MEMORANDUM OF UNDERSTANDING

REINITIATION OF CONSULTATION ON THE COORDINATED LONG-TERM OPERATION OF THE CENTRAL VALLEY PROJECT AND THE STATE WATER PROJECT

COMMENTS FROM USFWS, NMFS AND DFW

ITEMS FLAGGED FOR PRINCIPAL'S AWARENESS

1) Section 5.1 and 5.2 third bullet - Do not delete out of the MOU including existing operations of the CVP and SWP and operation of potentially new components of the CVP and SWP. The 5 agencies believe that California Water Fix should be included to obtain durable BOs. Also, may affect vision for CWF; it would necessitate an additional consultation if not addressed in the ROC.
2) Section 5.1, seventh bullet– The water contractors would like to strike the option of two closely coordinated BOs. NMFS and USFWS are not comfortable with this deletion if they are going to have flexibility to meet the schedule

ITEMS FLAGGED FOR SOLICITOR TO ADDRESS

1) Section 3.6 - Add also as capacity provided by agencies that are DNFR
2) Section 5.1 – Bullet 6. Clearly add under which authority for informal and for formal (DNFR vs. WIIN). Make sure are that the roles are not expanded beyond WIIN. Also, when discussing formal consultation, USFWS and NMFS are not included in the addition.
3) Section 5.2 – Need language to make sure that language is not misinterpreted as that every signatory will be participating in some form on all of the tasks listed, and that these tasks are more general and basically identifying the steps of the consultation
4) Section 5.3 – Add language under what authority of the WIIN act do the agencies provide a draft BO to the PWAs
5) Section 5.4.5, bullet 6 – Add language "pursuant to the WIIN act" or something similar that refers to the authority
6) Section 5.4.7 – Eighth bullet- Reclamation, NMFS and USFWS does not agree that the MOU provides "rights". Rework the language to replace "rights" with "roles". Moreover, substitute "MOA" with "MOU" and "WINN' with "WIIN"
7) Section 6.1 – Replace "the parties here to covenant" with "All parties expect or agree"

ITEMS FOR STAFF TO ADDRESS

1) Section 4.10 – Ensure that definition of DNFR is verbatim from Section 7 Handbook
2) Section 4 – Add critical habitat definition
3) Section 5.3 – Explain why was stakeholders language stricken
4) Section 5.4.7 – DFW believes that this is a large group of people and that maybe we should clarify that the consultant team only takes direction from Reclamation
5) Section 5.4.7 – Fourth bullet- For non Federal cooperating agency substitute "will participate" with "will be invited."
6) Section 5.4.7 – Fifth bullet- DWR and DFW to edit CEQA bullet
7) Section 5.4.7 – eighth bullet, fourth sub bullet – Change to be consistent with WIIN Act for PWAs
8) Section 6.3 – Add definition of the Proposed Action to Section 4.0 Definitions
9) Section 6.3 – Add that USFWS and NMFS retain final decision on analysis and conclusions in the BO
10) Section 6.4.1 – Substitute "will be" with "invited"
11) Section 6.4.1 – DFW would like the roles afforded by cooperating Agency, DNFR and WIIN Act clarified
12) Do a search to replace "MOA" with "MOU"