

# 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, November 28, 2017, 9:00am – 11:00am

801 I Street, Bay Delta Office, Bureau of Reclamation

## Attendees

Ben Nelson, Katrina Harrison, Armin Halston, Garwin Yip, Jana Affonso, Kim Squires, Katherine Sun, Mike Ford, Carl Wilcox, Chris Wilkinson, Janice Piñero, Justin Ly

## Meeting Purpose

To discuss the current ROC on LTO approach, a debriefing on the American River Workshop, the Trinity River ROC Band Attendance, the ROC on LTO MOU, CWF inclusion in the ROC on LTO, the duration of the ROC on LTO, and Friant in relation to the ROC on LTO.

## ROC on LTO Approach

- Due to Secretarial Order 3355, the original ROC NOI was pulled and an exemption was not granted from D.C.
- The current ROC on LTO approach focuses on three phases (which may change due to circumstance).
  - o Phase 1 would focus on water supply.
    - An EA or small EIS for this phase has the potential of being completed in 1 year.
      - May focus on some of the original ROC ideas and/or Alternative 6 from the LTO Remand (e.g., San Joaquin inflow-to-export ratio, OMR).
  - o Phase 2 would be a programmatic EIS which covers storage and conveyance (e.g., Sites Reservoir, CWF), and likely some aspects regarding power marketability.
    - The current timeframe for this phase is 1.5 years.
      - Question: How does the 1.5 years' timeframe fit into the Secretarial Order? Answer: It doesn't at this time, as the Secretarial Order has not been waived. DC has not fully bought into this schedule.
  - o Phase 3 includes continuing with the current brainstorming, alternatives development process. An NOI will be issued once this process has been thoroughly developed in order to meet the Secretarial Order requirement of 1 year from NOI to ROD.
    - Question: So the three phases will occur simultaneously? Answer: Basically, yes.
    - Question: Regarding the three phases, does this change from an EIS to an EA entirely? Answer: No, just Phase 1 might be an EA.
    - Question: There was no mention of a non-jeopardy goal with D.C.? Answer: No, but it should still remain a goal for the five agencies.

- Question: How can Reclamation take out, for example, the San Joaquin inflow-to-export ratio and OMR, and determine they are discrete actions that warrant individual ESA section 7 consultation? Answer: It is a significant risk for litigation.
  - Question: Does D.C. understand this risk? Answer: Yes.
- Question: Would the programmatic EIS have a BA/BO? Answer: Unclear at this time, but probably.
  - Question: So there would be three BA/BOs, all simultaneously? Answer: Yes, maybe even more if Phase 3 is multiple NEPA/ESA documents.
- Question: Should the core team agencies focus on all three phases or just phase 1? Answer: All of the phases.
- Comment: It may be more efficient to utilize the WIIN Act process to tackle the presence-based OMR action.
  - The WIIN Act process already has to result in no adverse effects.
- An EA can have no significant impact, but there still may be incidental take involved. It may be possible to have incidental take that is within the incidental take statement already authorized as part of the 2008/2009 BOs.
- Comment: The WIIN Act will take priority over the next 5 months for the Services.
- Question: If we change OMR, would it be more conservative or liberal?
  - Unsure if it's more conservative or liberal at this time.
    - It would likely be based off the Catch Index, but no specific numbers at this time.
- Comment: OMR analysis would likely prove to be an impact on water deliveries.
  - Reclamation would look at analysis for impacts on water prior to the start of the BA.
- Question: Does the Secretarial Order say anything about EA timeframes? No, just requires agencies to recommend actions to shorten those timeframes.
- Question: What are our next steps? Answer: Think more about the proposed phases. Provide any additional thoughts regarding the EA or Alternative 6 (OMR in excess conditions; SJR I:E).
- Question: When does the 1 year timeline start? Answer: Unsure at this time. Once the NOI for phase 2 is approved, then that process would begin.
- Katrina will add an agenda item for the next core team meeting to discuss this current ROC on LTO approach further.

## Trinity River ROC Band Approach

- The Hoopa and Yurok Tribes wish to be included in the agencies' ROC Band.
- Question: Were tribes invited to the previous ROC Bands? Answer: No. We could invite them in the future. Most of the tribes (other than Trinity / Klamath ones) aren't engaged in CVP and SWP related issues.
- Question: Would this invitation set a standard for other stakeholders? Answer: Not likely. The tribes have a valid interest in the Trinity system. Also, there are government to government obligations which differ from those with other stakeholders.

- NMFS is OK with the inclusion of the Hoopa and Yurok tribes into the agencies' ROC Band. USFWS will check with management first before agreeing to have the tribes attend the agencies' ROC Band.
- Question: Do we need to clarify it's not a Government to Government meeting, that this is a brainstorming meeting? Answer: Yes. We should provide a clear agenda.
  - o Would be good to clarify it's a staff level meeting.
- Question: Has an agenda been drafted for the December 12 meeting? Answer: Katrina will work on this.
  - o Agenda will include: a brief overview on the ROC, focused mainly on phase 3, a discussion on how the 5 agencies coordinate (and specifically on how staff from the NMFS Sacramento and Arcata offices coordinate), and an additional comments period.
    - Question: How do the tribes feel about the long-term lower Klamath flow augmentation plan? Depending on their answer, that would be a good example of the NMFS offices coordination. Answer: Hoopa didn't mention any specifics on this in the G to G meeting a few months ago. Katrina will check with Paul Zedonis on the Hoopa and Yurok's common issues.

## American River Workshop Debrief

- Of those stakeholders that attended, cooperation went well.
- No NGOs attended the American River Workshop. Some water users lamented that no NGOs attended.
  - o NGOs attended the previous LTO Remand process, but current interest has been low
    - NGOs may be dealing with limited resources for meeting attendance.
- Some stakeholders seemed confused regarding the posting of their top issues on the wall.
  - o Comment: May be helpful to have them identify their top issues utilizing the agencies' brainstormed issues / function handout.
- Most stakeholders hoped the presentations would identify issues.
  - o Reclamation could provide their own top issues in future presentations to spur the brainstorming process.
- Question: How does WAPA fit into the 5 agency ROC Band? Answer: WAPA could join the 5 agency ROC Band.
  - o Would provide some beneficial input
  - o Question: Will the State board be invited as well? Answer: It's likely they will be invited for future stakeholder meetings. Uncertain regarding the agency ROC bands.

## Friant

- There is still a question of whether or not Section 7 ESA consultation has been completed on the current Friant contracts.
- Question: Do we want to include Friant in the phase 3 of the ROC? Answer: We originally focused on a system wide viewpoint, so it may be logical to include it.

## Action Items

- Katrina to check with Paul Zedonis regarding the fall flows, long-term plan (tribes).

- Katrina to distribute agenda for December 12 tribal meeting.
- Katrina to send State Water Contractor's comments on the ROC on LTO MOU to the group.
- Katrina to send out the new ROC presentation and NOI to agencies when appropriate.
- Katrina to set up a call-in number for the Hoopa meeting.
- UFSWS to check with management on inclusion of tribes to agencies' ROC Band.