

# Responses to Comments

One comment letter pertaining to the 2014 CVPIA Annual Work Plan (AWP) was received in response to the AWP and comments were provided orally during the August 7, 2013, Public Meeting.

Letter 1

Golden Gate Salmon Association, dated September 5, 2013

Comment L1: The association prefers to see Restoration Fund monies spent on physical projects rather than administration, species reintroduction, land acquisition, studies and non-direct projects such as modeling.

Response L1: The CVPIA charges Reclamation and the Service with a number of mitigation and restoration projects under 18 programs within the fisheries, refuges, water operations and other terrestrial resource areas in order to fulfill the goal of “protect, restore, and enhance fish, wildlife, and associate habitats in the Central Valley and Trinity River basins of California.” In addition to discrete physical projects, these programs are charged with activities such as research, modeling, operations support, flow management and studies, water quality monitoring, fish monitoring, and habitat and species management.

We agree that our highest priority should be to implement physical projects. We also believe that we need sufficient information to identify the right physical projects and the right way to implement those projects. In 2008, an Independent Review of CVPIA fisheries programs found the Central Valley lacking basic habitat and fish population information in many watersheds and that this information is needed to determine limiting factors and measurable objectives so that we can develop a Structured Decision Making Model that will guide CVPIA restoration efforts more effectively and efficiently. We look forward to including the GGSA and other stakeholders in the refinement of SDM in preparation for the 2015 work plans.

We are open to discussing ways to improve efficiency. The Independent Review also identified the need to, “2) Reorganize Program Structure and Management which will reduce administrative costs and restructure CVPIA to make it more efficient and effective in getting projects on the ground and meeting programmatic objectives.” Programs must also comply with Federal laws and be self-managing and accountable, and therefore activities such as project support (management, environmental compliance, and pre- and post- construction monitoring), reporting, and maintaining data sets must be included in funding. While the programs aim to minimize administrative costs, they are necessary to carry out the day-to-day functions within the CVPIA Program.

Comment L2: Projects do not appear to be selected based on the new, Structured Decision Making (SDM) protocol. Projects appear to be locally selected and do not consider downstream limitations that hinder survival.

Response L2: The comment is correct. Projects were selected based on the existing decision making processes within each of the Programs. The SDM protocol was not ready for use in the selection of FY 2014 projects as those tools to determine the priority water courses and projects are still in design. FY 2014 projects are a continuation of ongoing activities that were prioritized using the AFRP prioritization criteria which takes into consideration overall production from specific watersheds among other priorities. In May 2013, a Core team of fisheries experts (USFWS, USBR, NMFS, CDWR, CDFW) convened to review and critique the fisheries projects. Projects contained in the 2014 AWP were vetted and approved through the Core team in lieu of the SDM process for this fiscal year.

Central Valley-wide tools to prioritize project selection include draft recovery plans, AFRP Final Restoration Plan, CAMP Implementation Plan and best professional judgment from agency experts and management. Reclamation and the Service commit to performing feasibility reviews on the Tier 2 projects GGSA has provided in FY 2014. Based on prioritization using the SDM protocol, we anticipate projects that show a high priority in comparison to alternative actions could undergo design and permitting compliance in 2015 and construction to beginning as early as 2016. Additionally, the Anadromous Fish Restoration Program (AFRP) accelerated one project scheduled for environmental review in 2014 and seven scheduled for construction in 2014 and 2015 when additional funds became available at the end of FY 2013. These changes can be found in Sections 2.4 and 2.7 of the AFRP, Table 1, FY 2014 Proposed Activities and Costs; and in AFRP, Table 2, FY 2015 Proposed Activities and Costs.

Comment L3: The Association believes CVPIA overestimates program success and wants more emphasis on winter-run, fall-run and late-fall run salmon.

Response L3: We are open to discussing additional or alternative metrics to evaluate the CVPIA. CVPIA programs goals originate from a variety of guiding documents such as CPAR, PART and the Act. Progress towards fish doubling goals is the focus of the CAMP Annual Report.

Comment L4: Building off of Comment L2, the Association suggests that project ranking should be based on salmon produced while considering the likelihood of survivorship. Furthermore, project cost can be incorporated and a price/fish produced & returned can be used to rank projects.

Response L4: Currently, fisheries programs prioritize projects through the use of many tools, as discussed in Response L2. Program managers use their best professional judgment and do incorporate survivorship and cost when performing a benefit analysis. We are currently developing the framework within the Structured Decision Making Model to incorporate a cost/benefit analysis for each proposed action. The project prioritization criteria that have been used to date address the most important limiting factors identified for those watersheds or action areas.

