

**Stakeholder and Public Involvement Plan**  
for the  
**Reinitiation of Consultation on the**  
**Coordinated Long-Term Operation**  
**of the Central Valley Project and State Water Project**

**Purpose and Objectives**

The purpose of this Stakeholder and Public Involvement Plan (Plan) is to document Reclamation's approach to providing project updates to the general public and obtaining input from interested stakeholders for the Reinitiation of Consultation (ROC) on the Coordinated Long-term Operation (LTO) of the Central Valley Project (CVP) and State Water Project (SWP).

The objectives of this Plan are to:

- Identify interested stakeholders;
- Provide forums and mechanisms for distributing accurate, easy-to-understand, timely information on issues and activities throughout the process to the general public and interested stakeholders;
- Encourage and solicit agency, stakeholder, and public comments on all aspects of the process, well before key decision points;
- Incorporate comments/feedback received into the process and key decisions; and
- Ensure the letter and spirit of the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), and any other appropriate environmental laws are followed with respect to disclosure and opportunities for the general public and interested stakeholders to provide comments.

The Plan outlines a stakeholder engagement and public involvement process. The purpose of the stakeholder engagement process, separate from the public involvement process, is to afford invited stakeholders the opportunity to collaboratively work with Reclamation and each other to: (i) identify and address the core scientific issues in the NEPA compliance and ESA Section 7 consultation processes, (ii) assist in developing the ESA proposed action and NEPA preferred alternative, and (iii) provide input into the development of the NEPA environmental impact statement (EIS) and ESA Section 7 biological assessment (BA). The stakeholder engagement process will utilize focused and structured processes designed to resolve, or at least narrow, differences of opinion and to explicate key uncertainties in scientific information. The goal of the stakeholder engagement process is to receive valuable input as Reclamation and the California Department of Water Resources (DWR) develop a preferred alternative (NEPA) and proposed action (ESA) based on the best available scientific and commercial information which is intended to result in a joint biological opinion (BO) issued by the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS), or two closely coordinated BOs.

The purpose of the public involvement process is to provide the general public and all interested stakeholders regular updates on the status of the project, key decisions made along the way, upcoming major milestones, and future opportunities for public input.

## **Introduction**

Reclamation and DWR requested to reinitiate consultation on the LTO because of new information related to multiple years of drought, recent data on Delta Smelt and winter-run Chinook salmon population levels, and new information available and expected to become available as a result of ongoing work through collaborative science processes.

On August 2, 2016, Reclamation as the Federal action agency for the ESA Section 7 consultation, along with DWR as the anticipated applicant, sent letters to USFWS and NMFS requesting the reinitiation of consultation on the LTO. Reclamation and DWR stated their commitment to an open and transparent process for reviewing the Reasonable and Prudent Alternatives (RPAs) outlined in the 2009 NMFS Biological Opinion (2009 NMFS BO) and the 2008 USFWS Biological Opinion (2008 USFWS BO). USFWS responded to Reclamation's request on August 3, 2016, and NMFS responded on August 17, 2016.

This Plan documents Reclamation's approach to public involvement and stakeholder engagement in the ROC on LTO. As a matter of policy, the stakeholder engagement process must involve a representative range of interests, including pertinent local, state and Federal agencies; CVP and SWP water users; power users; fishing organizations; and environmental non-governmental organizations (NGOs). While every effort will be made to have a robust and collaborative stakeholder engagement process, final decisions necessarily rest with Reclamation on those matters within its authority.

## **Background**

Reclamation anticipates that the NEPA process will begin first with initiation of the public scoping process, followed by concurrent NEPA and ESA Section 7 processes through development of a Final EIS and BO(s). Reclamation anticipates a free and complete flow of information between the NEPA and ESA Section 7 consultation processes, with each informing the other.

The Mid-Pacific Region's Bay-Delta Office has the lead responsibility for overall management of the ROC on LTO. This office will be assisted by other offices in the Mid-Pacific Region. In addition, Reclamation is in the process of procuring the services of consulting firms to assist in the preparation of the EIS and BA. A separate contractor will provide facilitation for meetings associated with the stakeholder engagement and public involvement processes.

## **Participation in the ROC Stakeholder Engagement and Public Involvement Processes**

NEPA and the applicable implementing regulations (40 CFR Parts 1500-1508) provide certain minimum requirements regarding participation of cooperating agencies, public input to the scoping process and to the identification of alternatives, and public review of draft EISs. The

Section 7 consultation process (50 CFR Part 402) also provides for participation of non-federal entities other than the action agency (Reclamation in this case) and USFWS and/or NMFS, but only in very limited circumstances.

On the other hand, Reclamation is not prohibited from providing, under both NEPA and Section 7 of the ESA, wider opportunities for input from public agencies and non-governmental entities. Accordingly, Reclamation will be inviting DWR, the California Department of Fish and Wildlife (DFW), CVP and SWP water users, power users, fishing organizations, and environmental NGOs who represent a range of publics interested in the Bay-Delta (collectively, stakeholders) to participate in the stakeholder engagement process. Relative to the Section 7 consultation process, DWR is the applicant and will be developing the proposed action with Reclamation.

