

Meeting with Sacramento River Settlement Contractors

TO: Chris Oliver, Assistant Administrator for the National Marine Fisheries Service (NMFS)
DATE: Wednesday, April 30, 2019
TIME: 1:00pm PT / 4:00pm EST
FROM: Barry Thom, Regional Administrator, West Coast Region (WCR), NMFS, 503-231-6266

PURPOSE

The Sacramento River Settlement Contractors (SRSC) have requested a meeting with Dr. Jacobs leadership to highlight, and seek support for, regional collaborative efforts to improve water management and environmental conditions in the Sacramento River basin. SRSC have a history of progressive water management in the basin and a “fix it, don’t fight it” approach to the problems that affect Endangered Species Act (ESA) listed species. They visit D.C. every spring, most recently with NOAA and NMFS leadership on March 13, 2019.

THREE THINGS YOU MUST KNOW

- The SRSC are composed of various irrigation districts, reclamation districts, mutual water companies, partnerships, corporations, and individuals with senior water rights for Sacramento River water, delivered primarily from the U.S. Bureau of Reclamation’s (Reclamation) Shasta Reservoir.
- Water supplies in Shasta Reservoir are also managed to provide cold water releases during summer and fall to avoid jeopardizing critically endangered Sacramento River winter-run Chinook salmon.¹ The SRSC contractors may want to be sure they will receive take authorization for their operations under the new Reclamation biological opinion that is in development and due on June 17, 2019.
- NMFS partners with the SRSC on a variety of species recovery actions and collaborative science investigations. Such projects include the Sacramento River Mainstem Integrated Management Plan, Sacramento River Science Partnership, Science Work Plan, and water infrastructure planning.

BACKGROUND

SRSC are likely to bring up the following important topics:

¹ This management occurs under the Reasonable and Prudent Alternative in the NMFS 2009 biological opinion on the long-term operations of the Central Valley and State Water Projects in California (NMFS 2009 biological opinion).

1. Voluntary Settlement Agreements. Proposed agreements were submitted to the California State Water Resources Control Board on March 1, 2019. We are not part of the voluntary agreements, but are generally supportive.

2. Sacramento River Science Partnership. NMFS, Reclamation, and the SRSC are engaged in the development of a voluntary science partnership "which seeks to establish and maintain a science enterprise for collaborative research, modeling, monitoring, and synthesis relevant to salmonid and other in-river species recovery and water management." NMFS and the SRSC have taken a lead role in developing a memorandum of understanding (MOU)/Charter for the Partnership, and held a workshop on April 11, 2019 to discuss the current state of research and monitoring in the Sacramento River.

3. Re-initiation of the NMFS 2009 Biological Opinion and Take Authorization. NMFS is currently drafting a new biological opinion for the Long-term Operations of the Central Valley Project and the State Water Project, and is working to complete the biological opinion within the 135-day timeline identified in the Presidential Memorandum on *Promoting the Reliable Supply and Delivery of Water in the West*. The current estimated issuance date for the final biological opinion is June 17, 2019. The SRSC are interested in exploring a mechanism that would allow NMFS to provide an incidental take exemption for their water use.² NMFS is interested in exploring options for exempting incidental take exemptions for SRSC operations, but any such action would need to provide reasonably certain outcomes for ESA-listed fish species.

4. Sacramento River Integrated Plan.

The SRSC have drafted federal legislation to create a basin plan, which would involve NMFS membership on a steering committee. We provided minor comments as technical assistance on their legislation last year. We are generally supportive of the need for Federal legislation to prepare a Basin Plan. The WIIN Act provides authorization, but no appropriation, for recovery actions that would work well with this legislation.

EXTERNAL PARTICIPANTS

Thad Bettner, General Manager, Glenn Colusa Irrigation District (GCID)

Don Bransford, President, Board of Directors, GCID

Fritz Durst, President, Board of Trustees, Reclamation District 108 (RD 108)

Lewis Bair, General Manager, Reclamation District 108

Roger Cornwell, Manager, River Garden Farms

W. Roger Gwinn, Washington Representative, GCID, RD 108, River Garden Farms

Mark Limbaugh, Washington Representative, GCID, RD 108, River Garden Farms

Meredith Nikkel, Partner, Downey Brand, and General Counsel to Reclamation District 108

² The Bureau of Reclamation maintains that SRSC water deliveries are non-discretionary and they are not considered part of the proposed action in the January 31, 2019 biological assessment.

ATTACHMENTS

1. Sacramento River Settlement Contractors: Top Issues, February 2019
2. Sacramento Science Partnership Project Brief

TALKING POINTS

1. NMFS appreciates the partnership with the SRSC on implementing recovery actions in the Sacramento River Basin and collaborative science.
2. NMFS understands the SRSC desire to receive take authorization through Reclamation's new biological opinion on Central Valley Project operations. We are in an expedited consultation with Reclamation and it would be pre-decisional to make a determination on take authorization at this time. We encourage additional regional discussions take place as the consultation proceeds.