



Memorandum

To: Chair
Council on Environmental Quality

From: Assistant Secretary – Water and Science
Department of the Interior
Assistant Secretary of Commerce for Oceans and Atmosphere
Department of Commerce

Subject: Progress Update on Directives in the Presidential Memorandum on Promoting the Reliable Supply and Delivery of Water in the West (Presidential Memorandum), dated October 19, 2018

Background

This response memorandum provides a monthly update to the Executive Office of the President pursuant to Section 2(d) of the Presidential Memorandum. Outlined herein are updates on progress for projects within the Central Valley Project (CVP) and Klamath Irrigation Project that the Departments of the Interior (DOI) and Commerce (DOC) have either joint responsibility under the Endangered Species Act of 1973 (ESA) (Public Law 93-205) or individual responsibilities under the National Environmental Policy Act of 1969 (NEPA) (Public Law 91-190).

Sec. 2(c)(ii) The Secretary of the Interior shall issue final biological assessments for the long-term coordinated operations of the CVP and the California State Water Project (SWP) not later than January 31, 2019.

The Bureau of Reclamation (Reclamation) delivered the final Biological Assessment (BA) to the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS; collectively, Services) on January 31, 2019.

Sec. 2 (c)(iii) The Secretary of the Interior and the Secretary of Commerce shall ensure the issuance of their respective final biological opinions for the long-term coordinated operations of the Central Valley Project and the California State Water Project within 135 days of the deadline provided in section 2(c)(ii) of this memorandum.

The Services continue to work closely with Reclamation on the ESA consultation for the CVP. The Services are on track to finalize their respective biological opinions (BiOps) by mid-June, consistent with direction provided in the Presidential Memorandum. FWS intends to submit the draft effects analysis for project operations to peer review on April 12, 2019. NMFS will submit its draft effects analysis on salmonids to peer review in May 2019.

Sec. 2(c)(iv): The Secretary of the Interior and the Secretary of Commerce shall complete the joint consultation presently underway for the Klamath Irrigation Project by August 2019.

The Services completed their BiOps on March 29, 2019 allowing Reclamation to finalize its NEPA process through the issuance of a finding of no significant impact (FONSI) on April 1, 2019. The completion of ESA consultation five months earlier than the target set by the Presidential Memorandum allowed Reclamation to issue allocations to farmers and ranchers for this growing season under the new BiOps—resulting in greater certainty of water supply availability for this growing season. The early completion of ESA consultation shows the commitment of FWS, NMFS and Reclamation to serving the communities and resources of the Klamath Basin.

Sec. 2(b): Within 40 days of the date of this memorandum, the Secretary of the Interior and the Secretary of Commerce shall develop a timeline for completing applicable environmental compliance requirements for projects identified under section 2(a)(i) of this memorandum.

Pursuant to Section 2(b) of the Presidential Memorandum, the Departments provided a list of major water infrastructure projects for which the Departments have joint responsibility under the ESA or individual responsibilities under NEPA. Table 1 below outlines the major projects identified by the Departments on November 19. Reclamation and the Services continue to work toward the major milestone dates identified for each project in Table 1. Updates on individual projects will be provided in subsequent monthly updates as appropriate.

B.F. Sisk Safety of Dams Final EIS:

Reclamation plans to submit a BA to Fish and Wildlife Service for the B.F. Sisk Safety of Dams Modification Project by March 15, 2019, and anticipates a Biop by August 1, 2019. Reclamation will request formal consultation on construction effects to FWS-jurisdiction San Joaquin kit fox, California red-legged frog, and California tiger salamander. Submittal of the BA was moved from January 2019 to April 2019 to allow for refinements to the BA to identify locations of specific construction activities associated with the project.

Table 1: Project Evaluations in Progress

Project Name Section 2(a)(i)	Timeline Section 2(b)	NEPA Action & ESA Consultation Agencies
Shasta Dam Raise Record of Decision	Record of Decision (ROD): Fall 2019 Biological Assessment (BA) Issuance: 3/2019 BiOp Issuance: 8/2019 Const. Commence: 12/2019 Const. Complete: 5/2024	FWS ¹ , Reclamation
Re-initiation of Consultation on Long-Term Operation of the Central Valley Project and State Water Project EIS and biological opinions	BA Issued: 1/31/2019 BiOp Issuance: 6/15/2019 ROD: 12/2019	FWS, NMFS, Reclamation
Re-consultation on Klamath Project Operations ²	BA Issued: 1/2019 BiOp Issued: 3/29/2019 Environmental Assessment (EA) Completion: FONSI Issued 4/1/2019	FWS, NMFS
B.F. Sisk Safety of Dams Final EIS	BA Issuance: 4/2019 BiOp Issuance: 8/2019 ROD: 10/2019 Const. Commence: 2020 Const. Complete: 2027	FWS, Reclamation
Yolo Bypass Salmonid Habitat Restoration and Fish Passage Final EIS	BA Issued: 12/2018 BiOp Issuance: 4/2019 ROD: 4/2019 Const. Commence: 4/2020 Const. Complete: 11/2020	FWS, NMFS, Reclamation

Table 1: Project Evaluations in Progress

Project Name Section 2(a)(i)	Timeline Section 2(b)	NEPA Action & ESA Consultation Agencies
Temperance Flat (Upper San Joaquin Storage Study) Final EIS	BA Issuance: 10/2019 BiOp Issuance: 3/2020 ROD: 4/2020 Const. Commence: 2025 Const. Complete: 2035	FWS, NMFS, Reclamation
Los Vaqueros Reservoir Expansion Final EIS	BA Issuance: 1/2020 BiOp Issuance: 6/2020 ROD: 9/2020 Const. Commence: 2021 Const. Complete: 2026	FWS, NMFS, Reclamation
San Luis Low Point Final EIS	BA Issuance: 4/2019 BiOp Issuance: 8/2019 ROD: 9/2019 Const. Commence: 2023 Const. Complete: 2029	FWS, NMFS, Reclamation
North-of-Delta Offstream Storage (Sites Reservoir) Final EIS	BA Issuance: 9/2019 BiOp Issuance: 2/2020 ROD: 11/2021 ³ Const. Commence: 2025 Const. Complete: 2030	FWS, NMFS, Reclamation
<ol style="list-style-type: none"> 1. ESA Consultation with FWS for construction only, Programmatic ESA consultation for operations may be provided through Re-initiation of Consultation on Long-Term Operation of CVP and State Water Project—both NMFS and FWS. 2. Though the Presidential Memorandum requires BiOp completion by August 2019, the goal of the project team is to have completion of BiOps by April 2019 to allow for the new BiOps to be in place for the 2019 irrigation season. 3. ROD Issuance date dependent on water right petition before the State of California. 		