

RECLAMATION

Managing Water in the West

Remand Updates

February 20, 2015



U.S. Department of the Interior
Bureau of Reclamation

Agenda

- **Introduction**
- **Meeting Guidelines**
- **Update on Recent Court Opinions/Decisions**
- **Remand Section 7 Consultation**
- **Status of Collaborative Adaptive Management Team (CAMT)**
- **Alternative 6 for Remand Environmental Impact Statement (EIS)**

Meeting Guidelines

- **Q&A following each section of the agenda**
 - **First - we will ask for comments from attendees in the room**
 - **Second - we will ask for comments from attendees who notify us about a question on Live Meeting**
 - **Third - we will ask for comments from attendees on the telephone**
- **Respect for presenters and meeting participants**
- **Please help us to stay on topic and on schedule**

Delta Smelt Consolidated Cases

- **Ninth Circuit Court of Appeals**
 - Opinion issued March 13, 2014
 - Mandate issued September 16, 2014
- **District Court**
 - Revised Final Order issued October 1, 2014
- **U.S. Supreme Court**
 - Two Petitions for Writ of Certiorari submitted
 - Certiorari denied January 12, 2015

Salmonid Consolidated Cases

- **Ninth Circuit Court of Appeals**
 - Opinion issued December 22, 2014
 - Judgment is entered in favor of Federal Defendants and Defendant-Intervenors on all remaining claims
 - No requests for En Banc Review were submitted by February 5, 2015
 - Mandate issued on February 17, 2015
- **District Court**
 - Final Ruling will be revised to be consistent with the mandate by the Court of Appeals

Questions?

Section 7 Consultation

- **Development of Biological Assessment (BA) on hold in light of the February 17, 2015 Mandate**
- **NEPA process and Section 7 Requirements**
 - **New consultation will be required if effects of the preferred alternative are not covered under the 2008 and 2009 Biological Opinions (BOs)**
 - **If new consultation is required, an extension will likely be necessary for the December 1, 2015 deadline to complete the Record of Decision (ROD)**

Questions?

Collaborative Adaptive Management Team (CAMT) Progress Update

- Leo Winternitz, CAMT Co-Chair
- Valerie Connor, CAMT Co-Chair

CAMT Process Update

- **Completed the second year of the remand time extension**
- **Submitted CAMT Annual Progress Report and workplans for Delta Smelt and salmonids**
- **Implemented Delta Science Program (DSP) independent review process at proposal and product stages**
- **Moving forward on science investigations developed by CAMT science scoping teams**

Priority Topics for 2015

- Improved application of Delta Smelt survey data
- Old and Middle River (OMR) flow management and entrainment of Delta Smelt
- Fall outflow management for Delta Smelt
- South Delta salmonid survival

Additional Focus Areas

- **Habitat restoration for native Delta fishes**
- **Factors influencing salmonid restoration beyond the south Delta and export pumping**
- **Effects of project operations on the location of X2 in the fall**

Future of CAMT

- **Broad agreement to continue the CAMT process without the remand requirements**
- **Exploring the mission of CAMT in a post-remand context**
- **Committed to adding value together with other adaptive management and research programs**

Questions?

- All CAMT agendas and minutes posted at www.SFCWA.org

Draft Alternatives for Remand EIS

EIS Draft Alternatives Analyses

- **No Action Alternative (NAA)**
- **Second Basis of Comparison (SBC)**
- **Alternatives 1 – 6**
- **Alternatives compared to NAA and SBC**
- **Alternatives and SBC include sea level rise and climate change for 2030**
- **Analyses will consider potential for water transfers**

NEPA NAA and SBC

- **NAA**
 - Continuation of existing policy and management direction in Year 2030
 - Central Valley Project (CVP) and State Water Project (SWP) operations with the Reasonable and Prudent Alternative (RPA) actions from the 2008 Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) biological opinions
- **SBC**
 - CVP and SWP operations without RPA actions
 - Includes actions:
 - Constructed (e.g., Red Bluff Pumping Plant)
 - Legislatively mandated (e.g., San Joaquin River Restoration)
 - Substantial progress (e.g., Yolo Bypass Salmonid Habitat Restoration and Fish Passage)

EIS Draft Alternatives

- **NAA**
- **Alternatives 1 - 5**
 - **Informed by comments and information received during preparation of the EIS**
- **Alternative 6**
 - **Objective is to provide a coordinated long-term operation that:**
 - **Is more feasible and flexible than the current RPAs**
 - **Continues to avoid jeopardy of listed species and avoid adversely modifying critical habitat**

