

ROC on LTO Water User MOU Meeting

801 I Street, Suite 140, Sacramento, CA 95816

Monday, October 2, 2017

2:30 pm - 4:30 pm

Conference Number: (877) 596-8186

Passcode: 8003450

Agenda

1. Introductions	Reclamation
2. New Components of the CVP and SWP	USFWS

Tom Birmingham:
Options for CWF:
Some CVP contractors and/or Reclamation participate in CWF: If history serves, there will be a couple of reconsultations before CWF comes on line anyway. Unnecessarily time-consuming.
None of the CVP contractors participate in CWF: How will it be integrated into the coordinated operations of the CVP and SWP? Could be the Corps, maybe.
CWF does not move forward
Buy-in from D.C.? Reclamation said not yet.
Want the BiOps to be issued as soon as possible.

Jennifer Pierre:
At the time the decision was made to include CWF in the ROC on LTO there wasn't mention or distinction of programmatic vs. project-specific consultation
Shorter duration could still be durable.

Jeff Sutton: agree

Steve Arakawa: agree that CWF should not be included. Process should be completed quickly and successfully.

Tom Birmingham: Westlands thinks BiOp should be no more than 15 years. If we go out 40-50 years, the BiOps will incorporate a lot of uncertainty associated with climate change.
Jennifer: We wouldn't want the BiOps to expire right before CWF construction is about to be completed, so maybe have the BiOps last until CWF comes on line.

Kaylee: CWF is programmatic, so there could be flexibility for project-specific analysis even if it's not in the ROC on LTO, as long as it's done before CWF comes on line.

Flag for Directors to consider

3. One Joint Biological Opinion	NMFS
---------------------------------	------

Tom: it happened, in 2008 and 2009, implementing 1 BiOp violated the other BiOp
Garwin: 2008 and 2009 BiOps were RPAs with actions that conflicted with each other, but here, Reclamation is pursuing a no J proposed action

John Rubin: 2011 Joint Action Plan that “required” single joint BiOp Services agree that the MOU has goals and objectives, so strive.

Tom: Estimates mid to end of 2020 to complete BiOps.

Steve: How do we get through a process in 3 rather than 5 years? If a decision is made later to issue separate BiOps, what mechanism would we utilize to ensure no species conflicts?

Kaylee: If no J project description, should be OK
NMFS to brief management

Page 9, Section 5.1: Start bullet with “To the extent feasible,…”

4. Proposed Species USFWS

Long-fin smelt: decision to consider listing is 2019

Tom B., Jason Peltier, and Jeff Sutton: Agree, makes a lot of sense
CDFW new ITP at the end of 2018

Should look at potential conflict between water operations and potential recovery of giant garter snake

Isn’t exclusive to long-fin smelt—applies to any proposed species, but we would know with the species list

5. Other MOU Edits of Interest Reclamation

Made sure language reflects the WIIN Act

Tom B.: page 17, section 5.4.7, last bullet (that the PWAs requested that the 5 agencies struck): In the spirit of transparency, would be prudent to share the RPA.

5 agencies: Sticking to the explicit text of the WIIN Act, also DOI-SOL flagged.

Tom: RD can trump legal advice, doesn’t preclude increased coordination
Section 6.2: FACA issue?

Page 9, section 5, 6th bullet: CDFW requests inclusion to the development of the BA. The rest of the bullet mentions “as provided in section 4004(a)(1)-(3) in the WIIN Act.”

Tom B. objects, brings CDFW into WIIN Act implementation, and Tom doesn’t want CDFW jurisdiction in CVP.

Not Carl’s intent, intent was to just be “party” to the development of the proposed action.

To facilitate compliance with DWR and compliance with CESA, FWS will coordinate with the CDFW on the review of the proposed action for the BA 402.14(g)(5) says “The Service will utilize the expertise of the Federal agency and any applicant in identifying these alternatives. If requested, the Service shall make available to the Federal agency the draft biological opinion for the purpose of analyzing the reasonable and prudent alternatives.”

6. Finalization Process Reclamation

7. Next Steps