

RECLAMATION

Managing Water in the West

Remand Stakeholder Engagement Process

October 19, 2012



U.S. Department of the Interior
Bureau of Reclamation

Agenda

- I. Welcome
- II. Review of Remand and NEPA process schedule
- III. Overview of comments on 2011 Project Description
- IV. Focused discussion on Old and Middle River flow criteria
- V. Break time
- VI. Presentation on EIS purpose and need and initial range of alternatives
- VII. Next steps

Welcome and Introductions

- **Key Reclamation Bay-Delta Office Staff**
 - Patti Idlof
 - Kristin White
 - Janice Pinero
- **Consultants**
 - Mike Harty
 - Bill McDonald
 - Bob Lohn
 - Gwen Buchholz

Remand Stakeholder Engagement Process Objectives

- **Establish a shared understanding**
- **Provide an opportunity to discuss key factors in the ESA process**
- **Develop an understanding of next steps and provide opportunity for input into ongoing process**

Remand Stakeholder Engagement Process Commitments

- **Structured/facilitated process that is:**
 - **Balanced**
 - **Objective**
 - **Open**
 - **Appropriately transparent**
- **Allow for input for stakeholders**

Agenda Item II: Review of Remand and NEPA Process and Schedules

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Remand and NEPA Process

Court-ordered Deadlines

- **Fish and Wildlife Service**
 - Dec. 1, 2013 - FWS issues Final BO
 - Dec. 1, 2013 - Reclamation issues Final EIS
- **National Marine Fisheries Service**
 - Oct. 1, 2014 - NMFS issues Draft BO
 - Apr. 1, 2015 - Reclamation issues Draft EIS,
(if needed)
 - Feb. 1, 2016 - NMFS issues Final BO
 - Feb. 1, 2016 - Reclamation issues Final EIS
 - Apr. 29, 2016 - Reclamation signs ROD

Schedule to Meet Court-ordered Deadlines

- **March 2013 - Draft EIS (will inform Consultation Package)**
- **March 2013 - Draft Consultation Package**
- **August 2013 - Final Consultation Package**
- **December 2013 - FWS BO & Reclamation FEIS**
- **April 2014 - NMFS Life Cycle Models**
- **April 2015 - Reclamation issues Draft Supplemental EIS**
- **February 2016 - NMFS BO & Reclamation FEIS**

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Agenda Item III: Overview of Comments on 2011 Project Description

Commentors on 2011 Project Description

- **California Department of Water Resources**
- **Contra Costa Water District**
- **Glenn-Colusa Irrigation District**
- **Natural Resources Defense Council - The Bay Institute - Pacific Coast Federation of Fishermen's Association**
- **Oakdale Irrigation District - South San Joaquin Irrigation District - Stockton East Water District**
- **San Juan Water District**
- **Santa Clara Valley Water District**
- **San Luis & Delta Mendota Water Authority - State Water Contractors**
- **Tehama -Colusa Canal Authority**
- **Yuba County Water Agency**

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Comments on 2011 Project Description

- **Updated Information**
 - **Completion of Red Bluff and Freeport RWA Facilities**
- **Errata and/or Clarification**
 - **Description of San Felipe Division and requests for additional details**
- **Future Conditions**
 - **SWRCB and FERC proceedings**
- **Other Recommendations**
 - **Include 2008 USFWS and 2009 NMFS Reasonable and Prudent Alternatives**
 - **Specific operational topics**

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Comments on 2011 Project Description Identified Topics

- **Topics that affect project-wide operations**
 - Old and Middle River criteria
 - Sacramento River at Wilkins Slough criteria
 - Transfer assumptions
 - Water shortage allocation assumptions
- **Topics for specific watershed operations**
 - Stanislaus River Plan of Operation
 - American River in-basin operations

**Agenda Item IV: Focused
Discussion on Old and Middle
River Flow Criteria Proposed
Revision**

Project Description:

Old and Middle River Criteria

- **2008 USFWS RPA and 2009 NMFS RPA includes Old and Middle Rivers (OMR) criteria to reduce reverse flow conditions**
- **Criteria based upon gage flows near Bacon Island in Old and Middle Rivers**
 - **An indexed equation is used when gage data is not instantly available for operational decisions**
- **Contra Costa Water District proposal:**
 - **Replace criteria based on gage data with revised index related to San Joaquin River inflow at Vernalis, exports at Jones and Banks Pumping Plants, and Head of Old River Barrier position**
 - **Do not include CCWD intakes with fish screens in criteria**

Project Description:

Questions to be Considered for OMR

- Are gage data missing? With what frequency and duration are the gages not operating due to debris or other problems?
- Is the index a better predictive tool than use of real data? What specific information supports this view?
- To what extent does use of gage data result in different species-protective actions than use of an index with respect to actual changes in operations (e.g., although instantaneous conditions may change - changes may be too variable for operational changes)?
- How can the index be modified as landscape changes: (e.g., sea level rise and/or tidal marsh restoration)?
- What specific interests of your organization would be affected by this change if it is made?

