

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

Tuesday, August 15, 2017, 2:00pm – 4:00pm

USFWS Leopold Room, 650 Capitol Mall

Attendees

Katrina Harrison, Luke Davis, Heidi Rooks, Garwin Yip, Carl Wilcox, Kim Squires, Mike Ford, Katherine Sun, Jana Affonso, Chris Wilkinson, Janice Piñero, Harry Spanglet

Meeting Purpose

To discuss the NEPA Scoping meetings, Memorandum of Understanding, ESA Baseline, and any rolling agenda items in relation to the Reinitiation of Consultation.

NEPA Scoping Meetings

- Agencies should confirm with management on whether or not a representative should speak at these meetings.
 - o DWR has not determined this yet, while USFWS may commit depending on other agencies decisions. NMFS will likely have a representative but not a speaker.
 - DFW has no representatives that plan to attend the meetings.
 - o Question: Who will speak from Reclamation? Answer: Pablo Arroyave may attend the Oct. 11 and 12 meetings, and may provide introductory remarks. Federico Barajas may attend the other meetings. Unless Pablo or Federico attend, Dave Mooney will provide introductory remarks at the meetings.
 - o Question: Should management representatives attend all the scoping meetings? Answer: Ideally, yes, so it is consistent.
 - It is questionable if management could attend all the meetings. The agencies will not have management speak at any of the meetings, with the possible exception of DWR if these become joint NEPA / CEQA scoping meetings. Agency representatives may attend.
- DWR is potentially preparing a NOP to speak at the scoping events.
 - o DWR will decide on conducting CEQA for the ROC sometime this week.
- Question: How are the scoping meetings setup? Answer: Reclamation will give a presentation, followed by informal discussion at informational stations, and a formal comment period will occur at the end.

Memorandum of Understanding

- Water users recently provided edits on the MOU and requested to be signatories. These edits were sent out to the agencies for review.
 - o Comments from the agencies will be sent back to Pablo Arroyave.
- Some concerns regarding water users edits on the MOU

- MOU and edits need to be consistent with the WIIN Act.
- The ROC on LTO should be described as the subsequent consultation on operations required in the USFWS California WaterFix Biological Opinion.
- Deletion of “existing operations of the CVP and SWP, and operation of potentially new components of the CVP and SWP.”
- “or two closely coordinated BiOps issued separately by USFWS and NMFS” was deleted in one location but remained intact in another location. Inconsistency there, but USFWS and NMFS need the flexibility and option to issue two closely coordinated biological opinions.
- Language regarding the “formal” phases of consultation is unclear.
- Question: The WIIN Act is on a 10-year timeline? Answer: Katrina will confirm this.
- Language on the need for Public Water Agencies (PWA) to appoint project managers. The number of project managers may be an issue. Also, some PWAs may not have the staff to support this requirement.
- Need to emphasize this MOU is for this current ROC on LTO, not a future ROC on LTO.
- Confusion regarding whether the PWAs expect to be signatory to the PMP.
- In the “Final Decisions” section 6.3, final decisions of the USFWS and NMFS should be inserted for clarity.
- It’s likely a meeting between the water users and the agencies will be needed to clarify which edits were incorporated into the MOU and why.
 - Katrina will determine if only high-level management will attend or if representatives from the Agency Core team meetings will attend, as well or instead.

ROC on LTO ESA Environmental Baseline

- Issue on how to address WaterFix operations. The USFWS California WaterFix BO is programmatic for operations, and the ROC on LTO was identified in the WaterFix BO as the subsequent consultation that would address operations.
- NMFS supports including California WaterFix operations in the baseline, while USFWS supports addressing Waterfix operations in the proposed action.
- This issue will be added to the Rolling Agenda Items list to be discussed as we move forward.
- USFWS will discuss with their management and attorneys what to do.

Rolling Agenda Items

- Friant
 - Katrina will setup a meeting between NMFS, USFWS, and Reclamation to discuss how the Friant Division of the CVP will be addressed in the RO on LTO.
- Issue of indefinite consultation/no sunset date.
 - Phased implementation appears to be a good choice.
 - Use of the word “triggered” should be rephrased. “Trigger” connotes reinitiation triggers, or actions that exceed thresholds and warrant responses, for example, reduced exports.
- FERC and Oroville
 - NMFS has the ultimate call to agree/disagree if the Oroville BO is sufficient.

- FERC should not be factored into the ROC, operations of the SWP at Oroville Dam should still be proposed and analyzed.

Action Items

- Katrina will send scoping meeting materials (agenda, presentation) to DWR.
- Katrina will create an FAQ on potential questions we might get at the scoping meetings and send it to the agencies for review.
- Katrina to confirm that the WIIN Act is on a 10-year timeline.
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