

Elevation Topics for March 8, 2019

1. Trinity River ROD Flows

NMFS Positions/Perspectives

- 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 Consulted On” because they are covered by an existing Biological Opinion (i.e., the 2000 Trinity ROD flows BiOp).
- NMFS believes the 2000 Trinity ROD flows BiOp warrants reinitiation.
- The 2000 Trinity BiOp does not provide take exemption for coho;
- The 2000 Trinity BiOp does not include Pacific eulachon, green sturgeon sDPS, or Southern Resident killer whales.
- Including the Trinity ROD flows as part of the proposed action in the ROC on LTO would provide Reclamation with appropriate take exemption for these listed species.
- Minimal BA revision from Reclamation is required (minor editing that would provide consistent, unambiguous language).

Reclamation Positions/Perspectives

- Trinity ROD flows should not be part of the ROC on LTO. The current consultation schedule is too tight to take on this level of consultation.

2. COA

NMFS Positions/Perspectives

- *See stand-alone briefing document*
- NMFS concern is that the COA is embedded into operations and should a part of the consultation.
- NMFS experience is that the COA has restricted operational flexibility for (as an example), Shasta storage management and Delta Pumping Operations.
- Because this consultation provides ESA coverage for Oroville operations that are caused by reoperations to meet Delta conditions, understanding the COA will be important for take authorization for both CVP and SWP.

Reclamation Positions/Perspectives

- Reclamation’s position is that the COA addendum was signed and environmental review complete. The EA and FONSI are posted to Reclamation’s website.

3. Reclamation Shortage Policy

NMFS Positions/Perspectives

- *See stand-alone briefing document*
- Reclamation updated their shortage policy after 2009. NMFS requested cooperating agency status, and commented that it would be important to have an alternative that allowed for shortages for all contracts in locations and amounts needed to meet ESA

metrics and needs. We were told that the shortage policy was flexible to ESA, and that these needs would be re-visited during the next CVP-DWR consultation. Also, contracts generally contain shortage provisions, but these provisions are not specific as to ESA needs. Contracts generally are not separately consulted on, but defer to systemwide operations consultation.

Reclamation Positions/Perspectives

- The shortage policy applies to M&I allocations and thus is an insignificant part of the consultation.

4. Adaptive Management

NMFS Positions/Perspectives

- *See stand-alone briefing document*
- A comprehensive, robust Adaptive Management Program/Framework (AMP/F) is repeatedly called for by independent science review panels.
- Reasonable Certainty: A structured AMP/F can provide credible, durable solution to address uncertainty in elements of the project and effects.
- Necessary component for the State to issue an ITP

Reclamation Positions/Perspectives

- 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.

5. Fish Passage Program

NMFS Positions/Perspectives

- NMFS believes this action would 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.

Reclamation Positions/Perspectives

- 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.

6. I:E Ratio

NMFS Positions/Perspectives

- *NMFS white paper – We have an alternatives to I:E ratio white paper to distribute*
- NMFS concerned that the proposed action does not provide a suitable replacement for April/May San Joaquin steelhead protections.
- The proposed action results in more negative OMR flows in the south Delta during April and May than the I:E ratio.

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- The proposed OMR loss/density trigger of 10 steelhead/TAF is not sensitive enough to detect the low numbers of San Joaquin River basin steelhead emigrating through the system.
- The above, coupled with no proposed installation of a Head of Old River barrier in spring, will likely result in more loss of steelhead originating from the San Joaquin River Basin at the Federal and State export facilities than under the I:E ratio protections.

Reclamation Positions/Perspectives

- Reclamation has not proposed this as part of the action.