

April 12, 2011

**EBMUD PRINCIPLES REGARDING
MAJOR DELTA INITIATIVES**

The following principles are adopted to assure a healthy ecosystem and to protect EBMUD's infrastructure, water supply reliability, and ecosystem investments in the Sacramento-San Joaquin Delta watershed. These principles address future proposed actions that may include major infrastructure, operational changes, and ecosystem restoration initiatives. These principles do not commit the EBMUD Board to supporting new conveyance in the Delta. They do clarify that **if** new conveyance is proposed for the Delta, it should meet certain criteria that will be better satisfied by reducing a range of adverse impacts on the Delta, other stakeholders, and EBMUD's customers.

1. New actions that may be proposed in the Delta must avoid and minimize adverse impacts, and provide enhancements or restoration actions where needed to ensure that a net improvement to the Delta environment is achieved. Existing infrastructure should also be improved and operated and maintained in such a way as to meet this standard.
2. If new conveyance is proposed for the Delta, the analysis should include a full range of facility sizes, components, and operations, as well as provision for robust adaptive management. Any new infrastructure or operational changes in the Delta must not result in unmitigated, redirected impacts to third parties, including EBMUD and its customers. A small isolated facility of 3,000 cfs should be analyzed as it would provide comparable water supply benefits to the export community while better protecting EBMUD's interests in the Delta, as well as many other Delta resources.
3. The Delta Stewardship Council's Delta Plan and the Bay Delta Conservation Plan will include an evaluation of various potential improvements to water supply reliability for the State and federal pumping projects in the southern Delta. Prior to any major Delta infrastructure investment, both Plans should demonstrate compliance with the Delta Reform Act's requirement to reduce reliance on the Delta, including the promotion of water conservation, water recycling, conjunctive use and desalination.
4. Emergency response plans should be developed for the Delta. The restoration of public water service, which is vital for public health and safety, should be prioritized in such plans. The State should encourage all water purveyors reliant on the Delta to develop contingency plans for continued water service in the event of catastrophic failure of the Delta levee system.
5. Housing developments proposed within a flood inundation zone should be subject to review and approval by the appropriate state and/or local flood management

agency(ies) to verify that such developments are located on land that meets a 200-year flood protection standard.

6. Existing legal and regulatory agreements and decisions concerning releases to the Mokelumne River and Delta must be acknowledged and respected. This includes the Joint Settlement Agreement of 1998 between EBMUD, the California Department of Fish & Game, and the U.S. Fish and Wildlife Service, addressing Mokelumne River flows, which has led to significant fishery improvements, and State Water Resources Control Board Decision D-1641 regarding flow obligations from the Mokelumne River into the Delta.
7. Proposed actions must not diminish the entitlements or increase the financial obligations of EBMUD customers under the existing EBMUD Central Valley Project water service contract and successive renewals, unless consistent with these principles.
8. If the State imposes assessments on owners of land or infrastructure in the Delta for the protection or improvement of the Delta system, EBMUD's annual contributions to local reclamation districts should be formally recognized and fully credited.
9. Implementation of new projects or other actions must assure that no unmitigated adverse water supply reliability or water quality impact is imposed upon EBMUD customers, including no new or increased level of health risk.
10. EBMUD customers will only be requested to finance project(s), if any, in proportion to the benefit received and will not be requested to bear costs that benefit others. Assurances and safeguards must be provided in financing mechanisms to avoid any unfair State water tax or fee on EBMUD customers. Parties that propose new facilities in the Delta must be responsible for financing such projects, including mitigation of existing or future environmental impacts.
11. Use of EBMUD facilities for the benefit of others must not diminish EBMUD water quality, environmental, reliability or recreational benefits unless such impacts are consented to by EBMUD, and its customers are compensated for their substantial investments. Use by other parties of unassigned EBMUD capacity in Freeport Regional Water Project Facilities shall be in accordance with the Board adopted principles of February 8, 2005, including any future modifications or amendments.
12. Long term protection of EBMUD infrastructure in the Delta must be part of any long term plan for reconfiguring Delta islands or constructing a major new water conveyance around or beneath the Delta that would decrease the reliance on existing Delta islands and channels.