

MEETING SUMMARY

Remand Stakeholder Engagement (RSE) Process Kickoff Meeting for Invited Stakeholders

September 7, 2012, 1:00 – 3:00 p.m.
Sheraton Grand Hotel
1230 J Street, Sacramento, CA
Gardenia Room

Attendees: See sign-in sheet (attached)

Reclamation RSE Process Team

Name	Affiliation
Sue Fry	Manager, Reclamation Bay-Delta Office
Patti Idlof	Chief, Conservation and Conveyance Division, Reclamation Bay-Delta Office
Bill McDonald	Staff Tech, Inc.
Gwen Buchholz	CH2M Hill
J. Michael Harty	Kearns & West
Ben Gettleman	Kearns & West

Note: For the kickoff meeting Reclamation also made a call-in option available for participants to listen to presentations and discussion.

Meeting Summary:

This document summarizes the September 7, 2012, Remand Stakeholder Engagement (RSE) process kickoff meeting. It focuses on key agenda items and related Questions & Answers and next steps. The summary is not intended to be a transcript of the kickoff meeting.

The kickoff meeting Agenda, PowerPoint presentation for Item IV, and other handouts were provided at the meeting and are available online at:

www.usbr.gov/mp/BayDeltaOffice/Documents/remand.

Agenda Items I and II: Welcome, Introductions, and Roles

Sue Fry, Reclamation's Bay-Delta Office Manager, welcomed meeting participants and introduced her staff and the consultant team supporting the Remand Stakeholder Engagement (RSE) process. In particular, Bill McDonald, recently retired Regional Director of Reclamation's Pacific Northwest Region has been retained to assist with integration of the ESA Section 7 remand and National Environmental Policy Act (NEPA) processes and the RSE process. J. Michael Harty (Kearns & West) has been retained to provide facilitation services. Gwen Buchholz (CH2M Hill) is overseeing the preparation of the EIS for the NEPA process. Meeting participants, including those participating via telephone, also introduced themselves.

Agenda Item III: Review Agenda, Meeting Objectives, and Guidelines

Mike Harty reviewed the agenda and meeting objectives. There were no changes to either. Harty also requested participants to observe familiar guidelines to promote a constructive meeting, and noted he would address guidelines in greater detail as part of the next agenda item.

Sue Fry's letter of invitation to invited stakeholders requested designation of a main representative and single alternate to promote consistent participation. Sue asked meeting participants to provide this information during the meeting.

Agenda Item IV: Overview of RSE Process Purpose and Key Factors Influencing Approach Including Schedule for Remand and NEPA

Overview of RSE Process

Sue Fry provided an overview presentation on the RSE process and key factors influencing the approach to the process. Copies of the PowerPoint presentation for this agenda item were distributed at the kickoff and will also be posted shortly on the web. This summary will not review the content of individual slides. Key topics included:

- Biological Opinion history
- Court-ordered deadlines. Discussions are taking place regarding the possibility of modifying the current court-ordered deadlines of U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) but are not the focus of the RSE process.
- Impetus for the RSE process
- RSE process commitments
- RSE process structure and participants.
 - The RSE process will include a variety of meetings and events with invited stakeholders, and will adapt to circumstances and specific work requirements. The expectation is that the format of meetings will be tailored to the topic(s) at hand and that meetings will, at times, involve subsets of the invited stakeholders. The RSE process is a complement to the consultation and NEPA processes.
 - Written summaries will be prepared and posted online for RSE process meetings. Written information provided by Reclamation to the invited stakeholders and by invited stakeholders to Reclamation as part of the RSE process, including comments on draft documents, will be posted online as described in the RSE Process Meeting Guidelines handed out for the kickoff.

Sue advised that Reclamation is working towards the development of a remand consultation package that will include actions to be consulted upon and, as appropriate, updated scientific information and an updated effects analysis. Reclamation has not yet decided on the format for the remand consultation package. The RSE process as well as the NEPA process will help inform this set of choices. The input received from invited stakeholders during the RSE process will also help inform Reclamation's decision-making regarding the NEPA and Section 7 consultation processes.

Q&A Summary:

- Question (Q): How often will RSE process meetings be held, and how will meeting outcomes be captured?

- Response (R): The meeting schedule will be influenced by the work that needs to be accomplished. The next RSE process meeting is scheduled for October 11, 2012. Summaries will be developed for each meeting. The summaries will capture key topics, and participant comments will be reflected without attribution.
- Q: Will meetings be held with subsets of the invited stakeholders?
 - R: Yes, as issues arise, Reclamation's team will identify the appropriate set of invited stakeholder representatives and others to address these issues. No one will be prohibited from listening, but Reclamation will match participation to specific topics where feasible.
- Q: Has Reclamation discussed with USFWS and NMFS the relationship of the RSE process to their respective consultations? Will the RSE process continue through the course of the two consultation processes?
 - R: The RSE process will continue until the end of the two consultations. Reclamation will be meeting with USFWS and NMFS as needed, and the process will be appropriately transparent. The RSE process is an experiment in increasing transparency associated with the consultations.
- Q: The physical layout of the meeting room today, without tables, does not facilitate discussion and information exchange. Will this be the format of the RSE process meetings moving forward?
 - R: Today's layout reflects the nature of this meeting; future meetings focused on information exchange and discussion will be supported by an appropriate room layout.

