

Meeting Minutes, 2-14-17

Re-initiation of Consultation (ROC) on the Coordinated Long-Term Operation (LTO) of the Central Valley Project (CVP) and State Water Project (SWP): Stakeholder Kickoff Meeting

Tuesday, February 14, 2017 | 10:00 am - 12:00 noon | 650 Capitol Mall, Sacramento, CA

Meeting Purpose

To communicate ROC on LTO objectives, process, and scope to stakeholders and request input on the engagement process.

Meeting Presentation Slide References

<https://www.usbr.gov/mp/BayDeltaOffice/docs/roc-stakeholder-meeting-20170214.pdf>

Introduction and Background

Pablo Arroyave (Reclamation Mid-Pacific Acting Regional Director), Paul Souza (USFWS Pacific Southwest Regional Director), Barry Thom (NOAA West Coast Regional Administrator), Cindy Messer (DWR Chief Deputy Director), and Carl Wilcox (CDFW Policy Advisor on the Delta) each offered introductory remarks. Points of emphasis included:

1. Support for an integrated and cooperative approach to ROC on LTO; and
2. A shared commitment to effective stakeholder engagement.

Reclamation's Bay-Delta Office (BDO) Manager Michelle Banonis introduced the BDO team managing the ROC on LTO effort: Janice Piñero, Patti Idlof, Katrina Harrison, Carolyn Bragg, Ben Nelson, and Luke Davis.

ROC on LTO Objectives

Slides 7-10

Reclamation identified a 'fresh look' approach to the ROC in which information made available since 2008 will be used to evaluate LTO. Reclamation is committed to developing consultation documents that consider the latest climate change information, include flexibility to manage adaptively, are subject to independent review, and result in one joint or two highly coordinated Biological Opinion(s) (BOs) that are based on the best available science.

- Question (Q): What is the role of the contractor that you will hire?
 - Response (R): Generally speaking, Reclamation expects the contractor will assist in developing NEPA alternatives, prepare a Biological Assessment (BA), perform modeling analyses, and implement stakeholder engagement, among other tasks. The scope of the contract is envisioned to be significant.

CVP and SWP Overview

Slides 12-15

Reclamation provided a brief overview of each CVP division's operations/actions: Trinity, Shasta, Sacramento River, American River, Delta, East Side, West San Joaquin, Friant, and San Felipe.

DWR offered an overview on the SWP, summarizing system operations and connectivity between Oroville Dam, Skinner Fish Protection Facility, Clifton Court Forebay, and Banks Pumping Plant. DWR also briefly described the coordinated operations agreement, Delta standards, and joint use facilities shared by the CVP and SWP.

Project Scope

Slides 17-20

Reclamation commented on three aspects of project scope:

1. **Temporal** – the project study period may extend to 2070 although no final decision has been reached; climate change implications and adaptive management regimes will be part of decision making.
 2. **Geographical** – the project will cover all CVP and SWP service areas including rivers downstream of CVP and SWP reservoirs and reservoirs in the service areas that store CVP and/or SWP water.
 3. **Approach/Actions** – project approach will be flexible and will consider operations, habitat, and construction actions that include improvements to existing facilities and new components to the overall system.
- Q: How will you consider reservoirs that are located in CVP/SWP service areas but that are not owned and operated by Reclamation?
 - R: Reclamation plans to include jointly-operated facilities and facilities that have a federal nexus with Reclamation via operations agreements, etc in the scope but has not finalized scope specifics and welcomes input.
 - Q: How does the scope of this ROC fit with the on-going ESA consultation for California Water Fix?
 - R: Reclamation has not defined the exact approach to this ROC, however there is a basic assumption that if the project period extends to 2070, then Water Fix may be operable and this project would have to consider/model according to Water Fix impacts on CVP/SWP.
 - Q: With respect to the study period, has Reclamation considered a shorter period for the Biological Opinion given the uncertainty that exists around climate change and sea level rise?
 - R: Reclamation is planning for an extended study period that builds in adaptive management techniques, however the study period is not yet determined/vetted and input is welcome both now and during the scoping process.

Overview of Regulatory Steps and Products

Slides 22-26

The ROC on LTO will include a NEPA analysis, and stakeholder input will be accepted during the formal scoping process. The no-action alternative will be consistent with the current management direction.

The goal for action alternatives is to achieve a “non-jeopardy” Biological Opinion. Consultants will help identify best available science, choose appropriate tools, perform impact analyses, engage in peer-review, and integrate adaptive management principles.

The ROC will include ESA Section 7 Consultation. Cross-agency coordination between USBR, DWR, USFWS, NMFS, and CDFW will be a priority whether there is a joint BO from NMFS and FWS or separate, but coordinated BOs. The USFWS and NMFS will rely heavily on the content of the BA in reaching their decisions. Peer review, though not required, will likely play a role in the development of a BA and BOs.

CDFW is developing permits for SWP CESA operations; the current consistency determination is satisfied by complying with the existing BOs, but the existing permit expires in 2018. DFW will evaluate re-doing species’ authorizations as well as issuing a permit for delta smelt, winter-run, and spring-run Chinook salmon versus doing another consistency determination. CESA requires full mitigation of negative effects. The CESA process will consider Water Fix, address adaptive management, and rely on peer review. NEPA and CESA should have meaningful interplay, and the processes will be concurrent.

- Q: Is Reclamation planning to incorporate a CEQA process?
 - R: CEQA compliance is required to support CDFW permit issuance as it relates to the SWP, but it’s an open question as to how it will be addressed.
- Q: Is a longfin smelt permit on a different timeline than the overall LTO consultation? The longfin smelt permit expires in 2018, and it may merit parallel consideration with the ROC on LTO.
 - R: Additional efforts are needed to coordinate new authorizations with the development of new Biological Opinions. The approach taken in the initial longfin smelt authorization is outdated; Water Fix impacts will be important to consider in the new authorization.

Role of Stakeholder Engagement

Slides 28-30

Reclamation emphasized its commitment to meaningful stakeholder engagement and anticipates meeting with stakeholders quarterly (at a minimum), in addition to holding ad hoc meetings. Reclamation will share NEPA and ESA schedules with stakeholders and clearly identify opportunities for stakeholder input. Reclamation will also actively coordinate with existing collaborative science processes.

Informal Input and Discussion at Information Stations

Meeting materials and relevant information will be available on the Reclamation website: <https://www.usbr.gov/mp/BayDeltaOffice/lto.html>.

Participants were invited to visit posters with further details on the ROC, ask the Reclamation team questions, and provide suggestions on how Reclamation can effectively engage with stakeholders.

Written input provided by stakeholders at the poster session included the following paraphrased comments/suggestions:

- Actions to explore should include ‘ranges of operation’
- Designated Non-Federal Representatives should review the full Biological Opinion
- The ROC should be divided by division/geography to speed up the process
- ROC goals should include hydropower impacts. Power is a rate payer for facilities’ O&M and CVPIA. The power contract can be terminated in 2019 and 2024 should the economics not work out, a fact that should be identified.