

# 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

Friday, December 8, 2017, 9:00am – 11:00am

650 Capitol Mall, NMFS Delta Conference Room

## Attendees

Katrina Harrison, Ben Nelson, Brooke Jacobs, Armin Halston, Chris Wilkinson, Luke Davis, Jana Affonso, Katherine Sun, Mike Ford, Garwin Yip, Kaylee Allen, Harry Spanglet, Carl Wilcox, Justin Ly, You Chen Chao

## Meeting Purpose

To discuss the current three track process, the upcoming Trinity Tribal meetings, and the ROC bands in relation to the ROC on LTO.

## Current Three Track Process

- Question: What Track does the current NOI apply to? Answer: The NOI that is out for review applies just to Track 2. Track 1 will be an EA, if possible (no NOI). The current schedule is defining the scope of Track 1.
- Question: When does the timeline start for Track 1? Answer: Unclear at this time, as Track 1 doesn't have an NOI to start the clock, but we are assuming the start of 2018.
- Question: At what point does Reclamation consider doing something different, if the actions become significant, etc.? Answer: Unsure at this time, but this is something that should be considered more thoroughly.
- Comment: The Services view specific actions, such as OMR, as actions that should be analyzed under a system-wide approach, not individually proposed as discrete actions that could warrant individual section 7 consultations.
- Are there any "low-hanging fruits" that the Services can think of at this time?
  - o USWFS comment: May potentially rectify the current Smelt Working Group and Water Operations Management Team (WOMT).
    - Question: Could we potentially eliminate the Smelt Working Group entirely?
      - Don't eliminate the Smelt Working Group. It may have useful implications for Longfin Smelt.
      - It is part of the existing Incident Take Permit.
      - The abundance of staff in the Smelt Working Group should be remedied.
      - WOMT now may be superseded by the Director's Ops Group, no longer serving its intended purpose.
        - WOMT did help avoid the need for a director's call on certain issues.
          - This was mainly only true during the recent drought.

- The geographic scope of WOMT should also be revisited. Currently perceived as limited to the Delta.
  - WOMT is required from the Implementation MOU for CALFED., and the directors used to engage in that venue.
  - NMFS is supportive of revisiting WOMT and making it not just a reporting group.
- The 8,000 acre habitat restoration requirement in the USFWS' RPA could be considered under Track 1.
- Project specific components could be added to Track 2 if some items are not finalized in Track 1.
  - If Track 2 sets up future consultations, this would be important to know early on.
  - We probably should do an ESA consultation for Track 2 – a framework programmatic biological opinion that mostly discusses process would be the most likely consultation path.
- Any additional ideas to add to any of the Tracks?
  - Potentially the San Joaquin I:E ratio. The CWF Biological Opinion has differences from the current ratio.
  - Potentially some actions tied to the Delta Smelt Resiliency strategy; food production studies, smelt hatchery, sediment reintroduction plan, habitat protections.
  - Incorporating previous studies and basing science decisions on biology would be good for the Tracks.
    - Life-Cycle Models and science studies from CDFW's CWF ITP could be included in Track 1.
    - Studies in terms of the smelt hatchery would be good. There are ideas from a workshop (when? What was it called?).
      - Is the USFWS in support of a Delta Smelt hatchery? Answer: Yes
      - There are 3 separate facilities related to the hatchery.
  - Other ideas could be from the "Species in the Spotlight" (for winter-run), Salmon Resiliency Strategy, Central Valley salmon and steelhead recovery plan, and lists from the Northern California Water Agency and Golden Gate Salmon Association.
  - CSAMP had 200-300 actions on a list, of which they prioritized 12-15 actions which are "shovel-ready". Track 1 could tackle these.
  - What's the funding situation regarding Track 1? Answer: Reclamation is unsure at this time how much money we would have to commit towards projects for Track 1.
- The water users also provided various reading materials which may provide some new ideas.
- Reclamation is considering utilizing some ideas from the LTO Remand's EIS Alternative 6, which was never proposed.
  - For example, OMR could be changed to focus on species presence based.
  - Question: Is this Alternative 6 conceptually or are we taking aspects from Alternative 6 and adding them to Track 1? Answer: The latter.
  - Other ideas include: flow for food, Georgiana Slough bioacoustics fish fence, and Fall X2.
- Question: Is it mandated there's a NEPA document and secondary consultation for each Track? Answer: Still figuring this out
- Question: Is the Core Agency team's charge only to look at ideas for the Track 1 EA?

