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 20, 2017, 2:00pm – 4:00pm

Bay-Delta Conference Room, 801 I Street Suite 140

Attendees

Luke Davis, Katrina Harrison, Ben Nelson, Janice Piñero, Garwin Yip, Jana Affonso, Kim Squires, Justin Ly, Chris Each, Mary Ann Kirkland, Mike Ford, Harry Spanglet, Melanie Okoro, Cathy Marcinkevage, Chris Wilkinson, Michelle Banonis, Carl Wilcox, Gardner Jones

Meeting Purpose

To discuss the recent Executive and Secretarial Orders regarding NEPA, the Project Management Plan, Trinity, California WaterFix Project vs. Programmatic Components, and any rolling agenda items in relation to the Reinitiation of Consultation.

Executive and Secretarial Orders regarding NEPA

- Executive Order 13807 seeks a two-year timeline from the NOI to the FEIS for all federal authorizations for infrastructure projects.
- Secretarial Order 3355 imposes a 1-year timeline from NOI to FEIS, as well as a 150 page limit, for all projects.
- Denver (Reclamation headquarters) recently implemented an additional review process for NOIs to determine if they can meet the 1-year timeline.
    - This has delayed issuance of the NOI and, therefore, the current scoping timeframes will not be met for the ROC
        - Question: Can we still accept comments on the ROC? Answer: Yes, but scoping will still have to occur eventually.
        - Question: Where does that leave CEQA? Answer: DWR can still conduct scoping.
            - Will likely not go forward with CEQA scoping until we conduct NEPA scoping. Doing both at different times may confuse the public.
        - Question: Do we still hold the scoping meetings and consider/call them informational meetings? Answer: Management will decide.
        - Denver and BDO will provide indications as to what work can still be done despite the hold-up.
        - Contractors did not bid on a 1-year timeline.
        - Reclamation may request a waiver from the 1-year timeline and page limits.
            - Katrina will provide a briefing paper to Denver on the topic.

Project Management Plan

- Question: Does the PMP say anything about the water agencies' role? Answer: No

    - Currently no requests from the water users to be signatories in the PMP. This may arise on the 10/2 meeting with the water users.
- Question: What was the final decision regarding the PMP? Is it put on hold, will it follow the MOU, or will it be independent?
    - PMP will be put on hold until the 10/2 meeting with the water users
- Comment: We should still clarify in the PMP if each PWA will provide a project manager.
    - This has been addressed. Language has been changed from "will" provide to "may" provide.

Trinity

- During a recent meeting with Reclamation, the Hoopa Valley Tribe and Yurok Tribe raised concerns about the inclusion of Trinity operations in the ROC
- Reclamation's Regional Director informed both tribes we are not planning to reopen flows down the Trinity River.
    - Ideally, Trinity will be incorporated at the beginning of the ROC and not mid-way through.
- NMFS was a topic of interest with both Tribes at this recent meeting.
    - NMFS will likely meet in the future with the tribes, potentially in Eureka.
    - Question: Would this be a government to government meeting? No, this would be at the staff level. This will be clarified through the invitation.

California Waterfix Project vs. Programmatic Components*

- It may be useful to discuss each item in Table 3.1-1 of the CWF BA and determine if each could be used in the ROC.
    - Concern: Table is oddly organized and doesn't include every proposed action since this is from the BA.
- Table 3.3-1 of the CWF BA would be a better list of items to consider for inclusion in the ROC.
    - May be easier to focus on what items would not be included in the ROC.
- Question: Would the first 15 years of CWF be part of the baseline, then subsequent years would be part the proposed action? Answer: Yes, this is what Reclamation is likely considering.
- Ideally, the ROC will be long-term, with phased implementation, and flexibility to include near and long-term operations.
- We would have to model the environmental baseline*
    - Question: Would it be needed if it was modeled in CWF? Answer: Then we would use CWF modeling, unless we wanted to add some additional parameters (e.g. groundwater).
- Question: Is it OK to have the environmental baseline without CWF Operations? Answer: Yes.
- CWF construction will be part of the environmental baseline, but CWF operations will be part of the proposed action for the ROC?
    - This will be brought to Reclamation management.
- CWF will remain a rolling agenda item for future meetings.
    - Katrina will write a briefing paper to discuss this topic further for Reclamation management. Comments and edits by the agencies will be incorporated prior to submittal.

Rolling Agenda Items

- Friant
    - Reclamation will meet with their Solicitor on this topic shortly.
- Indefinite/No sunset date
    - Reclamation is looking to support long-term, 40-year water contracts.
        - PWAs want short, 5-year term contracts.
    - Concern: A sunset date may not be feasible.
        - May consider “climate” check-ins every 5 to 10 years.
            - Federal Columbia River Power System (FCRPS) may be a good example of this.

Additional Items

- An agency meeting should occur prior to the water users meeting on 10/2.
- Stanislaus may no longer be the next ROC band meeting due to the ongoing settlement agreement.
    - This also may affect its inclusion in the ROC.
    - The next ROC band will be the Trinity.

Action Items

- Katrina to setup an agency meeting prior to the 10/2 meeting with the water users.
- Katrina to write-up a briefing paper on the secretarial order, its impacts on the ROC, and potential justification for a waiver.