Comment L5: Several specific recommendations include:

- a) Elimination of all but ground projects
- b) \$3.7 M of projects in the San Joaquin River should be placed in the San Joaquin River Restoration Program. Without actions in the Delta, fish will not survive.

- c) Elimination of the Land Retirement Program, as those land acquisitions do not further fish doubling.
- d) Monies that do not contribute to on-ground projects should forego a quarter of their funding to do more ground work.
- e) While modeling may support fish doubling efforts, funding should come from other venues rather than Restoration Funds.
- f) The Association believes the 2014 projects selected will result in few (12,097) adults and have provided 3 tiers of potential projects to consider. These projects address bottlenecks the Association has identified, including sufficient flow, predation, Cross Channel gates at Georgiana Slough and habitat.

Response L5a: We believe a responsible and responsive program requires management, monitoring and reporting in addition compliance with federal laws such as NEPA. Additionally, the Act encompasses programs in addition to those centered on fisheries, and programs such as Land Retirement and Modeling are clearly articulated and mandated within the Act.

Response L5b: Public Law 111-11 directs the scope of the San Joaquin River to specific projects and programs, primarily upstream of the confluence of the San Joaquin River and the Merced River. The scope of the AFRP may encompass the areas downstream of the Mendota Pool on the San Joaquin River. The implementing agencies cannot incorporate the projects in the Merced, Tuolumne, Stanislaus, and lower San Joaquin River into the San Joaquin River Restoration Program (Section 3406 (c)(1)) because that program does not have the authority nor is it consistent with Public Law 111-11.

Priorities for the AFRP include the geographic diversity of fish species as well as the Central Valley wide number of species. Maintaining the diversity requires the funding of projects in the San Joaquin River Valley.

Response L5c: Section 3408(h) mandates the Land Retirement Program. Reclamation and the Service anticipate completion of the t Land Retirement Program after FY 2014 and no Restoration Fund budgeted for FY 2015.

Response L5d: We are open to discussing ways to improve efficiencies, but should do so in a deliberate manner. Without the administrative support, the CVPIA cannot undertake the on-ground projects.

Response L5e: The Modeling Program is a requirement of Section 3406 (g).

Response L5f: The FY 2014 projects are a continuation of ongoing activities that were prioritized using the AFRP prioritization criteria which takes into consideration overall production from that watershed among other priorities. Many Tier 1 projects recommended by GGSA are currently being undertaken with 2013 funding. Reclamation and the Service commit to preparing the Tier 2 projects from the GGSA for evaluation for FY 2015. Based on prioritization using the SDM protocol, we anticipate projects that rank high could undergo design and permitting compliance in 2015 and construction beginning in 2016.

Oral comment 1: Will the projects funded in 2014 be complete in 2014?

Response O1: While each project is on a different schedule, some will be complete in 2014 while others will not be complete for one or more years.

Oral comment 2: Salmon returns from the ocean are low and many are lost to predation in the delta.

Response O2: We agree. The Final Restoration Plan for the AFRP ranks the Delta as a high priority.

Oral comment 3: How will the program improve over the next 5 years?

Response O3: For fisheries, the CVPIA will implement a Structured Decision Making framework to prioritize projects within and between watersheds. For refuge water supply, a Stakeholder Technical Team is developing a long-term strategy to meet optimum water supply for habitat management. We expect opportunities for more stakeholder involvement in providing comments and input into the direction of the CVPIA Restoration Fund.

Oral comment 4: Will Reclamation provide the water supplies to all refuges served by CVPIA after completion of the construction projects?

Response O4: Yes. We anticipate that upon completion of conveyance projects, the CVPIA refuges will have the external conveyance capacity to receive Full Level 4 Water (FL4). We expect that Gray Lodge Wildlife Area which currently has capacity for 18,000 acre-feet will have the capacity for 44,000 acre-feet of FL4 and will be complete in 2015. Sutter National Wildlife Refuge (NWR) currently has no conveyance capacity and is expected to be complete in 2017. This refuge will then have the FL4 capacity for 30,000 acre-feet. Pixley NWR has conveyance capacity of 1,280 acre-feet and is also expected to be complete in 2017. Pixley NWR will then have the FL4 capacity for 6,000 acre-feet. Mendota Wildlife Area currently has capacity for 26,000 acre-feet of the FL4 capacity of 29,650 acre-feet and is expected to be complete in 2020.

The goal of the Refuge Water Acquisition Program is to acquire enough water to deliver the Incremental Level 4 (IL4) portion of FL4 (FL4 = Level 2 Water + IL4 Water) to the refuge boundaries. Water is acquired through various sources, and depending on refuge need and the supply and funding limitations, amounts obtained vary from year to year.