

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

Wednesday, June 20, 2018, 10:00 am – 12:00 noon

DWR, 3500 Industrial Blvd #131, West Sacramento, CA

Attendees

Ben Nelson, Armin Halston, Katrina Harrison, Mark Westbrook, Jana Affonso, Melanie Okoro, Garwin Yip, Kim Squires, Carl Wilcox, Chris Wilkinson, Anna Allison, Dan Cordova, Brooke Jacobs, Ken Kundargi

Meeting Purpose

To discuss the Near-term Actions science, actions, impacts and effects, ESA compliance; and discuss the Programmatic alternatives, adaptive management framework, and ESA compliance.

Near-term Actions

- Question: How many different variations of alternatives (such as different I:E ratios) was Reclamation planning to include in the NEPA document?
 - o A: NEPA doesn't require all possible alternatives to be included, so Reclamation was not planning to include all idiosyncrasies but rather a reasonable range of alternatives. Reclamation will expand on the "Alternatives Considered but Eliminated" section to include actions or alternatives that were discussed even if they are not carried forward as alternatives.
- *Action Item: Core Team to provide comments to Reclamation on the Track 1 proposed action document by July 11*
 - o Agencies are struggling with the moving target of these documents. Agencies should comment on the June 19, 2018, version of the rough draft EA and Reclamation will incorporate edits into whatever the most recent version is when the comments are received.
- Question: Is Reclamation's objective to get more water, or to get a smaller amount of additional water quickly? Significant effects / adverse effects may require an EIS / formal consultation, which would not meet Reclamation's schedule.
 - o Answer: BDO doesn't know, this decision will be made at higher levels in Reclamation.
 - o Comment: For a successful ESA consultation, the Biological Assessment would need to find that these proposed RPA modifications would also avoid jeopardy and adverse modification.
 - o It is likely that the agencies comments and science references will help Reclamation as Reclamation determines the effects of the actions. An EIS is triggered, in part, by sufficient controversy.
 - Controversy: "dispute over scientific conclusions or impacts"; "substantial dispute over size, nature, or effect of major federal action" per NEPA Handbook
- Question: Is there a schedule for ESA for the Initial Actions?

- Answer: Yes. The goal is to have NEPA and ESA completed by December 2018.
 - Comment: NMFS believes the Near-term Proposed Action may be formal consultation, which would need a BA to NMFS soon in order to complete ESA by December 2018.
- Comment: NMFS management characterized the ROC on LTO as three separate Biological Opinions – 3 large analyses
- Comment: Reclamation should beef up the current science description in the draft EA, and describe the limitations of the studies in the document.
 - Comment: DWR's Stipulation Study did not include positive OMR. It was not at a wide range of flows and this limitation should be characterized in the Initial Action EA.
- Question: Why are we proposing to modify the rapid genetics protocol at all, if density dependent triggers are not relevant?
 - A: Reclamation would still consider the density dependent triggers as part of our risk assessment. We anticipate basing our decisions heavily on the density dependent triggers after the fish are migrating (March-ish).
- Reclamation to send out the consultation and coordination section of the Near-term (Initial) Action EA, for the agencies to review and make sure agency meetings and input are characterized appropriately.
- Comment: Include the whole ROC on LTO context in the need for the proposal section of the EA
- Comment: if we are proposing a Phase 2 of the 6-year tagging study, then we should include it in the IEP workplan now; or, don't do the acoustic tagging study if it is only studying the 1:1 ratio (as this would not be a broad range of flows)
 - Reclamation looked into this, and it is too late for this year's IEP workplans. This study would be coordinated with the other 3 ongoing or planned acoustic telemetry efforts and may be the same as some/all of them.
- Question: In the OMR Proposed Action, what is Reclamation trying to achieve?
 - Answer: Reclamation is trying to avoid real-time back and forth as we operate, and also trying to obtain some sort of ESA document from USFWS or NMFS so DFW has the opportunity to consider a Consistency Determination.
 - Reclamation does not anticipate including hard-wired triggers in the OMR section. Rather, Reclamation would conduct a risk assessment which would be done at specific times, and would consider specific things in making a decision.
 - Comment: This does not reduce real-time back and forth. Having specific criteria identified for how Reclamation would make a decision could reduce real-time back and forth.
- In the effects analysis, Reclamation would do a Primary Constituent Elements evaluation for Delta Smelt fall habitat, to evaluate whether the Suisun Marsh Salinity Control Gate operation would affect critical habitat PCEs.
- Another option for the Fall X2 action is to test it in August with the Ted Sommer study, and then discuss possible changes to X2 after information is gathered from the August experiment.
- In the Initial Action EA, Reclamation should discuss D-1641 requirements (whether they are met) and where the water comes from to complete the Suisun Marsh Salinity Control Gate action.
- Reclamation to try to send out the presentations for tomorrow's Initial Action meeting.

Programmatic

- Comment: Adaptive Management should be done before proposing changes to the RPA action

- Reclamation should consider comparing the CWF Adaptive Management Framework to what Reclamation is proposing – discussing the existing requirement (in the CWF AMF) and then the proposed change, in order to specifically identify what in the CWF AMF Reclamation may wish to modify.
- Question: What is the action for the Programmatic piece?
 - o Answer: Reclamation does not know what the proposed action is for the Programmatic component yet.

Action Items

- Core Team to provide comments to Reclamation on the Track 1 Near-term Action draft EA by July 11
- Reclamation to describe the limitations of the studies in the draft Near-term Action EA
- Reclamation to send out the consultation and coordination section of the Near-term Action EA
- Reclamation to schedule the next meeting for Friday June 29 to further answer questions Core Team members may have about the draft Proposed Action