Agenda Item V: BREAK TIME

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Agenda Item VI: Presentation on EIS Purpose and Need and Initial Range of Alternatives

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NEPA Process will be Informed by:

- **Comments on 2011 Project Description**
- **Scoping comments**
- **Information from the Court filings**

NEPA No Action Alternative

- **Study period through 2030**
 - **Assumes growth projected by the State of California and exercising of water rights**
 - **Assumes continued deliveries of CVP and SWP up to contract amounts**
- **Based on continuation of existing project management and policies**
 - **Continued operations of CVP and SWP**
 - **Implementation of projects currently under construction**
 - **Reclamation is implementing RPA actions that are required by the 2008 USFWS and 2009 NMFS biological opinions**

NEPA Requirements for Reasonable Range of Alternatives

- **“Range of Alternatives“ includes all reasonable alternatives, which must be rigorously explored and objectively evaluated, as well as those other alternatives, which are eliminated from detailed study**
- **Alternatives need to respond to the purpose of the project and need for the project**
- **Alternatives should address one or more significant issues related to the project**
- **Reclamation also will consider consensus-based alternatives consistent with the purpose and need**

Purpose and Need (per NOI)

The purpose of the action is to continue the operations of the CVP, in coordination with the SWP, as described in the 2008 Biological Assessment (as modified) to meet its authorized purposes, in a manner that:

- Is consistent with Federal Reclamation law, applicable statutes, previous agreements and permits, and contractual obligations;
- Avoids jeopardizing the continued existence of federally listed species; and
- Does not result in destruction or adverse modification of designated critical habitat.

Scoping Comments on Purpose and Need (per NOI)

- **Purpose should not include reference to:**
 - **Implementation of RPAs, but to be consistent with ESA while supplying sufficient water to meet water needs of CVP and SWP users**
 - **Compliance with ESA - but rather providing water supply as fully as possible while still complying with ESA is the need for the action**
- **Objectives should not include reference to meeting CVP and SWP water contract quantity amounts**

Scoping Comments on Alternatives

- **Fundamental operational changes**
 - **Modification of OMR, San Joaquin River inflow/export ratio, Fall X2 and other Delta outflow criteria (both relaxation and more stringent)**
 - **Allow for water transfers**
 - **Modify operations on American and Stanislaus rivers**
 - **Measures to meet State and Federal fish doubling values**
 - **Include new scientific information in Project Description**
 - **Eliminate CVP and SWP operations - to indicate other benefits of projects**

Scoping Comments on Alternatives - continued

- **Habitat restoration**
 - Increased floodplain habitat restoration
 - Increased tidal marsh habitat restoration
 - Improved fish passage at Head of Old River and other areas within Sacramento River and San Joaquin River watersheds
 - Measures to meet State and Federal fish doubling values
 - Include new scientific information in Project Description

Scoping Comments on Alternatives - continued

- **Other measures to reduce the effects of stressors on aquatic resources**
 - **Reduce predation of salmon and delta smelt**
 - **Minimize fish harvest mortality of natural origin Chinook salmon**
 - **Measures to meet State and Federal fish doubling values**
 - **Measures to improve water quality and reduce stressors**
 - **Include new scientific information in Project Description**

Initial Range of Alternatives for NEPA

- **Initial Proposed Action (per NOI)**
 - 2011 Project Description with Operational Provisions of FWS & NMFS RPAs
- **No Action Alternative**
 - 2011 Project Description with FWS & NMFS RPAs
- **Alternative 1**
 - 2011 Project Description without FWS & NMFS RPAs
- **Alternative 2**
 - No Action Alt. plus Head of Old River Barrier
- **Alternative 3**
 - Alt. 2 without Fall X2 & San Joaquin R. inflow/export ratio & more extensive habitat restoration and measures to reduce stressors
- **Alternative 4**
 - Alt. 2 with more stringent Delta outflow & San Joaquin R. inflow/export ratio & more extensive habitat restoration and measures to reduce stressors

How to provide your input

- Provide comments on initial range of alternatives
 - Comments submitted by October 31, 2012 to:
RemandSEP@usbr.gov
 - Electronic Format Only
- **Next Meeting will be on November 16, 2012**