

NOAA California Central Valley Project/State Water Project Meeting

TO: Chris Oliver, Assistant Administrator for Fisheries
DATE: Monday, April 8, 2019
TIME: 3:00pm EST
FROM: Barry Thom, Regional Administrator, West Coast Region (WCR),
National Marine Fisheries Service (NMFS), 503-231-6266

PURPOSE

NOAA Leadership are preparing to conduct a “deep-dive” into the Central Valley Project (CVP) and State Water Project (SWP) biological opinions and reinitiation of consultation. The intent is to understand the potential sticking points with the action agency and affected parties.

THREE THINGS YOU MUST KNOW:

- NMFS is preparing a biological opinion based on the review of the proposed reinitiation of consultation on the long-term operations of the CVP and SWP (ROC on LTO) in the Central Valley, California, and its effects on listed anadromous fishes, marine mammal species, and designated critical habitats, in accordance with section 7 of the Endangered Species Act (ESA).
- The schedule for the consultation is driven by an October 19, 2018, White House Memo directing the Secretary of Interior to issue final biological assessments for the ROC on LTO not later than January 31, 2019, and for the Secretary of Interior and the Secretary of Commerce to issue their respective biological opinions within 135 days of the deadline for the biological assessment (by June 17, 2019).
- The top areas of analytical challenge for NMFS include: (1) Shasta Reservoir cold water pool management, (2) San Joaquin River inflow:export ratio, (3) lack of an adaptive management program, (4) lack of non-flow/mitigation measures, and (5) general lack of specificity/details in the proposed action in the biological assessment.

BACKGROUND:

Overview of the Central Valley Project and State Water Project

The CVP is operated by the Bureau of Reclamation (Reclamation) and consists of 20 dams and reservoirs that together can store nearly 12 million acre-feet (MAF) of water. Reclamation holds over 270 contracts and agreements for water supplies that depend upon CVP operations. Through operation of the CVP, Reclamation delivers water in 29 of California’s 58 counties in the following approximate amounts: five MAF of water for farms; 600 thousand acre-feet (TAF) of water for municipal and industrial uses (enough water to supply about 2.5 million people for a year); and 355 TAF of water for wildlife refuges. Reclamation operates the CVP under terms and conditions of water rights granted by the State of California, including those intended to protect agricultural, and fish and wildlife beneficial uses in the Sacramento-San Joaquin Delta. The CVP generates approximately 4.5 million megawatt hours annually on average.

The SWP is operated by the California Department of Water Resources (DWR) and consists of Oroville Dam, the Harvey O. Banks Pumping Plant (Banks Pumping Plant), and San Luis Reservoir. The SWP delivers, on average, approximately 2.6 MAF of contracted water supplies annually. DWR holds contracts with 29 public agencies in the Feather River Area, North Bay

Area, South Bay Area, San Joaquin Valley, Central Coast, and Southern California for water supplies from the SWP. Water stored in the Lake Oroville facilities, along with excess water available in the Delta, is captured in the Delta and conveyed through several facilities to SWP contractors. Through the SWP, DWR provides flood control below Oroville Dam and water for agricultural, manufacturing and industrial, recreational, and environmental purposes. DWR conserves water in Lake Oroville and makes releases to meet regulatory obligations and agreements tied to the operations of the SWP. DWR pumps water at the Banks Pumping Plant in the Delta for delivery to the remaining 24 public water agencies in the SWP service areas south of the Delta.

Agency Roles

Bureau of Reclamation: Reclamation is the lead Federal action agency that operates the CVP and issues contracts to water agencies served by the project. Reclamation developed and issued the biological assessment for the ROC on LTO and is responsible for implementing the action pursuant to State and Federal laws.

California Department of Water Resources: DWR is the lead State agency that operates the SWP and CVP and issues contracts to water agencies served by the project. DWR is responsible for implementing the action pursuant to State and Federal laws. To ensure operations of the CVP and SWP were coordinated, a Coordinated Operations Agreement (COA) was negotiated and approved by Congress in 1986, establishing terms and conditions by which Reclamation and DWR would coordinate operations of the CVP and SWP, respectively. The COA was updated in 2018 prior to the issuance of Reclamation's biological assessment.

National Marine Fisheries Service: NMFS' role is to engage in consultation to determine if the proposed operation of the CVP and SWP is likely to jeopardize the continued existence of the following species:

- Endangered Sacramento River winter-run Chinook salmon (*Oncorhynchus tshawytscha*, hereafter referred to as winter-run)
- Threatened Central Valley spring-run Chinook salmon (*O. tshawytscha*, hereafter referred to as spring-run)
- Threatened Central Valley steelhead (*O. mykiss*)
- Threatened Southern Distinct Population Segment (DPS) of North American green sturgeon (*Acipenser medirostris*, hereafter referred to as Southern DPS of green sturgeon)
- Endangered Southern Resident killer whales (*Orcinus orca*, hereafter referred to as Southern Residents)

U.S. Fish and Wildlife Service: The role of the U.S. Fish and Wildlife Service is to engage in consultation to determine if the proposed operation of the CVP and SWP are likely to jeopardize the continued existence of federally threatened Delta smelt (*Hypomesus transpacificus*) as well as a number of terrestrial species.

Consultation History

The CVP has a long and complicated ESA consultation history. On June 4, 2009, NMFS issued Reclamation a "jeopardy" biological opinion on the long-term operation of the CVP and SWP.

The biological opinion included a Reasonable and Prudent Alternative (RPA) comprising 72 actions within the Sacramento River and San Joaquin River basins. The RPA is designed to allow project operations in a manner which is not likely to jeopardize the listed species affected by CVP and SWP operations. The protective actions in the RPA were designed primarily to decrease in-river water temperatures, ensure adequate flows for various life-history stages, and improve fish passage and spawning success. NMFS tailored these protections to both meet the needs of these endangered and threatened fish while recognizing and minimizing impacts to other water supply users.

In August 2016, based on new information related to multiple years of drought, Reclamation reinitiated consultation with NMFS. The CVP and SWP will continue to operate pursuant to the requirements of the 2009 long-term operation biological opinion until Reclamation completes the National Environmental and Policy Act Record of Decision, which is anticipated for December, 2019.

Timeline/Schedule (key dates)

The ESA consultation schedule was initiated on February 1, 2019, following receipt of Reclamation's January 31, 2019 biological assessment. The NMFS schedule includes a concurrent review of the draft effects analysis by Reclamation, DWR and Public Water Agencies. The final biological opinion will be issued on June 17, 2019. See attached schedule for details.

PARTICIPANTS

Tim Gallaudet
Stuart Levenback
John Luce
Kevin Wheeler
Chris Oliver

ATTACHMENTS

- (1) Central Valley Water Project Map with Key Rivers (select 8.5x11 print size)
- (2) Sacramento-San Joaquin River Delta Map with Features
- (3) NMFS/USFWS Public Schedule for ROC on LTO
- (4) Overview of CVP and SWP operations
- (5) Challenges facing the Sacramento-San Joaquin River Delta