

NOAA Fisheries

November 1, 2016

BRIEFING MEMORANDUM

FROM: NOAA Fisheries
SUBJECT: California Drought and Salmon Management

EXECUTIVE SUMMARY

Water management in California during the past five years of drought conditions has been extremely challenging, with federal and state agencies forced to make decisions to meet multiple objectives when there is not enough water to do so. These objectives include the competing demands for human health, agricultural production, and endangered fish species. At the same time, agencies have been consulting on a new \$16 billion water infrastructure project that would change how some of that water is conveyed to over 25 million Californians. Both processes have required unprecedented coordination and collaboration at the regional level.

BACKGROUND

Drought and Current Water Operations

NOAA Fisheries has statutory responsibility to ensure that water operations of the federal and state pumping facilities (the Central Valley Project, or CVP, and the State Water Project, or SWP) in California do not jeopardize the survival of various fish species listed under the Endangered Species Act (ESA). In 2009, NOAA Fisheries issued a Biological Opinion (BiOp) to the U.S. Bureau of Reclamation (BOR) under the ESA requiring a number of actions throughout the year to protect ESA-listed endangered Sacramento River winter-run Chinook salmon and threatened Central Valley spring-run Chinook salmon and steelhead. These protective actions were designed primarily to decrease in-river water temperatures, ensure minimum flow schedules, and improve fish passage and spawning success. NOAA Fisheries finely tailors these protections to both meet the needs of these endangered and threatened fish and to minimize impacts to other water supply users. In August 2016, based on new scientific information, BOR requested reinitiation of consultation with NOAA Fisheries, as provided for under Section 7 of the ESA. The CVP and SWP will continue to operate pursuant to the requirements of the 2009 BiOp until the reinitiated consultation is complete and a new BiOp is issued.

California WaterFix (CWF)

The CWF is a proposed massive water infrastructure project in the Sacramento-San Joaquin River Delta (Delta), currently undergoing environmental impact review, including consultation under the ESA by NOAA Fisheries and the U.S. Fish and Wildlife Service (USFWS). CWF is intended to help meet California's long term co-equal goals for Delta management: water supply reliability and ecosystem restoration. When ESA consultation is complete, the CWF will authorize the construction and operation of three new major intakes tapping directly off the Sacramento River to feed freshwater directly to the state and federal aqueducts originating in the south Delta through two tunnels running 40 miles long about 150 feet underground.

Implementation of the CWF is a very visible and high priority for Governor Brown and the state of California. It is arguably the largest civilian public works project in the United States (current cost estimates are about \$15-20 billion for the full proposed program). The Department of Commerce, through NOAA Fisheries, has repeatedly stated that it is in full agreement with the state of California that CWF is a key part of a multi-pronged strategy to address the range of problems threatening both the Delta ecosystem and the reliability of the state's water delivery

system. NOAA Fisheries has played a lead role in achieving progress on the current ESA consultation. We hope to complete the CWF ESA consultation by March 2017, but the schedule for consultation on such a large project in this narrow timeframe will be challenging.

RELEVANT INTERNAL STAKEHOLDERS

Barry Thom, NOAA Fisheries West Coast Regional Administrator: NOAA Fisheries has worked since December 2013 with other federal and state agencies that supply water, protect fish and wildlife, and regulate water quality to respond to the severe drought conditions in California. NOAA Fisheries West Coast Regional Administrator is keenly attuned to this issue, given its highly political nature and coordinates closely with NOAA Fisheries and NOAA leadership.

RELEVANT EXTERNAL STAKEHOLDERS

Farmers, irrigators, urban populations in Southern California, and environmental NGOs: Changes in water deliveries due to reduced water supplies pit large and widespread economic losses in some areas of central and southern California against possible extinction of several species and large economic losses to northern California coastal communities and others dependent on salmon and recreation industries. This dynamic correspondingly pits against each other farmers in the Central Valley, urban populations in the southern part of the State and conservation-minded constituencies.

CA Congressional delegation members: Like their constituencies, the California Congressional delegation is frequently split on any actions that affect California water distribution. During the 114th Congress, H.R. 2898 (Western Water and American Food Security Act of 2015, introduced by Rep. Valadao [R-CA-21]) passed the House. The Administration opposed H.R. 2898 with a veto threat. In the Senate, Sen. Feinstein and her staff have engaged in protracted negotiations with the White House Council on Environmental Quality, Department of the Interior, and NOAA for the past two Congresses to develop drought legislation, which the Senator introduced in May 2016. To date, the Administration's position on the bill has been measured, due in part to certain provisions that could be read to override the 2009 NOAA Fisheries BiOp and the ESA.

RELEVANT INTER-AGENCY GROUPS

State of California—Department of Water Resources, Department of Fish and Wildlife, State Water Resources Control Board; U.S. Bureau of Reclamation; and U.S. Fish and Wildlife Service: To provide a transparent and predictable framework for water management decisions over the past few years, an annual Interagency Drought Strategy has been developed by BOR and the California Department of Water Resources (DWR) (operator agencies of the CVP and SWP, respectively), with technical assistance from NOAA Fisheries, USFWS, the California Department of Fish and Wildlife, and the California State Water Resources Control Board. This planning effort was designed to help ensure that health and human safety standards are met, salinity controls are achieved, and impacts to fish and wildlife are minimized. New investments in research and monitoring were made during the drought, and there is general consensus that these investments should continue in the long-term.

UPCOMING DEADLINES/TIMING

- March 2017: Final ESA Biological Opinion on California WaterFix
- Spring 2017: Re-initiation on CVP/SWP ESA consultation begins
- February – June 2017: Most critical timing for 2017 water allocations decisions (from BOR and DWR to farmers and irrigators) and real-time CVP and SWP operational management decisions (made by the federal and state project operating and fisheries management agencies)