The interested stakeholders invited to participate in the stakeholder engagement process will not constitute an advisory body tasked with providing advice to Reclamation on a consensus basis. Rather, each entity will speak for itself. Accordingly, Reclamation will, as appropriate, meet with parties individually, in different combinations, and collectively. Meetings will also be conducted in formats most conducive to the business at hand (*e.g.*, workshops, panel presentations, discussion sessions, information only meetings, *etc.*) and in compliance with all applicable federal and state laws regarding open meetings.

Finally, Reclamation will encourage USFWS and NMFS to participate in the stakeholder engagement process as much as possible. In particular, USFWS and NMFS participation and cooperation in working through core scientific issues is important.

## **Participants' Roles**

Participants may have several designations or no designation. Roles include:

- **Cooperating Agencies:** Federal, state, and local agencies which have jurisdiction by law or special expertise with respect to any environmental impact may be cooperating agencies under NEPA. Cooperating agencies are able to review administrative drafts of the EIS and expected to share their special expertise. Reclamation expects the State Water Resources Control Board and United States Army Corps of Engineers to be cooperating agencies, in addition to a variety of water users.
- **Designated Non-Federal Representatives:** CVP and SWP contractors may request Designated Non-Federal Representative (DNFR) status. This allows them to provide information for inclusion in and draft portions of the BA.
- **Water Contractors:** Water users will be invited to attend quarterly public meetings. In addition, Reclamation will meet with water users at the Water Users Conference and Association of California Water Agencies conferences. Water users that so request will, in accordance with Water Infrastructure Improvement for the Nation (WIIN) Act of 2016, section 4004 of Part II, Subtitle J of Public Law 114-322:  
“(1) have routine and continuing opportunities to discuss and submit information to the action agency [Reclamation] for consideration during the development of any biological assessment;

(2) be informed by the action agency [Reclamation] of the schedule for preparation of a biological assessment;

(3) be informed by the consulting agency, the U.S. Fish and Wildlife Service or the National Marine Fisheries Service, of the schedule for preparation of the biological opinion at such time as the biological assessment is submitted to the consulting agency by the action agency;

(4) receive a copy of any draft biological opinion and have the opportunity to review that document and provide comment to the consulting agency through the action agency [Reclamation], which comments will be afforded due consideration during the consultation;

(5) have the opportunity to confer with the action agency [Reclamation] and applicant [DWR], if any, about reasonable and prudent alternatives prior to the action agency or applicant identifying one or more reasonable and prudent alternatives for consideration by the consulting agency; and

(6) where the consulting agency suggests a reasonable and prudent alternative be informed—

(A) how each component of the alternative will contribute to avoiding jeopardy or adverse modification of critical habitat and the scientific data or information that supports each component of the alternative; and

(B) why other proposed alternative actions that would have fewer adverse water supply and economic impacts are inadequate to avoid jeopardy or adverse modification of critical habitat.”

- **Fishing Organizations and Environmental NGOs:** Fishing organizations and environmental NGOs will be invited to quarterly public meetings. Reclamation will also meet as needed with fishing organizations and environmental NGOs, to allow for timely input before decision points. Reclamation anticipates meeting with the Natural Resources Defense Council, the Bay Institute, American Rivers, The Nature Conservancy, Defenders of Wildlife, Ducks Unlimited, Audubon, Water 4 Fish, Trout Unlimited, Institute for Fisheries Resources, Cal Trout, and the Golden Gate Salmon Association.
- **Power Users:** Power users will be invited to quarterly public meetings. Reclamation also anticipates providing power users with updates at their existing quarterly meetings.
- **Collaborative Science and Adaptive Management Program (CSAMP):** The CSAMP Policy Group has been expanded to include six new members: three new water user representatives, and three new fishing organization and environmental NGO representatives. With these additions to the CSAMP Policy Group, it can develop an adaptive management program that provides CVP-wide input into the ROC on LTO process, and includes stakeholder involvement in a more direct manner.
- **Delta Stewardship Council:** The Independent Science Board or an independent review panel is expected to be asked to perform a peer review of both the draft BA and portions of the draft BO(s).
- **Public:** Members of the public such as landowners, local agencies, local governments, and others may be interested in this process. Quarterly public meetings will be held providing updates on the status of the ROC on LTO effort, and providing an opportunity for informal input from the public.

- **Tribes:** Tribes will be invited to the quarterly public meetings. Reclamation also anticipates having separate meetings with the Hoopa Valley, Shasta Nation, Winnemem Wintu, United Auburn Indian Community, California Miwok, and other tribes as needed.

