

**POLICY STATEMENT OF
NOAA's NATIONAL MARINE FISHERIES SERVICE**

REGARDING THE

**PETITION REQUESTING CHANGE IN THE EFFECTIVE DATE OF THE
LONG TERM FLOW REQUIREMENTS ESTABLISHED IN RD-1644**

**BEFORE THE
CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

DECEMBER 11, 2006

Members of the Board, thank you for the opportunity to provide this statement regarding the petition requesting change in the effective date of the long term flow requirements of RD-1644. NOAA's National Marine Fisheries Service (NMFS) would like to express our support for the petition filed by the Yuba County Water Agency (YCWA) to change the effective date of the long term instream flow requirements specified in RD-1644 from March 1, 2007 to April 1, 2008. NMFS understands that this change is necessary to allow the implementation of the 2007 Pilot Program, and that the Pilot Program is an important and necessary step in evaluating and implementing the Yuba Accord.

NMFS has statutory obligations under the federal Endangered Species Act (ESA) and the Magnuson-Steven Fishery Conservation Act (MSA) to insure the protection of Pacific Salmon and federally listed threatened or endangered anadromous fish species; including Central Valley spring-run Chinook salmon, Central Valley steelhead and the southern distinct population segment of North American green sturgeon, all three of which are listed as threatened and which occur in the lower Yuba River. For this reason, NMFS has been an active participant in the process that led to the Yuba Accord, including the Lower Yuba River Fisheries Agreement. NMFS was actively engaged in development of the flow schedules, River Management Team provisions, and biological studies program that are all key elements of the Yuba Accord package.

NMFS believes that the cumulative provisions of the Accord's Fisheries Agreement will provide a level of protection for salmonids and green sturgeon in the lower Yuba River that is equal to or greater than those provided under RD-1644. Key elements of the Accord such as the initiation of flow schedules and funding of biological studies in the Lower Yuba River are important steps in the recovery of listed anadromous fish which occupy the lower Yuba River.

NMFS will continue to participate in the EIR/EIS analyses of the Yuba Accord to ensure that perceived benefits will in fact be realized by the fisheries resources. NMFS also intends to conduct an ESA consultation on the federal actions involved with implementation of the Yuba Accord, and through that process, insure that any potential

adverse affects of the Accord to listed salmon and steelhead are fully analyzed and are avoided or minimized.

NMFS will also be an active participant in the River Management Team for the 2007 Pilot Program, which will serve as an important step towards implementation of the Accord as well as an opportunity to evaluate several aspects of the Accord agreements prior to full implementation.

In addition to the specific benefits of the Yuba Accord to the Yuba River fisheries, NMFS believes that the basic concepts underlying the Accord and the cooperative process through which the Accord was developed, represents a unique and important breakthrough in the critical interface of fisheries protection and water management in the State of California. We believe that successful implementation of the Yuba Accord could act as a template for future, similar agreements across the state resulting in significant benefits to both the fisheries resources and the water users of California.

NMFS requests that the State Water Resources Control Board approve the petitions necessary to implement the 2007 Pilot Program so that this process can go forward.

Thank you.