Initial Opportunity for Input

Reclamation is requesting invited stakeholders to review and provide input on the 2011 Project Description, focusing on their respective geographic areas and/or topic areas. The deadline to provide input is September 21, 2012. The 2011 Project Description is available online as a pdf file at: www.usbr.gov/mp/BayDeltaAOffice/Documents/remand. Reclamation will make available a Word version of the 2011 Project Description online. Comments can be submitted in either format (on the pdf or as "track changes"), but in any case must be submitted electronically, not as hard copies.

Questions and responses provided regarding review of the 2011 Project Description included:

- Q: Should maintenance activities be included for consideration?
 - R: Yes.
- Q: With respect to offsetting measures in the "Action to be Consulted Upon" slide, what is meant by "offsetting"?
 - R: "Offsetting measures" are activities which could be undertaken by Reclamation to offset the negative impacts of project operations on listed species in order to meet the requirements of section 7 (i.e., to ensure that project operations do not jeopardize the continued existence of listed species or destroy or adversely affect designated critical habitat). For example, creating or restoring a certain amount of habitat might lessen the negative impacts of project operations sufficiently to allow a project to comply with section 7. Reclamation has used offsetting measures in other consultations where changes in or constraints on project operations were not sufficient to meet the standards of section 7. In consultations in other Reclamation regions, the term "off site mitigation" has sometimes been used to mean the same thing.

- Q: It appears that providing input on offsetting measures allows the opportunity to propose actions to be included in the project description that could provide restored flexibility with respect to other aspects of the project description. Is that correct?
 - R: Yes.

RSE Process Meeting Guidelines

Mike Harty reviewed the handout describing meeting guidelines for the RSE process. There is an expectation that RSE process participants will honor these guidelines. A copy will be posted online.

Science Review Component of the RSE Process and Opportunity for Input

Bill McDonald explained the science review component of the RSE process, using slides in the same PowerPoint. Key points included:

- Science review is intended to provide an opportunity for input on core scientific issues, including providing new information and analyses.
- A draft paper describing the Science Review Component of the RSE process has been prepared. Reclamation seeks input from invited stakeholders on this draft.
- A collaborative science process is not feasible due to time constraints.
- With regard to retaining outside science experts, federal procurement constraints provide limitations that Reclamation continues to work through.
- Comments on the August 12, 2012 Draft Science Review Component paper are due September 21, 2012. Reclamation will provide, via email, a copy of the draft to invited stakeholders and others following the kickoff.

Questions and comments posed, and responses provided, regarding the Science Review Component of the RSE process included:

- Comment (C): There might be an option of public water agencies offering support for retaining outside science experts; environmental groups could also do the same.
 - R: Reclamation is aware of this option.
- Q: A Biological Assessment (BA) is not organized into core science issues; instead it is organized around proposed projects and impacts on species. How will the core issues of the science review process be translated into the BA?
 - R: Core science issues will be at the heart of the analysis for addressing the status of species and the effects analysis, and Reclamation expects to fold the analysis of those core issues into the consultation package.
- Q: What will be the invited stakeholders' opportunity to provide input into the development of the BA? Will draft chapters of the BA be shared for review?
 - R: As the process for developing the consultation package proceeds, there will be multiple opportunities to provide input. However, time will be limited by the court-ordered schedule.
- Q: What has caused delay in initiating the RSE process, given that decisions came from the court some time ago?
 - R: While Reclamation has been busy working on the remand and NEPA processes, a number of factors have contributed to the current schedule. Examples include the difficulty of retaining consultants for the effort and on-going discussions regarding the process itself.
- Q: There are separate schedules for the USFWS and NMFS Biological Opinions (BO), and the separate BOs will need to be coordinated. How will this happen?
 - R: Reclamation will develop a consultation package that addresses both BOs. The USFWS BO will be completed first. Whatever preferred alternative is

evaluated in the EIS, it will be the action to be consulted upon in both consultations.

- Q: Will Reclamation submit the same consultation package to USFWS and NMFS?
 - R: Yes.
- Q: What does success for the RSE process look like?
 - R: Success for the RSE process will include the open sharing of information that leads to a common understanding of issues and concerns.
- Q: Will one EIS be developed?
 - R: The EIS that is developed in December 2013 will include as much information as is known at that time. If new information becomes available following additional modeling, a supplement to that EIS may need to be developed, with the resulting decisions included in the April 2016 ROD for the NMFS BO.
- Q: How is the RSE process being coordinated with the BDCP Biological Opinion strategy?
 - R: The RSE process is near-term, while the BDCP effort focuses on conditions when an isolated facility is in place. The processes will inform one another.
- Q: Will the Delta Science Program Fall Low Salinity Habitat (FLaSH) adaptive management report be released for review?
 - R: The report is not final and has not been released by the Delta Science Program. Information can be found at: <http://deltacouncil.ca.gov/events/science-program-review/fall-low-salinity-habitat-flash-studies-and-adaptive-management-plan-r>

Action Items and Next Steps

- Reclamation will make a Word version of the 2011 Project Description available online.
- Invited stakeholders are to review the 2011 Project Description and provide comments in electronic format [pdf or Word] by September 21, 2012.
- Reclamation will email the August 12, 2012 draft Science Review Component paper to invited stakeholders and others.
- Comments on the draft Science Review Component paper are due in electronic format by September 21, 2012. Email to: RemandSEP@usbr.gov.
- Reclamation will post the paper describing the RSE process, kickoff meeting agenda, RSE process meeting guidelines, and Agenda Item IV PowerPoint online.
- The next meeting of the invited stakeholders is scheduled for October 11, 2012 in Sacramento.