Consultation topics currently recommended to elevate to the March 8 3-agency Directors meeting:

1. **COA**
   - NMFS concern is that the COA is so embedded into operations that it should be a clear part of the consultation. NMFS experience is that the COA has restricted operational flexibility to manage Shasta releases in the past.
   - Reclamation's position is that the COA addendum was signed and environmental review complete. The EA and FONSI are posted to Reclamation's website.

   Maria putting together a summary of questions and asks for this.

2. **Operations with Shasta Dam Raise**
   - Reclamation would like to cover it as a site-specific, core operations action relying on a project description and analysis from the 2012 Feasibility Study with a very cursory adjustment to attempt to align the modeling from the 2012 Feasibility Study with the Proposed Action. Not having it in at all poses challenges and Reclamation is willing to explore options.
   - NMFS believes there is not sufficient information regarding the details of the proposed action or the effects analysis for a site-specific or programmatic consultation.
   - FWS wants yellow-billed cuckoo supplemental information to support but does not feel this is an elevation topic.

   Barb and Evan: Reclamation has changed their perspective on this and is open to a programmatic approach to this part of the action. Can you two tell me exactly what we would need to do this? I know that a Calsim run is a first thing, but I need a reasonable summary other items.

3. **Fish Passage Program**
   - Reclamation has not proposed this action. Reclamation's position is that the existence of project facilities are part of the baseline, and those effects are not the subject of this consultation. To the extent that fish passage is a recovery measure or part of a recovery plan, Reclamation's role in that effort should be a separate discussion.
   - NMFS believes this action would, once populations are established in historical habitats, provide water supply benefits, particularly in dry and critically dry years. The Fish Passage Program also was an important RPA action in the NMFS 2009 BiOp to partially ameliorate winter-run effects.

   HB to grab our NOAA Policy white paper to distribute.

4. **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.

Lisa and Justin to update this.

5. **Adaptive Management Process**
   - NMFS and USFWS do not believe that the Adaptive Management program described in the BA is sufficient to meet the standard of providing reasonable certainty to subject actions or their outcomes.
   - NMFS and USFWS believe that the 5-agency Adaptive Management Framework (AMF) developed during CWF was developed with the understanding that it would be applied not just to CWF but the future reinitiation of CVP/SWP consultation.
   - Reclamation has not signed the CWF ROD and does not plan to adopt the 5-agency AMF for this consultation, but is committed to finding common ground.

   Cathy has put together talking points on this topic. Maria is looking them over now.

6. **Seasonal Operations:**
   - NMFS and USFWS do not have a clear understanding of how allocations and Reclamation's shortage policy fit into fishery protections. They are concerned that allocation decisions may be made before fishery protections are fully considered.
   - Reclamation is working to fully explain the allocation process, including how allocation decisions are made after first considering all environmental commitments (e.g., fisheries and water quality).

   Maria putting together our talking points/Questions on this.

7. **OMR Management – Non-implementable triggers**
   - The PA includes various new OMR fish triggers for salmon and steelhead. One trigger is based on the "spring-run Juvenile Production Estimate", yet no such metric is currently estimated. Another is based on the percentage of the spring-run and steelhead populations in the Delta. While the presumption is that these "percentange in Delta" estimates come from the DOSS technical team, DOSS usually doesn't estimate the percentage of steelhead in the Delta (because most monitoring is not very efficient for capturing steelhead) and DOSS's estimates of spring-run become very uncertain in late spring (once hatchery fall-run releases begin, DOSS assumes that many of the spring-run sized fish in monitoring are actually unmarked hatchery fall-run).   Reclamation is not proposing to fund or implement new programs to support the triggers.
   - At the "Delta focus group" meeting on Thursday, 2/28/19, there was agreement that NMFS and CDFW would develop alternative criteria implementable with currently available monitoring information and check back with Reclamation. Reclamation was open to NMFS proposing the alternative criteria in the BiOp to replace the impracticable criteria in the BA.
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6. **OMR Management – Offramp of real-time OMR restrictions**

- There is language in the PA regarding a Director-level option to offramp real-time OMR restrictions (see short para at bottom of p. 4-54 to top of 4-55).
- Agreement at the 2/22/19 all-day sufficiency review meeting to elevate this issue to the Directors.
- USFWS drafted alternative language that has been okayed by Reclamation; NMFS has not yet reviewed.

5. **Risk Assessments**
   - There are a number of places in the BA where "risk assessments" are proposed to determine subsequent actions. NMFS is unclear what the risk assessment metrics are, how they will be used to make decisions, and whether NMFS/the fish agencies have a role in the decision making or elevation.
- During follow-up "focus group meetings" for the Shasta (3/5/19) and Delta (2/28/19) divisions, Reclamation committed to providing some additional description of the decision criteria to be used for Proposed Action elements that included "risk assessment". Specifically, Reclamation will provide additional information for the "spring pulse flow" and the "fall and winter refill redd maintenance" Proposed Action elements in the Shasta Division (likely including an estimate of how often each action might occur), and for the OMR Storm Flex Proposed Action element in the Delta Division (likely based on the December 2019 DOC and DOI "Secretary letter").

  While NMFS may still need to make some assumptions about the implementation of these actions, this additional information will help us to make more informed assumptions about the implementation of these Proposed Action elements and associated effects on listed species.

7. **Fall X2**
   - Lack of specificity for target to maintain fall habitat for Delta smelt.
   - Reclamation would like to define habitat-based approaches (e.g., location, acreage, and salinity) to drive Suisun gate operations in the summer and potential fall actions.

8. **I:E Ratio**
   - The I:E ratio in the 2009 NMFS BiOp, in conjunction with the Head of Old River Barrier, was designed to manage routing and hydrodynamic conditions in the south Delta during April and May for the protection and successful through-Delta outmigration of juvenile San Joaquin steelhead.
   - There is some new science regarding relative route survival and thus the effectiveness of the HORB in increasing through-Delta survival and NMFS is still reviewing how we will include that new science in our effects analysis.
   - NMFS is particularly concerned that the proposed action provides less suitable hydrodynamic conditions (specifically, more negative OMR flows) in the south Delta during April and May. OMR flows are approximately 700 cfs more negative in these months in Critical years, and are up to approximately 4,000 cfs more negative in Wet years.
   - Takeaways re: survival rates (for Chinook and steelhead) through the mainstem San Joaquin River and Old River, summarized in the 2017 Salmonid Scoping Team Report

- Survival tends to be highest in the most upstream, riverine reaches (but survival again high at the most downstream reach in the western Delta)
- Survival through the CVP export facilities is better than through some San Joaquin River reaches, but survival through the SWP export facility is lower than or comparable to the worst San Joaquin River reaches.
- With regard to relative survival at the two export facilities, we've known for years that survival is better at the CVP compared to the SWP, which is why NMFS has proposed the idea of "preferential pumping" at the CVP to minimize fish loss.