- Answer: No, all the Tracks should be considered. Anything not implemented in Track 1 could go to Track 3.
- Studies could be a good foundation for Track 1.
  - Track 1 should include more than studies, but it would be beneficial.
  - Track 1 could also include streamlined restoration guidelines to help habitat restoration.
- Question: How does Track 1 workload work with the current workload for the WIIN Act, which should be a priority? Answer: Unsure at this time. Reclamation faces similar challenges. Funding may also pose challenge, as well.
  - Comment: There's also a human resources risk involved in this. Workload may prove to be too much, especially if/since all 3 tracks are expected to be implemented concurrently.
- Question: What's the Track 3 timeline? Answer: Reclamation has not made any commitments at this time. Management is looking for a complete EIS and BA in two years' time, however.
- Question: Regarding the justification paper to waive the Secretarial Order, was it mentioned there was a CEQA process? Answer: Yes, it was mentioned DWR was doing a separate, yet coordinated, document.
- Question: Does the NOI start the year process? Answer: The NOI starts the process for Track 2 and 3. There is currently no NOI with Track 1, so it is unclear at this time when it starts. The start of 2018 is the current assumption.
  - The BA and NEPA are in Reclamation's control, not consultations. The FONSI and ROD are not part of the current Tracks' timelines as we would sign the FONSI and ROD after completion of ESA consultation.
- Question: Is CWF part of Track 3? Answer: Reclamation is unsure at this time. Water users do not want it included.
  - Question: Has a decision been made regarding the length of Track 3/ROC? Answer: No.

## Trinity River Tribal Meetings

- Katrina should develop a list of potential issues/concerns that the Tribes may mention during the upcoming meetings.
  - The Hoopa tribe and the Yurok tribe hold conflicting opinions regarding the inclusion of the Trinity River Division in the ROC.

## ROC Bands

- Reclamation is hoping to continue with the ongoing brainstorming process as part of Track 3.
  - Due to Track 1's focus and timeline, the Delta ROC Band may occur in late January/early February.
    - Question: Is the Trinity ROC Band delayed? Answer: It will probably occur in January still, before the Delta ROC Band.
    - Question: Who do we invite to the Delta ROC Band? Answer: The agencies will decide which staff members should attend.
      - Comment: Many of the Services' staff members are caught up in WIIN Act related tasks during this period.

- Maybe an initial Delta ROC Band to inform the Track 1 process, followed by a second ROC Band later.
- Comment: The current timeline does not allow for any admin draft reviews of the NEPA documents for Tracks 1 and 2, and potentially 3.
- Question: Is it appropriate to include the tribes in the Trinity ROC Band? Answer: Yes, there is no objection from the Agencies.
- Question: Is it appropriate to include WAPA in the upcoming ROC Bands? Answer: Yes, there is no objection from the Agencies.
  - Comment: It is important that the representatives of WAPA and the tribes understand the current process and goals.
- Question: What is the status of the Trinity ROC Band? Answer: Awaiting doodle poll results. It will likely be held at Weaverville in January.
- The next ROC meeting will be held on December 19, the following one will occur on January 9.

## Decisions

- No decisions made at this time.

## Action Items

- Katrina to provide a spreadsheet of actions for inclusion on the three Tracks.
- Katrina to develop a list of potential issues the Hoopa and Yurok tribes may discuss during the upcoming Trinity River tribal meetings.
- Katrina will schedule and setup a Delta Track 1 brainstorming meeting.
- Katrina will schedule the Trinity River ROC Band meeting.
- All agencies will provide the CWF and ROC on LTO duration briefing papers to their Solicitor/Counsel for review and comments.
- All agencies will continue to brainstorm ideas for the Track 1 process.