
From: Garwin Yip - NOAA Federal <garwin.yip@noaa.gov>
Sent: Tuesday, October 10, 2017 10:20 AM
To: 'Maria.rea@noaa.gov'
Subject: Re: Disposition of ROC on LTO MOU issues
Attachments: ConsultationAgreement_FirstAmended_20171003.docx

Maria,

The ROC on LTO core team met with the PWAs on October 2 to discuss the key issues associated with the PWA edits to the MOU. Katrina/Reclamation will circulate a summary briefing for the Directors on the outstanding items. In the mean time, below is Katrina's brief summary of the still outstanding issues, and the issues that were resolved. Please see the red, below, for my annotations of those issues.

Outstanding items are:

- Inclusion of California WaterFix operations in the ROC on LTO **Unresolved**. PWAs really don't want them included because of uncertainty in its implementation. Along with this issue, they want a shorter duration of the ROC so even if CWF will be implemented, it would not need to be considered in this go around. Tom Birmingham thinks that a non-CWF BiOp could take 3 years rather than a full-blown ROC that may take 5 years.
- economic and technological feasibility of RPA **Unresolved**. This is new and does not show up in the WIIN Act nor the section 7 regs.
- PWA input on USFWS or NMFS's RPA **Unresolved**. In section 5.4.7 for PWA expectations, the PWAs added the bullet "“That, in the event that USFWS or NMFS reaches a jeopardy or adverse modification determination, will have the opportunity to provide input regarding possible reasonable and prudent alternatives to the proposed action.” (shows up as comment with the bullet deleted in the attached). This is new and does not show up in the WIIN Act nor the section 7 regs. HOWEVER, following the call, the USFWS (Kaylee) informed me that the USFWS is fine with the PWA's inserted bullet and their participation in the event of a J/adverse mod determination.
- NMFS to check on One BO to the extent feasible **Resolved, pending confirmation**. The expectation, "Preparing a joint BiOp issued by the USFWS and NMFS, or two closely coordinated BiOps issued separately by USFWS and NMFS." was edited to read, "To the extent feasible, preparing a joint BiOp issued by the USFWS and NMFS." All were OK with the edit, including me, but I also indicated that I would check with my management to confirm.

Resolved issues are:

- proposed species
- consensus / FACA language
- Coordination with DFW

-Garwin-

Garwin Yip

Water Operations and Delta Consultations Branch Chief
NOAA Fisheries West Coast Region
U.S. Department of Commerce
California Central Valley Office
650 Capitol Mall, Suite 5-100
Sacramento, CA 95814
Office: [916-930-3611](tel:916-930-3611)
Cell: [916-716-6558](tel:916-716-6558)
FAX: [916-930-3629](tel:916-930-3629)
www.westcoast.fisheries.noaa.gov



----- Forwarded message -----

From: **Harrison, Katrina** <kharrison@usbr.gov>

Date: Tue, Oct 3, 2017 at 6:00 PM

Subject: ROC on LTO MOU for your review by COB 10/6/2017

To: Alex Peltzer <apeltzer@prlawcorp.com>, Bill Paris <bparis@olaughlinparis.com>, Carl Wilcox <carl.wilcox@wildlife.ca.gov>, "Chris@DWR Wilkinson" <christopher.wilkinson@water.ca.gov>, Curtis Creel <ccreel@kcwa.com>, Dan Vink <dvink@svwater.org>, Daniel Corcoran <dcorcoran@eid.org>, David Mooney <dmmooney@usbr.gov>, Deanna Sereno <dsereno@ccwater.com>, Ellen Wehr <ewehr@gwdwater.org>, Federico Barajas <fbarajas@usbr.gov>, Garwin Yip - NOAA Federal <garwin.yip@noaa.gov>, Greg Zlotnick <gzlotnick@sjwd.org>, Jana Affonso <jana_affonso@fws.gov>, Janice Pinero <jpinero@usbr.gov>, Jason Peltier <jason.peltier@sldmwa.org>, Jennifer Pierre <jpierre@swc.org>, Kaylee Allen <kaylee_allen@fws.gov>, Kevin Tanaka <kevin.tanaka@sol.doi.gov>, Kim Squires <kim_squires@fws.gov>, Kristin White <knwhite@usbr.gov>, "Michelle@DWR Banonis" <michelle.banonis@water.ca.gov>, Tom Birmingham <tbirmingham@westlandswater.org>, chris.wilkinson@water.ca.gov, Cindy Kao <ckao@valleywater.org>, "John Bezdek (john.bezdek@dentons.com)" <john.bezdek@dentons.com>, Jon Rubin <jon.rubin@sldmwa.org>, Jeffrey Payne <jpayne@friantwater.org>, Jason Phillips <jphillips@friantwater.org>, Jeff Sutton <jsutton@tccanal.com>, Karen Clark <kclark@westlandswater.org>, Karna Harrigfeld <kharrigfeld@herumcrabtree.com>, Kayla Hightower <khightower@gcid.net>, Lewis Bair <lbair@rd108.org>, Ric Ortega <rortega@gwdwater.org>, "Roger K. Patterson" <rpatterson@mwdh2o.com>, Thad Bettner <tbettner@gcid.net>

Hello all -

Thank you for attending the meeting yesterday regarding the Reinitiation of Consultation on the Coordinated Long-term Operation of the CVP and SWP Memorandum of Understanding.

Attached is a revised MOU with edits in track changes. These new edits are marked with my name, and in the comments the commenter is identified. This MOU incorporates the edits we discussed at yesterday's (Monday, 10/2) meeting, as well as subsequent edits received from Glenn Colusa Irrigation District (Thad sent to the group already), Friant Water Authority, and DFW.

Please provide any last edits or concerns with the MOU by the end of the day Friday, 10/6/2017.

Outstanding items are:

- Inclusion of California WaterFix operations in the ROC on LTO
- economic and technological feasibility of RPA
- PWA input on USFWS or NMFS's RPA
- NMFS to check on One BO to the extent feasible

Resolved issues are:

- proposed species
- consensus / FACA language
- Coordination with DFW

Reclamation will work to address any last edits next week, have any last conversations required, and then raise the CWF issue to management in the next few weeks. Please note that Thad has suggested some text that may provide flexibility on the CWF issue and allow us to move forwards with the MOU: "new planned facilities as may be necessary and appropriate". Please let us know if you feel this language is adequate, in which case we will finalize the MOU and start sending it around for signatures after addressing any final edits and the other outstanding items.

Thank you,

Katrina Harrison
[\(916\) 414-2425](tel:(916)414-2425)