



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
650 Capitol Mall, Suite 5-100
Sacramento, California 95814-4700

December 19, 2016

MEMORANDUM FOR: Barry A. Thom
Regional Administrator

FROM: Maria Rea *Maria Rea*
Assistant Regional Administrator
California Central Valley Office

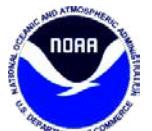
SUBJECT: Memorandum of Understanding for the Reinitiation of
Consultation on the Coordinated Long-term Operation of the
Central Valley Project and the State Water Project
– **Decision Memorandum**

I recommend that NOAA's National Marine Fisheries Service (NMFS) become party to this Memorandum of Understanding (MOU) which sets forth the terms and understanding between the Parties required to undertake the reinitiation of Consultation on the Coordinated Long-term Operation of the Central Valley Project (CVP) and the State Water Project (SWP) pursuant to the Federal Endangered Species Act. The participating agencies, collectively deemed the Parties, are the United States Fish and Wildlife Service (USFWS), NMFS, the Bureau of Reclamation (Reclamation), the California Department of Water Resources (DWR), and the California Department of Fish and Wildlife (CDFW).

The overall goal of the consultation on the coordinated long-term operation of the CVP and SWP is to achieve a durable and sustainable biological opinion (BiOp) issued by the USFWS and NMFS that accounts for the updated status of the species and species' needs as developed through ongoing collaborative science processes, operation of CVP and SWP facilities, existing operations of the CVP and SWP, and operation of potentially new components of the CVP and SWP.

Given the scope and magnitude of the Project, it is anticipated that extensive coordination will be required throughout the entirety of the process. This coordination will require each agency's dedication of technical experts, administrative support, directors, and other staff as required. A detailed Project Management Plan will be developed by Reclamation by January 2017 which will assist in better defining agency roles and responsibilities and forthcoming expectations in detail.

.Key Actions that NMFS will be responsible for are listed in the MOU as follows:



- NMFS will assign a Project Manager with responsibilities for ensuring the NMFS coordinates and collaborates in an effective manner and communicates status internally and to other agencies.
- NMFS will identify an Executive Sponsor with authorities and responsibilities for addressing policy-level issues as appropriate, coordinating with the Parties to this MOU as needed to complete tasks described in this MOU and to identify and resolve issues.
- NMFS will provide technical assistance to Reclamation related to the preparation of the biological assessment (BA).
- NMFS will, within 30 days of receipt of a BA formally submitted by Reclamation along with a consultation request, submit a notification letter to Reclamation indicating whether the document contains the information necessary to initiate section 7 consultation.
- NMFS will prepare a draft and final BiOp, considering the potential of a joint BiOp prepared in conjunction with USFWS.
- NMFS, in coordination with USFWS, will issue a draft BiOp for Reclamation's review. NMFS's final BiOp and/or Administrative Record will include consideration and/or integration of comments received from the Reclamation review of the draft BiOp.
- NMFS will participate as a National Environmental Policy Act cooperating agency during Reclamation's development of an Environmental Impact Statement.
- NMFS will provide input to Reclamation during the development of the draft BA to assist Reclamation in its responsibility to provide the best available scientific and commercial data with respect to NMFS species as required by 50 C.F.R. 402.14(d).

All parties acknowledge and agree that this MOU does not, and shall not be construed to, create any rights or obligations for any party enforceable in a court of law by any party, by any party contracting with DWR or Reclamation, by any stakeholder affected by the Project, by any Designated Non-Federal Representative, or by any other third party, agency, person, or entity.

This MOU has been reviewed and cleared by the NMFS West Coast Region Operations, Management, and Information division, and NOAA Office of the General Counsel, Southwest Section.

This MOU may be modified by mutual consent of authorized officials from Reclamation, DWR, USFWS, NMFS, and CDFW. This MOU will become effective upon signature by the authorized officials and will remain in effect until modified or terminated by any one of the Parties by mutual consent, or by completion of the Project as described.

It is the intention of the signatory parties to begin the routing and signing process starting on December 19, 2016, with NMFS signing as soon as the MOU has been cleared for signature through the established routing and review process.

Recommendation

I recommend that you concur with me and on behalf of NMFS sign the MOU for the reinitiation of consultation on the coordinated long-term operation of the CVP and SWP.

I concur. _____
Date

I do not concur. _____
Date

Attachments:

MOU
Routing slip

Electronic CC: F/WCR – Rea, Darm