Differences Between Alts & NAA

Action	NAA	Alt 1	Alt 2	Alt 3	Alt 4	Alt 5	Alt 6
FWS 1-3: OMR	Included	Not Included	Same as NAA	Modified	Not Included	Modified	Modified
FWS 4: Fall X2	Included	Not Included	Same as NAA	Not Included	Not Included	Same as NAA	Modified
NMFS 4.2.1: I:E Ratio	Included	Not Included	Same as NAA	Not Included	Not Included	Same as NAA	Modified
NMFS 4.1.2: DCC Gates	Included	Not Included	Same as NAA	Not Included	Not Included	Modified	Same as NAA
NMFS 3.1.2: Goodwin Minimum Flows	Included	Not Included	Same as NAA	Modified	Not Included	Same as NAA	Modified
New Melones -Vernalis Flow	D1641 & NMFS RPA	Modified	Same as NAA	Modified	Modified	Modified	Modified
Spring Delta Outflow	Included as D1641	Same as NAA	Same as NAA	Same as NAA	Same as NAA	Modified	Same as NAA

Alternative 6 Changes Compared to NAA

- **Focus on modifications to FWS and NMFS RPA actions**
 - **Fall X2**
 - **Old and Middle River Flow Management**
 - **San Joaquin River Inflow:Export Ratio**
 - **Clear Creek**
 - **New Melones Revised Plan of Operation**
 - **Other**

Overall EIS Schedule

- **Administrative Draft DEIS** **Spring 2015**
- **Public DEIS** **Early Summer 2015**
- **Public Comments** **Summer 2015**
- **Administrative Draft Final EIS** **Early Fall 2015**
- **Final EIS** **November 2015**
- **Record of Decision** **December 2015**

Questions?

Revised Plan of Operations for New Melones Reservoir

Plan Goals: Revised Plan of Operations

- Provide a sustainable plan for the reservoir
- Meet fish needs related to water rights and Endangered Species Act
 - Avoid jeopardy for Central Valley steelhead Distinct Population Segment (DPS) and not adversely modify critical habitat
 - Address the needs of multiple fish species in the Stanislaus River
- Operate for prior water rights and CVP contract obligations
- Manage salinity at Vernalis and dissolved oxygen in the Stanislaus River

Plan Components: In-Stream Flow Management Periods

- **Period I: February 1st – April 14th**
 - Release volumes based on natural hydrology
- **Period II: April 15th – June 30th**
 - Base flow with flexible block of water that varies by year type
- **Period III: July 1st – September 30th**
 - Summer flow managed for salinity at Vernalis and dissolved oxygen in the Stanislaus River
- **Period IV: October 1st – January 31st**
 - Base flow with flexible block of water that varies by year type

Plan Components: Low Storage Protection

- **Plan Period I:**
 - If the end-of-January storage is above 1300 thousand acre-feet (TAF), then release volume from February 1-April 14 will be at the higher range of the natural hydrology
 - If the end-of-January storage is below 1300 TAF, then release volume from February 1-April 14 will be at the lower range of the natural hydrology

Plan Components: Low Storage Protection

- **Plan Periods II and III:**
 - Beginning with the April 1st forecast, if the projected end-of-September storage is below 450 TAF, flows will be maintained at 150 cfs starting April 15th through the end of September or until the forecast improves
- **Plan Period IV:**
 - If the actual end-of-September storage is below 450 TAF, flows will be maintained at 150 cfs until February 1st

New Melones/Vernalis Operations

	NAA & Alt 2	Alts 1 & 4	Alt 3	Alt 5	Alt 6
Vernalis Base Flow	D-1641	D-1641	OID 2012 Proposal	D-1641	RPO
Vernalis Salinity	D-1641	D-1641	OID 2012 Proposal	D-1641	D-1641
Fish Flows	2009 NMFS RPA	1997 NMIPO	OID 2012 Proposal	2009 NMFS RPA	RPO
Vernalis Pulse Flows	2009 NMFS RPA	1997 NMIPO	OID 2012 Proposal	D-1641	RPO
Dissolved Oxygen	D-1641 @ Ripon	D-1641 @ Ripon	D-1641 @ Orange Blossom Bridge	D-1641 @ Ripon	D-1641 @ Orange Blossom Bridge

NMIPO = New Melones Interim Plan of Operations
 OID 2012 Proposal = from 9/21/12 email from Oakdale Irrigation District
 RPO = Revised Plan of Operations

Questions?

Additional Questions

- Please send any questions to:
 - Tolson@usbr.gov