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**From:** Brian Ellrott - NOAA F... (Google Docs) <d+MTE2MDgwMjc5NTEwNTYwMDcwNDg4-MTE1OTU2MzA0NzcwMzYxMjM1NDAx@docs.google.com>  
**Sent:** Thursday, December 20, 2018 10:13 PM  
**To:** naseem.alston@noaa.gov  
**Subject:** Draft text for me... - this may not be entirely true: OCAP t...

Brian Ellrott - NOAA Federal resolved a comment in [Draft text for memo to file on environmental baseline](#)



**Naseem Alston - NOAA Federal**

inconsistent

this may not be entirely true: OCAP text says - BA did not describe what Reclamation's nondiscretionary operations would be if discretionary aspects of the proposed action were not implemented. In addition, in all of the models and simulations that Reclamation used to prepare the CVP/SWP operations BA, a "no project" scenario was not run.

also the Yuba RAM memo says: ... it is necessary to first determine what the world will be like without the proposed action, then factor in effects of the action. (though I think a very different understanding of what that would mean and why, etc.)

**Brian Ellrott - NOAA Federal**

It is entirely true - where does a future without-action scenario fit into the regulatory definition?

Case law is more ambiguous on whether a future w/o action scenario is needed, but my reading of the 9th circuit's ruling in the Columbia River case is that the ruling doesn't create that need.

**Brian Ellrott - NOAA Federal**

*Marked as resolved*

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