

CVPIA Program Activity Review

Working Group Meeting

Tuesday, May 23, 2006

Working Group Process

Based on the discussion during the May 16, 2006 Working Group meeting, the CVPIA Program Activity Review flow chart has been modified. The 'Clarify Agency Interpretation of Section 3407' was extended through May.

Sub-group Status Report

The sub-group convened prior to the Working Group meeting to discuss the topics and timeframe for discussing issues related to section 3407 and the completion considerations. The sub-group agreed that the priority of the July Report is simply report an accurate and objective status on each of the programs listed in the Act, including accomplishments to program goals. The strategy for achieving the Act's goals could contribute to the 'next steps' portion of the Report. The Report should highlight those items that are concerns and issues; including developing completion criteria. Issues related to funding, including reimbursability, the balance of past funding, and the priorities for future funding could be acknowledge in the Report but held for discussion and resolution after the Report. The following break-down was provided to demonstrate a guideline on what to consider for the July report and what could be expanded on after the July deadline:

In July Report:

Developing Program Goals
Assessment of Programs
Approach to Section 3407
Completion Criteria

After July Report:

Completion Strategy
Funding
Funding Priorities (Agency approach on where to spend money)

Working Group Review Summary Sheets

- The Working Group reviewed several of the high priority program activity summary sheets. The focus of the review included the progress and performance goals, the assessment results, if they were available, ideas for 3407 completion criteria, and working group perspectives. The concerns and issues of the Working Group will be noted in the final Report.

CVPIA Program Activity Review

(b) (10) Red Bluff Diversion Dam

Comments on Performance Goal

- The 'Target' states TBD. Instead of using TBD, record performance of the other listed species and add footnote that Green Sturgeon will be added at a later date.
- List 'Targets' as they exist in BOs as modified by future ESA requirements and support of doubling goal.
- 'Completion' in table should be labeled differently, i.e. 'End point' or 'Accomplished.' Another option would be to completely remove that row from the table.
- Language should be added to address sustainability.
- Additional verbiage should be added to 'Measure'; 'safe passage of juveniles downstream'.
- The measure should explain the metric, if agencies use only adults.
- Species should be listed out individually.
- The species should not be listed out. That may result in having to develop solution for each species.
- Remove 'lampreys' from species list since they are not anadromous fish.
- Don't try to achieve parity of targets or results, allow separate targets to allow variation.
- Clarify footnote #1 to state variability of targets are based on priorities.
- Be sure that report highlights prioritizing species, etc., as 'Next Steps'.
- Is there a performance goal for maintaining other CVP purposes, e.g., refuge water deliveries?

Comments on Progress Goals

- Note in the Report that any construction would increase performance for all species.
- The approach should acknowledge that there are future operational changes planned.
- 'Operations' should be added to the progress goals. Operations Progress should state months of unimpeded passage.
- Consider dropping 'Reporting' row from this table, it is redundant.

Perspectives on Section 3406 (b) (10)

- The perspectives listed on the draft sheet handed out at the 5/23 meeting are accurate.
- Funding for projects
 - TC is in inability to pay, so cost of future improvements would be borne by power contractors
 - Need more clarity on how the Program will be funded or more sources of funding should be obtained.

CVPIA Program Activity Review

(b) (21) Anadromous Fish Screens

Comments on Performance Goal

- Performance goal should be revised to read or include ‘reduction in fish losses’
- CFS is not a measure of outcomes for the screens program.
- Consider ‘critical reaches’ in developing the performance goal.
- A means of measuring fish loss reduction needs to be developed, such as an index of fish loss reduction.
- Develop a ‘population and diversion’ combination for the performance measure. Scientists can develop this metric with the right guidance.
- A better description of the thought process leading to priorities should be provided.
- A better description of the formula used to get the ‘Target’ measure of cfs should be included.
- Reducing the risk of fish mortality should be included.
- Performance Goal should include verbiage ‘of juvenile fish’ for clarity.

Comments on Progress Goals

- What are the criteria for determining 53 screens?
- Are these 53 screens definitely done?
- Insert the word ‘screens’ after 53, on the ‘Target’ line for clarity.

Comments on Completion

- This Program will be completed when Section 3406(b)(1) has completed all reasonable efforts.

