Delta Conservation Plan, and the Delta Risk Management Study). It is critical that the ecosystem health of the Delta and Suisun Marsh be improved, in order to sustain continued water exports from the Delta; as long as endangered and threatened species are at risk, so are the water supplies upon which millions of Californians, and the State's economy, have come to depend.

What will be the final work products of these efforts?

Numerous administrative work products have been generated by DFG in its implementation of the ERP:

- Annual work plans for ERP implementation
- Proposal Solicitation Packages (PSPs) soliciting project concepts in accordance with restoration priorities
- Annual reports for how ERP implementation is addressing "Milestones" of the ERP's Multi-Species Conservation Strategy
- Annual reports for the legislature and public on ERP expenditures
- The "End of Stage 1" report evaluating ERP performance during the first seven years of program implementation. (2008, in process)

In addition, much of the information collected during the Stage 1 of CALFED implementation has been used to generate a conservation strategy for the Delta and Suisun planning area, for the next ~20 years (Stage 2) of ERP implementation. This work product has been posted on the CALFED website for public review periodically throughout 2007 and 2008. A significantly refined draft of this document is available to be posted along with the Delta Vision Strategic Plan Third Staff Draft on August 15 (to be "finalized" for consideration for adoption as the "ecosystem component" of the Delta Vision Strategic Plan in early September 2008 and the first element of the CDEW Plan).

When will those work products be completed and available to policy makers?

The ERP Conservation Strategy for Stage 2 Implementation in the Delta and Suisun Planning Area is undergoing refinement in response to public comment and information requested by the Delta Vision Task Force. It will be finished (as an final draft, not "signed off" on by ERP implementing entities or other responsible agencies) on August 15. A final version of the document is scheduled to be available to the Delta Vision Blue Ribbon Task Force, and posted online again for broader public consumption, in early September 2008.

The End of Stage 1 and Milestones reports are currently undergoing administrative review and will be available to the public by the end of 2008.

All of the other work products mentioned are produced annually and posted on the ERP website. They are also available upon request.

Conservation Strategies for the other geographic components of the ERP Focus Area will be completed and publicly available by the end of 2009.

Whose decision(s) makes this work "final?" When will they make that decision?

The ERPIAMs (Ecosystem Restoration Program Implementing Agency Managers), a team of managers from the California Department of Fish and Game, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service, is the entity that reviews and approves all ERP-related administrative work products. The ERPIAMs will "finalize" the ERP Conservation Strategy for Stage 2 Implementation in the Delta and Suisun Planning Area in early September 2008 and submit it to their respective Executives for approval. In the absence of a functioning CALFED governance structure for approval of ongoing implementation of ERP, the state and federal implementing agencies will approve the Conservation Strategy under their individual authorities.

What are the geographical boundaries to which the policy actions recommended will apply?

The broad ERP Conservation Strategy for Stage 2 Implementation will extend to all Bay-Delta tributary streams. The ERP Conservation Strategy for Stage 2 Implementation in the Delta and Suisun Planning Area is the first of several focused conservation strategies that will be generated for the entire ERP focus area. Together they will comprise the broad ERP Conservation Strategy for Stage 2 Implementation. The other geographically-focused conservation strategies that are under development include the San Francisco Bay, Sacramento Valley, and San Joaquin Valley conservation strategies.

Regarding the ERP Conservation Strategy for Stage 2 Implementation in the Delta and Suisun Planning Area, the geographic boundaries of the Delta and Suisun Planning Area includes the Legal Delta and Suisun Marsh and Bay, in addition to a northern extension to the Fremont Weir of the Yolo Bypass, and a "transition corridor" between the Cache Slough complex and Suisun Marsh. The geographic boundaries of the remainder of the ERP focus area for which conservation strategies are being developed are noted in the attached map.

What policies and/or programmatic decisions will this information inform?

The ERP Conservation Strategy for Stage 2 Implementation in the Delta and Suisun Planning Area is intended to serve as the "ecosystem blueprint" for that

geographic area, informing all planning processes occurring for the Delta and Suisun Marsh and guiding future implementation of ERP. It is expected that funding for programs and individual projects that becomes available for ecosystem restoration in the future is would be spent in accordance with the priorities and activities identified within this document.

When will those policy and/or programmatic decisions be made? By whom?

The End of Stage 1 assessment and Conservation Strategy will be implemented and used as a guidance document for delta planning upon approval by the ERP implementing agencies, which is expected to occur by the end of September.

What will full success of this effort mean?

Full success of the broad ERP Conservation Strategy for Stage 2 Implementation will mean that all species of concern to State and federal fish and wildlife agencies will be exhibiting significant progress toward recovery.

Regarding the ERP Conservation Strategy for Stage 2 Implementation in the Delta and Suisun Planning Area, full success means that endemic and anadromous species that use the Delta and Suisun Planning Area for part or all of their life cycles will exhibit sufficient progress toward recovery so as to no longer jeopardize beneficial uses of water from the Delta (such as water exports to sustain human uses and the State's economy).

When will those effects occur?

Actions to benefit species of concern are already underway through the restoration of habitat within the Delta and Suisun Bay. Several projects funded by the ERP including those in the Cosumnes/Mokelumne area, Yolo Bypass, Cache Creek, Twitchell Island, and Suisun Marsh have resulted or will result in restored and enhanced intertidal, riparian, and floodplain habitat areas. For example, floodplain studies at the Cosumnes/Mokelumne confluence and in the Yolo Bypass indicate that the juvenile salmon and steelhead that use these areas are larger, and therefore more likely to survive this and future life stages, than fish that remain in river channels. Additionally an ERP funded research project has recently begun to evaluate the benefits of intertidal restoration at Liberty Island for Delta productivity and native fish species.