
From: Garwin Yip - NOAA Federal <garwin.yip@noaa.gov>
Sent: Tuesday, July 18, 2017 10:23 PM
To: Harrison, Katrina
Cc: Benjamin Nelson; Carl Wilcox; Carolyn Bragg; Chris@DWR Wilkinson; Cindy@DWR Messer; David Mooney; Harry@DWR Spanglet; Heidi@DWR Rooks; Jana Affonso; Janice Pinero; John@DWR Ford; Katherine Sun; Kaylee Allen; Kim Squires; Luke Davis; Michelle@DWR Banonis; Patricia Idlof; Kuenster, Gail@DWR; Justin Ly
Subject: Re: Oroville and ROC on LTO Core Team Meeting

All,

As discussed during this afternoon's ROC on LTO core team meeting, description of the SWP's Oroville Field Division can be found on pages 2-78 through 2-97 in the 2008 CVP/SWP operations BA (https://www.usbr.gov/mp/cvo/OCAP/sep08_docs/OCAP_BA_002_Aug08.pdf).

Reasons to include Oroville Reservoir and operations in the ROC on LTO BA:

1. The implementing regulations for the ESA state that "Each Federal agency shall review its actions at the earliest possible time to determine whether any action may affect listed species or critical habitat" [50 CFR 402.14(a), <http://www.nmfs.noaa.gov/pr/pdfs/laws/sec7regs.pdf>]. The section 7 consultation between FERC and NMFS may have addressed all of DWR's SWP operations of Oroville Dam. However, unless Reclamation designated FERC as the lead Federal action agency for the section 7 consultation, Reclamation has an independent responsibility to comply with ESA section 7(a)(2) on behalf of DWR (through the COA). That's what happened in the 2008 BA. In the 2009 BiOp, NMFS deferred the operations of Oroville to the FERC consultation (see section 1.5.3 on page 35 of NMFS' 2009 BiOp at http://www.westcoast.fisheries.noaa.gov/publications/Central_Valley/Water%20Operations/Operations,%20Criteria%20and%20Plan/nmfs_biological_and_conference_opinion_on_the_long-term_operations_of_the_cvp_and_swp.pdf).
2. The FERC action area does not include the entire Feather River, does not include SWP water contractors, and does not consider effects of Oroville ops in the Sacramento River to and through the Delta.

-Garwin-

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On Mon, Jul 17, 2017 at 1:10 PM, Harrison, Katrina <kharrison@usbr.gov> wrote:

Hello all -

I look forward to seeing you tomorrow at 650 Capitol Mall - San Joaquin Conference room in NMFS's office for the Reinitiation of Consultation on the Coordinated Long-term Operation of the CVP and SWP five-agency Core Team meeting.

Attached is a draft agenda.

Thank you,

Katrina

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