# 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, September 5, 2017, 2:00pm – 4:00pm

USFWS Leopold Room, 650 Capitol Mall

## Attendees

Luke Davis, Garwin Yip, Carl Wilcox, Kim Squires, Mike Ford, Katherine Sun, Jana Affonso, Chris Wilkinson, Janice Piñero, Harry Spanglet, Ben Nelson, Dave Mooney, Mary Ann Kirkland, Justin Ly

## Meeting Purpose

To discuss the Memorandum of Understanding, CEQA, California WaterFix Adaptive Management Plan/Framework, and any rolling agenda items in relation to the Reinitiation of Consultation.

## Memorandum of Understanding

- Management will discuss the PWA's edits on the MOU. A meeting with the water users will be scheduled in the future.
- Question: Will the MOU be re-signed before the upcoming NEPA scoping meetings? Answer: Yes, that would be ideal. During the first attempt, signing took a month. There are no anticipated issues, so the timeframe should be shorter.
    - NMFS will still require two weeks for their surnaming process.
- Question: Will the PMP move forward to signing despite the MOU not being signed? Answer: This will be an agenda item for the next meeting.
- Question: With the recent edits, do the PMP and MOU provide conflicting information? Answer: Both documents will be reviewed to look for inconsistencies.
- Items flagged for the Principal's meeting
    - Section 5.1 and 5.2, third bullet: Not to be deleted from the MOU. Including operations of the CVP and SWP, and operation of potentially new components of the CVP and SWP should remain. The 5 agencies believe that California WaterFix should be included to obtain durable BOs. Also, it may affect the vision for CWF, as it would necessitate an additional consultation with the USFWS if not addressed in the ROC.
    - Section 5.1, seventh bullet: The water contractors would like to strike the option of two closely coordinated BOs. NMFS and USFWS are not comfortable with this deletion if they are going to have flexibility to meet the schedule.
- Items flagged for Solicitor to address
    - Section 3.6: To add as capacity provided by agencies that are DNFR.
    - Section 5.1, sixth bullet: Clearly add under which authority for informal and for formal (DNFR vs WIIN). Make sure that the roles are not expanded beyond WIIN. Also, when discussing formal consultation, USFWS and NMFS are not included in the addition.

- Section 5.2: Additional language needed to clarify that every signatory will be participating in some form on all of the tasks listed, and that these tasks are more general and identify the steps of the consultation.
- Section 5.3: Language to be added clarifying under what authority of the WIIN Act do the agencies provide a draft BO to the PWAs.
- Section 5.4.5, sixth bullet: Add language "pursuant to the WIIN Act" or something similar that refers to the authority.
- Section 5.4.7, eight bullet: MOUs do not provide "rights". The language will need to be reworked to replace "rights" with "roles". "MOA" will also need to be replace with "MOU", and "WINN" with WIIN".
- Section 6.1: Replace "the parties here to covenant" with "All parties expect or agree".

## CEQA

- DWR will conduct CEQA/CESA for the ROC.
  - It will be a separate CEQA document for the Incidental Take Permit (ITP), but will have joint scoping with Reclamation.
- Question: Will there be two separate CEQA documents? One for the ROC and one for the ITP for longfin smelt? Answer: Yes.
- NOP will be drafted internally and won't be released until the NOI is approved.

## California Waterfix Adaptive Management Plan/Framework

- It's likely the current framework retroactively applies to the 2009 NMFS BO and 2008 USFWS BO.
  - Question: If it's retroactive, how do we apply it today? Answer: This will be discussed at the next meeting.

## Environmental Baseline and California Waterfix

- Discussion on whether or not CWF should be included in the ROC or not.
  - Reclamation is looking for past examples of projects that include a programmatic and project specific baseline
- There may be a need for two ESA environmental baselines.
  - Not possible to do a joint baseline.

## Rolling Agenda Items

- Environmental Baseline and California Waterfix
  - Discussion on whether or not CWF should be included in the ROC or not.
    - Reclamation is looking for past examples of projects that include a programmatic and project specific baseline.
  - There may be a need for two ESA environmental baselines.
    - Not possible to do a joint baseline.
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  - To be discussed after September 15
- Indefinite/No sunset date

    - This still needs to be crafted.
    - Comment: Water users don't want a long-term consultation. Why not confirm the water users want short, 5-year term contract?

## Action Items

- Garwin to continue routing PMP through NMFS review process.
- Janice to provide comments on the MOU to Solicitor.