

Reinitiation of Consultation on the Central Valley Project  
12/4/18 NCO Briefing  
Prepared by Justin Ly, Seth Naman, and Wes Smith

- In 2008 Reclamation reinitiated consultation on the Central Valley Project (CVP) and included the Trinity River Division (TRD) in the BA. NMFS choose not to consult on the TRD at that time and to prepare a separate BO for the effects of the action on SONCC Coho Salmon at a later date, which was never completed. However, a draft BO was completed (2012) but never issued because the court-ordered remand was overturned by the 9<sup>th</sup> Circuit.
- The current draft of the Proposed Action (PA) is very brief for the TRD, and proposes the status quo Trinity ROD for flow releases from Lewiston Dam. Reclamation may not request consultation on SONCC Coho Salmon, and instead rely on the 2000 BO that was written following publication of the 1999 Trinity River Mainstem Fishery Restoration EIS. A ROD was then signed in 2000 following issuance of the BO. The NMFS 2000 BO is considered “stale”, as it is 18 years old, and a variety of important new information on fish habitat and the effects of the action has accumulated since that time.
- Reclamation and NMFS would be vulnerable to litigation for failure to reinitiate consultation if Reclamation does not include SONCC Coho Salmon in their consultation request.
- We recommend writing a letter to Reclamation if they choose not to reconsult on SONCC Coho Salmon which states our recommendation to reinitiate consultation. Alternatively, NMFS could proceed with consultation without the consultation request from Reclamation.
- On a conference call Friday November 30, 2018, NMFS and Reclamation discussed TRD specific issues with the Proposed Action that are unresolved. These are detailed in the attached table.
- Chief among these concerns is that Reclamation provides, low, static, baseline flows from Lewiston Dam throughout the winter months during the Coho Salmon rearing period, which limits the quantity and quality of rearing habitat. The current Trinity ROD states that flows can only increase above the low baseline level from mid-April to July, with all other months being at baseline flows.
- Next steps are for Reclamation to respond to the list of concerns below, and to decide how they will proceed with consultation (or not) on SONCC Coho Salmon.

Division or Topic	Issue	Reclamation's Perspective	Potential Path Forward	Elevate?
Trinity	Scope of Trinity ops in PA.	Assumed TRRP BiOp would not be superceded. Concerned if would be.	Reclamation will discuss internally.	Yes...if Reclamation decides not to include it. Trinity River Division (TRD) is part of CVP, so should (needs to) be included, especially since it was included in the 2008 BA.
Trinity	Low releases in the Trinity River in the fall and winter months are simplified and static, and do not reflect natural river hydrographs. The PA should include sub-daily flow variability that is synchronized with storm events.	<p>Open to mentioning possibility for reshaping.</p> <p>CVO okay with flow fluctuations within the ROD volumes, and within water year, as long as doesn't interfere with Safety of Dam release.</p> <p>Rescope ROConLTO NEPA to include reshaping of existing flow VOLUMES in Trinity ROD? Reclamation not interested in re-opening Trinity ROD.</p>	Reclamation will look into including flow scheduling flexibility in the PA; may be able to.	<p>Yes if Reclamation doesn't include flexibility on water releases to coincide with precipitation.</p> <p>This "ask" is easier in that CVO is open to implementing reshaped flows; Barb's sense was that the resistance was concern about having time to figure out, legally, how to allow that flexibility.</p>
Trinity	The PA provides very low flows during autumn to early spring, (i.e., 300 cfs from mid Oct –April 22). We recommend	Open to reshaping some flows into that period. See above. Not open to releasing more than ROD flows.	Reclamation will look into including flow scheduling flexibility in the PA; may be able to.	Yes, if Reclamation is not willing to provide opportunity to consult on volume.

	more flow volume released into the Trinity River during winter months (Nov-March).			Barb's sense is that this "ask" is likely harder as Reclamation opposes any change to the Trinity ROD volumes.
Trinity	The PA needs a better description of minimum reservoir storage and bypass vs power outlet use at storages less than 1.0 MAF, as well as the frequency of EOS storage at various levels. Based on data, we recommend blended use of the auxiliary outlet at storages less than 1.0 MAF.	Reclamation not comfortable with storage targets. Summer flows in Trinity ROD were expected to be adequate for temperatures.	Reclamation will look into whether blended use of the auxiliary outlet could be included in the PA.	Yes, if Reclamation is not willing to blend use of the auxiliary outlet and does not set adequate minimum reservoir storage to manage water temperature released into the Trinity River.
Trinity	A temperature control device would allow for more nuanced temperature control, and conservation of the cold water pool in Trinity Reservoir which would benefit Trinity and Sacramento river species.	Reclamation noted that would require a lot of review before any commitment, including a review of how Lewiston affects temperatures.	The need for a Temperature Control Device is not needed if blended use of the auxiliary outlet and having adequate minimum Trinity Reservoir EOS storage is in place.	No.
Trinity	We recommend completion of temperature modeling for Trinity and Whiskeytown for cold			Yes. Modeling water temperatures could help to improve flow and temperature management system-wide.

	water pool management. The criteria for how Clear Creek is integrated into Sacramento operations needs to be explained in greater detail			
Trinity	The PA should clarify how Reclamation will integrate the Lower Klamath Long Term Plan with CVP operations, as well as Humboldt County's water contract with Reclamation for not less than 50 TAF of Trinity River.	Flow releases for addressing ich and columnaris in the lower Klamath River to abate fish kills is essential. Reclamation already has a long term plan EIS and should just integrate the Lower Klamath Long Term Plan actions with the overall CVP water management in the Trinity. The 1955 Trinity River Division Act establishes an obligation for Reclamation to release water from the TRD to provide for beneficial use by Humboldt County and other downstream water users.	Lower Klamath fall flows in the modeling; More to figure out before knowing how and when Humboldt County water would be scheduled; so Humboldt County water won't be in modeling. Possibly would be mentioned in PA, not sure of level of commitment at this time.  Possible NEPA and section 7 efficiencies. Tight timeline means Reclamation doesn't feel they can work through the Humboldt County water uncertainties to rescope the NEPA.	No, only recommended for Reclamation's efficiency
Buckhorn Dam	Not covered; could be covered through this consultation by adding a relatively simple description of it in the PA. For fish benefit, would be good to have a once-a-year flushing		No	Reclamation will look into.

	flow. Not a big deal, but would be helpful.			
--	---	--	--	--