Perspectives on (b) (21) (In addition to those provided on Draft Perspectives List 5-23-06)

- The ‘Next Steps’, step 2 should include ‘modeling’ along with ‘monitoring’ if assessing fish losses at unscreened diversions.
- A process measuring fish losses risk and diversion should be developed.
- Other factors to consider for this provision:
 - Support for state fish screen efforts
 - Compliance with regulatory requirements
 - Outcomes for this provision

(b) (1) Anadromous Fish Restoration Program

Comments on Performance Goal

- What is origin of 2012 timeframe?
- From the biological basis, the 2012 goal is not achievable (it would require a 10% annual increase in fish returns).
- Clarification of the definition ‘sustainable’ should be made, this would include 5 lifecycles of fish
- ‘Efforts’ and ‘biology’ targets should somehow be tied together.
- Pragmatic efforts are not the same as reasonable efforts.

CVPIA Program Activity Review

- Adding spring and winter runs would provide a better metric.
- Species should be listed out individually.
- Concern that breaking down by species may set up unachievable goal.
- Need to include 'setting priorities' for future discussion to address conflicts between species. There should be room for flexibility.

Comments on Progress Goals

- Can we highlight the habitat actions more specifically?
- The 'Target' doesn't allow for adaptive management, wouldn't the list of actions change over time?
- Goals listed in 'Progress Goals' are not achievable
- 78 actions in the Restoration Plan. One third of those are completed to date.

Completion comments

How does completion apply to (b) (1)?

- First, reasonable effort would have to be defined. Then implementing those efforts.
- When sustainable doubling is reached
- Program is complete when mitigation, restoration, protection, and enhancement of species are all present.
- What if we considered 32% of structural, 45% of annual and 14 years of implementation to mean completion of this program?
- Sustainable doubling for overall populations in the most efficient manner possible.
- When there is an increased, natural and sustainable population of anadromous fish.

Perspectives on Section 3406 (b) (1)

- Acknowledge that there are priorities needed as far as what species and what runs to double.
- By definition, with adaptive management, 100% implementation is never obtainable; the goals are always changing so the plan evolves over time.
- The 2012 date was used for planning purposes only.

Comments on completion and reasonable effort

- How should the Report define 'reasonable efforts'?
- What is a schedule that is appropriate for all reasonable efforts?
- The agencies should develop a plan of all reasonable efforts and then determine the date.
- The opposite end of reasonable should be considered. Look for the unreasonable to determine what is reasonable.
- (1) Significant coordination has to occur between agencies to make best use of Restoration Fund money; (2) The Secretary of the Interior has had full discretion to implement actions; and (3) the funding through the CVPIA has collected the maximum amount authorized.
- Mitigation vs. Protection and Enhancement should be clarified for each provision.
- The act does state a specific goal or reasonable goal.

CVPIA Program Activity Review

June 1, 2006 Meeting Information

- Remaining and newly drafted Summary Sheets will be reviewed, particularly Trinity and CAMP.
- The Working Group will discuss the larger issues of reasonable effort, linkages to b(1), and next steps.
- Comments on Chapter 1 draft document are due to Charles by Thursday, May 25th.
- Draft report will be issued around the June 14, 2006, timeframe..

Next Meetings

- Thursday, June 1, 2006
- Thursday, June 8, 2006
- Thursday, June 22, 2006

CVPIA Program Activity Review

Participants

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Ara Azhderian — SLDMWA
~~John Beam~~ — CDFG
Serge Birk — CVPWA
Gary Bobker — Bay Institute
David Burk — TCCA Authority
~~Frances Brewster~~ — SCVWD
~~Paul Forsberg~~ — CDFG
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Ann Hayden — ED
~~Tim Hayden~~ — Yurok Tribe
~~Heather Hostler~~ — Hoopa Valley Tribe
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~~Joseph Jarnaghan~~ — Hoopa Valley Tribe
~~Don Marciochi~~ — Grassland WD
~~Clifford Lyle Marshall~~ — Hoopa Valley Tribe
~~Jacelyn Martins~~ — Hoopa Valley Tribe
~~Barry Nelson~~ — NRDC
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Agency Team

John Engbring — FWS
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