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 Final Environmental Impact Statement (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. It is a 300 page limit for complex 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 ROC on LTO NOI and, therefore, the current scoping timeframes will not be met for the ROC
        - Question: Can we still accept comments on the ROC before scoping? 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. (Management decided no.)
        - 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 MOU 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 the Trinity River Restoration Program Record of Decision flows down the Trinity River.
    - Ideally, Trinity will be incorporated at the beginning of the ROC and not mid-way through, which will enable appropriate consideration of Trinity issues.
- NMFS was a topic of interest with both Tribes at these recent meetings.
    - Reclamation, USFWS, and 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

- All California WaterFix (CWF) construction should be in the ROC on LTO environmental baseline, even Corps Phase 2. Operations should be acknowledged in the baseline (that project-specific operations ESA consultation is complete for NMFS, but not USFWS).
- Ideally, the ROC will be long-term, with phased implementation, and flexibility to include near and long-term operations.
- Question: Is it OK to have the environmental baseline without CWF Operations? Answer: Yes.
- The Core Team's recommendation is that 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 for confirmation.
- NMFS will help write language describing how consulting again on the CWF operations (since NMFS CWF consultation is project-specific for operations) is not multiple bites at the apple, because if the operations stays the same we do not expect additional terms and conditions.
- CWF will remain a rolling agenda item for future meetings.
    - Katrina will write a briefing paper to discuss this topic further for Reclamation management, with USFWS and NMFS to review. Comments and edits by the Services will be incorporated prior to submittal.
- This would look like an environmental baseline including CWF construction, and then a pre-CWF operations proposed action, and post-CWF operations proposed action (varying levels / timeframe of the proposed action).

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.
        - Some 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 will not be the next ROC band meeting due to the ongoing Voluntary Settlement Agreement discussions.
    - 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.