

Meeting Notes

Reinitiation of Consultation (ROC) on the Coordinated Long-term Operation (LTO) of the Central Valley Project (CVP) and State Water Project (SWP): Agency Core Team Meeting

Tuesday, July 5, 2017, 2:00pm – 3:30pm

3500 Industrial Blvd, West Sacramento, CA

Attendees

Katrina Harrison, Luke Davis, Patti Idlof, Ben Nelson, Garwin Yip, Heidi Rooks, Harry Spanglet, Mike Ford, Katherine Sun, Jana Affonso

Meeting Purpose

To discuss the technical working groups, Reclamation water service contracts and interrelated/interdependent effects, and the level of analysis for the Reinitiation of Consultation.

Longfin Smelt

- It's likely that Longfin Smelt will be added to the ROC analysis, as it will need to be considered from a NEPA perspective. Then in case longfin becomes a proposed species under the Federal Endangered Species Act in 2019 and then requires a conference opinion, the analysis is already done.
 - o Further discussions will take place at future agency meetings when DFW is present.

Technical Working Groups

- Clear Creek technical working group meetings to take place on July 6 and 7.
 - o Reclamation will be the facilitator for this meeting.
 - Kearns and West will facilitate the Sacramento and Delta technical working group meeting.
 - Garwin will see if NMFS can conduct a separate contract for Kearns and West to provide funding for facilitation.
 - Daryl Good or other agency staff may facilitate other future technical working group meetings.
- The schedule for future technical working group meetings will be determined at a later date.

Technical Workgroup Stakeholder Process

- Discussion: Should the Sacramento and Clear Creek agency technical teams be combined with Stakeholder groups?
 - o Clear Creek agency team will be asked for their opinion following their team meeting.
 - o Will be determined at a future date.

Terrestrial Species Workgroup

- Discussion: Should there be a terrestrial species workgroup?

- May not be as robust a stakeholder process.
- Terrestrial group likely needed following brainstorming on fish species.
- Decision to convene a terrestrial group will be postponed until after the Alternatives or Proposed Action are more developed.

Level of Analysis

- Indefinite period (i.e. no “sunset date”) is still being considered. This would include analysis at a variety of years such as 2030, 2050, and 2070.
- Water users prefer that Reclamation engage in section 7 consultations and sign long-term water contracts prior to the completion of the ROC on LTO consultation because as they think it will be a quicker process as compared to the ROC.
- Question: Can long-term contracts be signed before ROC?
 - Yes, but would likely be a legal issue [ESA section 7(d), which prohibits actions that preclude formulation of reasonable and prudent alternatives] to which there is likely no case law.

Interrelated/Interdependent Effects and Water Contracts

- Question: Is the operation of the CVP and SWP an interrelated or interdependent effect to signing long-term water contracts? If so, contractors would have to do most of the ROC on LTO analysis in each separate NEPA / ESA compliance for each water contract.
 - It is unlikely to be an interrelated and interdependent effect, as Reclamation would still need to operate the CVP for D-1641 and other purposes of the projects even if there were no water service contracts.
- Question: Is signing of long-term contracts an interrelated or interdependent effect to operation of the CVP and SWP? If so, then the ROC on LTO needs to include long-term water contracts.
 - Yes, long-term contracts are an interrelated and interdependent effect to operation of the CVP and SWP. We would not sign long-term contracts but for the operation of the CVP and SWP.
- ROC will continue to support long-term contracts for now, until further clarification is provided by management. This means the ROC on LTO documents will include template contracts and extend far enough in time to support signing 40 year long-term water service contracts.
- Terminology of “indefinite” analysis may need some improving.

Action Items

- Katrina will remove the terrestrial species technical workgroup from the stakeholder flow chart