
From: Justin Ly - NOAA Federal <justin.ly@noaa.gov>
Sent: Wednesday, March 6, 2019 12:38 PM
To: Alecia NOAA Federal
Subject: Fwd: ROC on LTO Trinity Elevation Topic

Hi Lisa,

Here's the latest version:

Consultation status of Trinity Mainstem Flows (a.k.a. "Trinity ROD flows").

- Seasonal operations in the Trinity River (which are included in the Trinity ROD) are described in the Proposed Action section and modeled in the BA, but listed as Not Being Consulted On because it is covered by existing BiOp.
- NMFS' position is that the 2000 Trinity ROD flows BiOp is outdated and warrants reinitiation, so including the Trinity ROD flows in the ROC on LTO would enable Reclamation to obtain an appropriate ESA take exemption for effects to listed species in the Trinity River.
- Minimal BA revision from Reclamation is required, only clarification that the Trinity ROD flows are included in this consultation.

Relevant information:

- Reclamation staff have been concerned with reopening the Trinity ROD, and therefore have been resistant to include the Trinity ROD in the ROC on LTO. Our response is:
 - Consulting on the Trinity flows doesn't necessarily reopen the Trinity ROD;
 - Opening up the Trinity ROD may occur if there's a jeopardy or adverse modification determination on listed species in the Trinity, and it's predecisional to assume that determination at this time.
 - Reclamation is preparing the public draft EIS on the LTO and could integrate the Trinity flows into the draft EIS if there was an RPA on the Trinity.
 - Reclamation has no take exemption for coho salmon in the 2000 BiOp on the Trinity flows.
 - Also, Pacific eulachon, green sturgeon sDPS, and Southern Resident killer whales were not included in the 2000 Trinity BiOp
 - Reservations about opening up the Trinity ROD should not impede Reclamation from obtaining section 7 coverage for these species from effects to Trinity River.
- The 2000 BiOp on the Trinity flows did not "anticipate incidental take of coho" for various flawed reasons, including:
 - Inadequately used the comparative approach between proposed action and previous flow management (i.e., about 50% of flows in Trinity is better than previously 10%)
 - Relied on NEPA analysis of "no substantial adverse effects" to coho as equivalent to no anticipated incidental take of coho
- Modeling efforts to support our effects analysis for the Trinity have been requested, and FWS and Reclamation technical staff are helping out as best they can. Except for the Stream Salmonid Simulator (SSS) modeling for Chinook related to EFH and Southern Resident

effects, we expect all models (WUA, habitat capacity, and water temperature) to be available around mid-March or so.

Please feel free to edit as needed,

Thanks,

----- Forwarded message -----

From: **Howard Brown - NOAA Federal** <howard.brown@noaa.gov>

Date: Wed, Mar 6, 2019 at 8:54 AM

Subject: ROC on LTO Trinity Elevation Topic

To: Alecia Van Atta - NOAA Federal <alecia.vanatta@noaa.gov>, Justin Ly <justin.ly@noaa.gov>

Cc: Maria Rea <maria.rea@noaa.gov>

Resending this with Lisa's correct email this time...

Lisa and Justin,

I am putting together an agenda and summary of elevation topics for the 3-director elevation meeting on Friday and would appreciate some help. Below is the summary of the Trinity topic, which I understand there has been some progress on regarding the lower Klamath. Could you update this topic and also propose a potential solution for us to put on the table? We are going to brief Barry on the elevation list tomorrow at 1:30 (I asked Beverly to add invite you to the call) and I am going to need to have this together by then.

Thank you!

Howard

1. Consultation status of Trinity River Restoration Program (TRRP, a.k.a. "Trinity ROD flows") and Lower Klamath flow augmentation.

- Seasonal operations (which are included in the Trinity ROD) are proposed as a site-specific action. However, Trinity ROD and Lower Klamath fall augmentation flows are described and modeled in the BA but listed as Not Being Consulted On because they are covered by existing BiOps.
- NMFS position is that the TRRP BiOp is outdated and warrants reinitiation.

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Howard L. Brown

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