### **NEPA Process**

In addition to what is required under NEPA (*i.e.*, public scoping meetings, a scoping report, and public review of a draft EIS with public meetings), Reclamation is committed to include the following as part of the NEPA process:

- Reclamation will invite water users and other governmental entities, as appropriate, to become cooperating agencies for the EIS. The cooperating agencies will be able to provide input during the development of the EIS as provided by the NEPA regulations. In addition, the cooperating agencies will be allowed to review and comment on the Administrative Draft EIS.
- In addition to the public scoping meetings, Reclamation will hold additional public meetings (likely webinars) to inform the public and interested stakeholders of key issues such as the range of alternatives to be addressed in the EIS. Reclamation will hold quarterly meetings open to the public and all stakeholders and will provide public announcements of the meeting and online meeting details.
- Consistent with the requirements of NEPA regulations, Reclamation will meet with interested stakeholders to receive their input on issues and concerns which will be considered in the development of alternatives and the preferred alternative/proposed action.
- In addition to providing the Draft EIS for public review and holding public meetings to take comment on it, Reclamation will meet with interested stakeholders if and as requested to discuss their comments.

### **ESA Section 7 Consultation Process**

ESA Section 7 consultation input opportunities include:

- DWR is the applicant, and will be developing the proposed action and BA with Reclamation.
- Reclamation will seek input from the DNFRs in drafting the proposed action and will invite them to provide information for the BA, including information relevant to the status of the listed species and of their designated critical habitats within the action area and to the factors affecting the species' environment within the action area.
- Reclamation will encourage USFWS and NMFS to make its senior scientists available to participate in meetings with interested stakeholders.
- Reclamation will provide the DNFRs with the opportunity to review and comment on the draft BA before it is submitted to the USFWS and NMFS.
- The DNFRs will be requested to provide input on the draft BA to Reclamation, and through Reclamation to USFWS and/or NMFS, during the informal phase of the Section 7 consultation.

- Reclamation will provide drafts of the BO(s) to the DNFRs and water users for their review and comment as required by WIIN when received from NMFS and USFWS, subject to such schedules as those two agencies may require. Reclamation will communicate comments received back to NMFS and USFWS.
- Throughout the informal and formal phases of the ESA Section 7 consultation, Reclamation will hold regularly scheduled meetings (in various formats suitable to the purpose of a meeting) with the interested stakeholders (singly, in various combinations, and collectively) to solicit input on the development of a new or revised proposed action and on key scientific and other core issues, to discuss comments on draft documents, and to discuss the progress of the Section 7 consultation and any issues which may arise.

### **Other Engagement Opportunities**

See the description below of which stakeholders can participate at which points in the NEPA and ESA processes. All interested stakeholders will be invited to quarterly public meetings, in addition to having individual meetings as needed.

	Public	DNFRs and/or Water Users	Fishing Orgs and Environmental NGOs	Power Users	Cooperating Agencies
Public Meeting Frequency	Quarterly	Quarterly	Quarterly	Quarterly	Quarterly
Individual Meeting Frequency (informal comments accepted)		3/year (ACWA, Water Users conferences), and as needed	As needed	Quarterly	As needed
<b>Endangered Species Act</b>					
Receive BA Schedule	X	X	X	X	
Review Proposed Action		X	X	X	
Review Admin Draft BA		X	X (during peer review)	X (during peer review)	
Review portions of Draft BO		X	X (during peer review)	X (during peer review)	
<b>National Environmental Policy Act</b>					
Receive EIS Schedule	X	X	X	X	X
Review Alternatives		X	X	X	X
Provide input for EIS	X	X	X	X	X
Review Admin Draft EIS			X	X	X
Review Public Draft EIS	X	X	X	X	X

Members of the public and all stakeholders will be invited to quarterly meetings. There will be a set amount of time for attendees to ask questions and provide comment at each public quarterly

meeting. These meetings will not be a part of the NEPA or ESA process, and, as such, formal comment responses will not be developed.

Reclamation will also hold individual meetings with stakeholders and by interest group. For example, Reclamation anticipates providing briefings to water users at the Association of California Water Agencies' two annual conferences, and the Mid-Pacific Region Water Users Conference for CVP water agencies. These meetings will provide an informal way for the stakeholders to provide input at various stages in the process.

### **Responsibilities**

Stakeholders will agree to the following:

- Confidentiality: No stakeholders will be allowed to share draft documents of any kind or statements made by others in stakeholder meetings with the media or the general public.
- Respect: All stakeholders will be required to show respect for the opinions of other stakeholders, and act professionally.
- Science: Disagreements will be based in fact, as exemplified by collected data, physical processes, or published papers.

Reclamation will:

- Organize meetings with the stakeholders identified in this Plan, as appropriate
- Organize and provide notice of quarterly public meetings likely via webinar
- Provide facilitators for all meetings, as appropriate, when different interests are represented
- Provide court reporters and note takers as needed
- Post public meeting notes and materials on the Bay-Delta Office website
- Ensure that information is equally shared with the stakeholders to the greatest extent allowed by law

### **Media and Public Relations**

Reclamation, DWR, USFWS, NMFS, and CDFW should coordinate on any responses to media inquiries.

Reclamation anticipates posting key documents for public review on the Bay-Delta Office website at <https://www.usbr.gov/mp/BayDeltaOffice/lto.html>. Reclamation will post all public meeting agendas on the website in advance of the meeting, and post meeting presentations and handouts before or after each public meeting.