

# 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, May 1, 2018, 2:00pm – 4:00pm

USFWS, 650 Capitol Mall, Leopold Room

## Attendees

Ben Nelson, Katrina Harrison, Armen Halston, Garwin Yip, Jana Affonso, Kim Squires, Katherine Sun, Mike Ford, Carl Wilcox, Chris Wilkinson, Janice Piñero, Kaylee Allen, Mario Manzo, Anna Allison, Dan Cordova, Katie Flahive, Brooke Jacobs

## Meeting Purpose

To discuss Congressional/ DC Items, Track 3 schedule, a debriefing on the PAWS Workshop, Technical Teams, Track 1 Ideas Refinement, and Track 1 Ideas Roles/ Responsibilities.

## Congressional/DC Items

The House of Representatives is considering issuing something that would require completed Biological Opinions for Track 3 by May 30, 2020. When asked what the effects of that deadline would be, Reclamation responded that the time limit on Track 3 would require shorter analysis and less stakeholder engagement so would lead to a greater litigation risk.

## Track 3 Schedule

Initial very draft scheduling indicated a 2022 Record of Decision with Biological Opinions would be realistic and allow us to meet our ideal goals, including peer review.

- Action Item: Katrina to develop a realistic schedule for Track 3 and share with the Core Team.

It is likely that we will need to submit a BA to the Services prior to having a Final EIS, as we anticipate D.C. will be interested in a Record of Decision soon after a Final EIS. Secretarial Order 3355 requires a Final EIS in 1 year from the issuance of the Notice of Intent.

- Q: Are we consulting on Track 2?
  - o A: We aren't sure yet, but anticipate we will be consulting on something. The Proposed Action for programmatic ESA compliance could be anything from habitat restoration projects to a programmatic BO on ops.

## April 26 Workshop Debrief

On April 26 there was a Track 1 workshop. We discussed the possible proposed actions with approximately 40 people representing stakeholders, agencies, and interested parties. We found that it went pretty smoothly, and having something specific to react to resulted in more specific and helpful ideas / tweaks.

After the workshop, we realized that DWR's predation study needs compliance sooner than Track 1. Therefore, we are pulling this out of the EA that would be done by December 2018. We are currently exploring whether there are predation items we can discuss for the federal facility, but if not then we will cancel the predation technical team and remove it from Track 1.

## Track 1 Ideas Refinement, Roles and Responsibilities

### San Joaquin I:E Ratio

- At the April 26 workshop, Armin's report-out from the small group indicated that the I:E ratio had lots of disadvantages and not a lot of advantages. This was because the attendees don't like the I:E ratio at all, and one of Reclamation's ideas continued a ratio (3.3:1 instead of 4:1).
- The write-ups at the April 26 workshop did not reflect the technical team discussions.
- Technical team indicated that the science was uncertain on which route had better survival – Old River or San Joaquin River. DWR's stipulation study shows slightly better survival through the pumps than through the San Joaquin River. Earlier coded wire tag data showed better survival through the San Joaquin River than through Old River / pumps.

Action Item: Reclamation to send out April 26 workshop notes as well as technical team notes to this Core Team.

- Brooke Jacobs: The Long-fin smelt Incidental Take Permit, which will be issued at the end of this year, may include the SJR I:E ratio as a way to get spring outflow for long-fin smelt.
- Modifying the I:E ratio may not be something that is reasonable to do permanently in Track 1, but can be reconsidered in Track 3. Anything that is proposed in Track 1 can be re-evaluated in Track 3 and changed if desired.

### Fall X2

- DWR's August 2018 study will evaluate operating the Suisun Marsh Salinity Control Gates (SMSCG) in August. Reclamation is interested in operating them more in September – October in Above Normal and Wet years.
- USFWS suggested proposing, as part of Track 1, adjusting the SMSCG timewindow – allow it to operate from August – May instead of October through May, as currently allowed in the USFWS BO.
- Operation of the SMSCG in the summer may be problematic with recreational boating.
- The USACE permit may need to be changed (note: Reclamation followed up on this later and the USACE permit allows operation from XX through XX).
- Learning from the 2018 study and the 10 year review could allow a more informed action in 2019 for Track 2 or 3.
- Critical habitat Primary Constituent Elements should be evaluated to determine if an alternate Fall X2 action is equally or more protective for the listed species.

### OMR

- The OMR storm flexibility technical team would need to define criteria around storm flexibility – what defines a storm, and also the biological criteria that verify no additional adverse effects.

- DFW and NMFS and USFWS criteria were proposed in January 2018, these can be a starting point for the technical team.

#### Non-physical Barriers

- NMFS indicated that DWR / Reclamation should permanently install the Georgiana Slough barrier as required by the RPA rather than studying it again.

#### Studies

- No one expressed concerns about the rapid genetics analysis protocol.
- Training detection dogs may take longer than 12 weeks based on DFW's experience.

### Technical Teams

Smelt monitoring and OMR storm flexibility technical team emails should be coming out soon.

### Track 1 Roles and Responsibilities

Reclamation will be looking to get input from the agencies whether preliminarily the Track 1 ideas would or would not cause additional adverse effects to the species based on best available science. Reclamation is looking to propose ideas that have no additional adverse effects – ideas that are equally or more protective of the listed species.

### Decision Memos

California WaterFix will not be part of Track 1. Will need to determine whether operations of CWF is in the Track 2 baseline or not. Will need to decide whether California WaterFix operations is in the baseline or the alternatives for Track 3. May describe construction and operations in the baseline but not include it in modeling due to shorter duration of the BO. These decisions can be postponed for a bit.

Duration of the BO – Track 1 can be re-done at Track 3. Water users want Track 3 to end at the time CWF would become operational. This would avoid CWF issues in the ROC on LTO, and also avoid climate change concerns water users have related to front-loading. A phased action seems like a method to avoid front-loading concerns.

### Unsorted Topics and Questions

Garwin asked about species list, Armin answered citing development, as we get closer to the proposed action, we are updating the list.

### Action Items

- Katrina to send out notes from technical teams
- Reclamation to send out notes from the April 26 workshop
- Katrina to develop Track 3 schedule for discussion at next Core Team meeting.
- Send DFW / NMFS storm flexibility criteria out to the Core Team and technical team [done]
- Note decisions (CWF, duration) on the Track 3 schedule.