

Exhibit B. Protocols for compliance with contract provision – ESA

1. Ecology will apply the critical low-flow period determined in the ESA consultation, and determine if additional consultation is necessary, through the following process:
 - a. Ecology will evaluate the impact of the individual diversion or withdrawal relative to the limitation specified in the contract for the flow impact at the point of diversion and its relationship to streams bearing ESA listed species. Similarly, Ecology will evaluate the cumulative impacts of all diversions within a sub-basin above a stream bearing ESA listed species. The lower boundary of a sub-basin for the purposes of this analysis extends down-basin to a Reclamation storage facility or to a stream that carries Project water.
 - b. Ecology will evaluate each application for its existing and/or prospective uses and will determine based on best available information the consumptive and nonconsumptive fractions of the total amount diverted or withdrawn
 - c. Ecology will estimate stream discharge during the critical low-flow period as part of the field investigation for each application. Ecology will collect stream flow data at the point of diversion from the source of supply and, where the source itself is not an ESA listed fish bearing stream, at the location downstream within the range of the ESA listed species of concern. Stream discharge estimates may also be supplemented with data describing local climate, consultation with local water experts, and watershed runoff models.
 - d. Where Ecology determines that the application does not require additional ESA consultation as described in Paragraph ---- of the contract, Ecology will continue to process the application in accordance with all other provisions of the contract. Where Ecology determines that the application will require additional ESA consultation, to be included under this contract, Ecology may continue to process the application in accordance with all other provisions of the contract so as to determine whether further ESA consultation is warranted or whether the application is otherwise rejected. This determination will be made after review by Reclamation and the WTWG.