

DRAFT Deliberative – For Internal Use Only

COMMUNICATIONS PLAN: ROC ON LTO – BIOLOGICAL OPINIONS PEER REVIEW

Target Date: June 3, 2019

Updated: June 2, 2019

BACKGROUND (FOR INTERNAL USE ONLY): On August 2, 2016, the Bureau of Reclamation (Reclamation), the lead federal agency, and the California Department of Water Resources (DWR), the applicant, jointly requested the reinitiation of consultation on the coordinated long-term operation of the Central Valley Project and State Water Project (ROC on LTO). The ROC on LTO is intended to incorporate new science and information into a proposed action that replaces the Reasonable and Prudent Alternatives from the biological opinions (BO) issued in 2008 and 2009. The proposed action includes a suite of flow and non-flow actions designed to improve water supply and reliability while being protective of endangered fish species.

Pursuant to the Federal Endangered Species Act, Reclamation submitted a final biological assessment (BA) for the ROC on LTO on January 31, 2019. The United States Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS) are evaluating the proposed action in the final BA and working to issue two fully coordinated BOs by July 1, 2019. Both timeframes are consistent with existing Federal regulations and are supportive of the October 2018 Presidential Memorandum on Water in the West. Reclamation is also developing an Environmental Impact Statement (EIS) for the ROC on LTO pursuant to the National Environmental Policy Act (NEPA). The expected milestones are a public draft EIS in July 2019; final EIS in November 2019; and Record of Decision in December 2019.

STRATEGY: The media posture is reactive, respond to query in a timely manner. The holding statement below will be available for each agency to provide upon query. Any additional follow-up by the media will be forwarded from Reclamation or NMFS to Erin Curtis, USFWS PAO, to coordinate a response with Paul Souza, federal lead official for the BO process.

There will be no proactive media or congressional outreach.

Media Coordination for delivery of statement no earlier than June 4, upon request:

Reclamation PAO: Jeff Hawk/916-978-5100/01/jhawk@usbr.gov

NMFS PAO: Jim Milbury/562-980-4006/jim.milbury@noaa.gov

FWS PAO: Erin Curtis/916-413-4154/erin_curtis@fws.gov

Distribution of the NMFS effects analysis upon request no earlier than Tuesday, June 4:

Reclamation PAO: Jeff Hawk

Congressional distribution: Upon request, individual Congressional agency contacts will send to committee and/or personal office staff, with a courtesy copy to partner agencies.

Congressional POC:

NOAA - alexis.gutierrez@noaa.gov
FWS - angela.gustavson@fws.gov, meghan.snow@fws.gov
BOR - mkelhart@usbr.gov

Congressional briefing requests: Reclamation, USFWS and NMFS are planning a joint agency briefing for all Congressional oversight committee and interested personal office staff after the distribution of the Biological Opinions, on July 1.

MATERIALS:

- Reactive Statement
- Reactive Q/A

TICK TOCK:

[Monday, June 3]

[8 a.m. PT] NMFS to BO Effects Analysis Peer Review document sent to peer reviewers, USFWS and Reclamation.
[8:30 a.m. PT] Reclamation send to WINN Act public water agencies.

[Tuesday, June 4]

[1:00-3:00 pm PT] NMFS BO public water agency meeting (at 2800 Cottage Way)
[Upon Request] Distribution to outside parties upon request.

COORDINATED HOLDING STATEMENT:

Please attribute the following joint statement to Bureau of Reclamation, National Marine Fisheries Service and U.S. Fish and Wildlife Service.

The Bureau of Reclamation, National Marine Fisheries Service and U.S. Fish and Wildlife Service have been working closely together for months to ensure the Biological Opinions for Reclamation's proposed operations plan for the CVP and SWP are completed in a timely, comprehensive and scientifically responsible manner.

The agencies are working to complete Endangered Species Act Section 7 consultation and incorporate the best available science to protect imperiled fish and their critical habitats while providing the necessary flexibility to maximize water deliveries.

FWS provided its draft effects analysis for Delta smelt to independent scientific peer reviewers in early May. Three independent scientists reviewed the documents and provided comments. FWS is now reviewing the information in detail and incorporating the comments.

NMFS provided its draft effects analysis for salmon and other fisheries to independent scientific peer reviewers on Monday, June 3. NMFS expects to receive comments within 10 days and will then review them in detail and incorporate improvements.

FWS and NMFS draft analyses have also been provided to public water agencies in accordance with WIIN Act provisions that give water agencies an opportunity to provide comments on these draft documents as they are under development.

Comments from peer review and the water agencies will be considered and incorporated into the final biological opinions as appropriate. We welcome these comments and believe they are essential to developing final documents that are informed by the best available science.

Both agencies are on track to finalize their assessments by July 1.

Commented [1]: These edits being made at Paul Souza's request.

Deleted: The issuance of NMFS's draft Biological Opinion effects analysis this week for scientific peer review is the next step in that process. The draft analysis has also been provided to public water agencies in accordance with the 2016 Water Infrastructure Improvements for the Nation Act (WIIN Act) provisions that give water agencies an opportunity to provide comments on these draft documents as they are under development.¶
Comments from scientific peer review and from the public water agencies will be considered and incorporated into the final biological opinions as appropriate. We welcome these comments and believe they are essential to developing final Biological Opinions that are informed by the best available science.¶
The FWS has also transmitted its scientifically peer reviewed, draft assessment of the effects of the proposed operation of the projects on Delta smelt to our agency partners for their review.

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Deleted: Both agencies are on track to finalize their assessments by July 1.¶

REACTIVE Q&A: On background only - not for attribution

Q: Does the NMFS effects analysis mean jeopardy for the species?

A: We see great value in independent scientific peer review as well as the new opportunity provided by the WIIN Act to receive input from the public water agencies. This is part of the process and at this point it would be premature to comment on the specifics of the draft analysis. We're committed to finalizing this consultation process and sharing the final biological opinions with all interested parties.

Q: Is Reclamation going to make changes to the operation plan based on this draft effects analysis.

A: Any changes would be pre-decisional at this point. NMFS will receive comments on the draft effects analysis that will be incorporated into its biological opinion.

Q: Why isn't NMFS commenting on its effects analysis?

A: It would be inappropriate to comment since these analyses are draft products, subject to revision, and are only components of the draft Biological Opinion.

Q: Why isn't NMFS providing its Integration and Synthesis section of the BO?

A: The scientifically peer reviewed effects analysis will inform the integration and synthesis section.

Q: Why is the FWS talking about a NMFS draft effects analysis?

A: Paul Souza was designated as the lead federal official to ensure that the biological opinions are delivered in a coordinated and timely manner.

Q: Where is USFWS in this process?

A: USFWS has transmitted its scientifically peer reviewed, draft effects analysis of the proposed operation of the projects on Delta smelt to our agency partners for their review.

Q: How do we determine who gets to review the draft effects analysis?

A: The WIIN Act statute requires that we share it with public water agencies and the state.

Q: Why did the schedule slip by two weeks?

A: Reclamation, the Fish and Wildlife Service, and the National Marine Fisheries Service were granted a schedule extension by the Council on Environmental Quality (CEQ). After the Department of the Interior experts reviewed initial drafts of NMFS's effects analyses, the three agencies agreed that the federal team would benefit from the short extension to ensure the agencies have a common understanding of the Proposed Action.

Q: Who are the peer reviewers and how are they chosen?

A: They are independent scientists with expertise in various disciplines such as fishery stock assessments, protected species and other scientific proficiencies.