

supply program elements with these the restoration of the Bay-Delta and tributary ecosystems and recovery of the splittail and other species. Because achieving the diverse goals of the program is iterative and subject to annual funding by diverse agencies, CALFED has committed to maintaining balanced implementation of the program within an adaptive management framework (CALFED 2000a, 2000b). Within this framework of implementation, it is intended that the storage, conveyance, and levee program elements would only be implemented in such a way that the splittail's status would be maintained and eventually improved (CALFED 2000a, 2000b). The restorative components of CALFED will positively influence the status of the splittail; these are the Ecosystem Restoration Program (ERP), the Multi-Species Conservation Strategy (MSCS,) and the Environmental Water Account (EWA) (CALFED 2000a, 2000b). CALFED has identified 29 species enhancement conservation measures for splittail (CALFED 2000a, 2000b). These measures include a variety of actions consistent with our conservation strategy.

CALFED's Ecosystem Restoration Program includes the development and implementation of a program to address flows resulting from the present operation of Federal, State, and private water development projects, entailing water storage, diversions and re-diversions, releases, export and agricultural return flows (CALFED 2000a, 2000b). This includes the development of a methodology for evaluating Delta flow and hydrodynamic patterns and implementation of an ecologically based plan to restore conditions in the rivers and sloughs of the Delta sufficient to support targets for the restoration of aquatic resources, including splittail (CALFED 2000a, 2000b).

The EWA's stated purpose is to provide benefits to threatened or endangered fish without causing additional adverse impacts on water deliveries from diversions and the export facilities (CALFED 2000a, 2000b). The EWA, not analyzed in the February 1, 1999, final rule (64 FR 5963), or in the January 12, 2001, notice (66 FR 2828), purchases water from willing sellers, then banks, stores, transfers and releases it as needed to protect fish and compensate water users (CALFED 2000a, 2000b). The EWA has set a goal of acquiring at least 23,400 ha-m (190,000 acre-feet) of water each year through purchases, but also expects to obtain additional 23,400 ha-m (190,000 acre-feet) of water on average each year

through additional pumping at times safe for fish (CALFED 2000a, 2000b). Already the EWA has demonstrated some success. In its first year, the account provided 35,400 ha-m (287,000 acre-feet) of water for environmental purposes without reducing allocations to agricultural and urban users. The EWA thus has functioned as a mechanism for providing for improved Delta conditions for splittail.

A review of the CALFED ERP projects shows that as of June 2002, the ERP has funded: 58,300 acres of habitat proposed for protection, including 12,000 acres dedicated to wildlife friendly agriculture and 16,000 acres of floodplain; 39,000 acres of habitat proposed for restoration, including 9,500 acres of shallow water tidal and marsh habitat; 63 miles of upstream habitat proposed for protection and/or restoration; 93 miles of riparian corridor proposed for protection and/or restoration; 72 fish screens accounting for an additional 2,565 cfs of diversion capacity screened; 15 fish ladders and 10 dam removals to provide better upstream passage; 31 projects involving analysis of environmental water and sediment quality; 18 projects intended to specifically address nonnative invasive species; and 75 projects supporting local watershed stewardship and environmental education (CALFED 2002). Clearly substantial efforts are underway to continue to restore and develop optimum splittail habitat.

Full implementation of the 30 year program will require both State and Federal funding and is expected to require both annual appropriations by Congress and continued funding by the State of California. To date, the federal government has spent over \$700 million on CALFED, and the overall expenditures for the first 3 years of the program exceeds \$2 billion; all of which has been spent for environmental restoration.

CVPIA Habitat Restoration: The Central Valley Project Improvement Act (CVPIA) (Public Law 102-575) signed October 30, 1992, amends previous authorizations of the Central Valley Project (CVP) (16 U.S.C 695d-695j) to include fish and wildlife protection, restoration, and mitigation as project purposes having equal priority with irrigation and domestic water supply, and fish and wildlife enhancement having equal priority with power generation. Two of the stated purposes of the CVPIA are to "protect, restore, and enhance fish, wildlife, and associated habitats in the Central Valley * * * of California" and "to contribute to the State of California's interim and long-term efforts to protect the San

Francisco Bay-Sacramento-San Joaquin Delta Estuary." We also note that the CVPIA is a mitigative effort for past impacts of the CVP, and like CALFED, is a multi-purpose program that, at full implementation, will include both beneficial ecosystem restoration elements as well as water supply, water conveyance, and flood control projects, all of which are required to be implemented in a manner that considers the needs of the environment, rather than just maximizing flood control and water supply and delivery which was the case in the past.

The CVPIA exists as a multi-purpose (water supply, flood protection, and conservation) program with significant ecosystem restoration and enhancement elements and has been approved by all the affected parties including the FWS. It is well into its implementation phase and is fully funded. While the CVPIA is not meeting the expected schedules, the individual actions are occurring generally within the scope of their schedules. The CVPIA has identified the plan to be implemented, as well as the funding level, funding source, and other resources necessary to implement it. In addition, the authorities, and the legal, regulatory and procedural requirements necessary to implement the conservation effort have been identified. Finally the necessary environmental reviews and consultations have been completed. The CVPIA describes the nature and extent of threats being addressed, and addresses the threats to the splittail through its tidal and riparian habitat restoration projects, fish screen projects, environmental water programs and numerous other programs. The CVPIA's conservation objectives are defined in terms of recovery of targeted species, of which the splittail is one, and has identified the steps necessary to implement the program. The program has identified and employed quantifiable, scientifically valid parameters to demonstrate achievement of its objectives and the standards by which progress is to be measured. The CVPIA monitors and reports on progress towards implementation (based on compliance with the implementation schedule) and effectiveness (based on evaluation of quantifiable parameters) of the conservation effort.

Provisions of the CVPIA to benefit fish and wildlife habitat include protection and restoration of natural channel, riparian, and wetland habitats (sections 3406(b)(1) and 3406(d)), dedication and management of 98,680 ha-m (800,000 ac-ft) of CVP yield (section 3406(b)(2)), acquisition of additional water supplies to supplement the amount dedicated (section