

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
2. New Components of the CVP and SWP

Reclamation
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