

Meeting with Sacramento River Settlement Contractors

TO: Sam Rauch, Deputy Assistant Administrator for Regulatory Programs
DATE: Wednesday, March 13, 2019
TIME: 10:45-11:30am PT / 1:45pm-2:30pm EST
FROM: Barry Thom, Regional Administrator, West Coast Region (WCR),
National Marine Fisheries Service (NMFS), 503-231-6266

PURPOSE

The Sacramento River Settlement Contractors (SRSC) have requested a meeting with NOAA/NMFS policy and science leadership to highlight, and seek support for, regional collaborative efforts to improve water management and environmental conditions in the Sacramento River basin. SRSC have a history of progressive water management in the basin and a “fix it, don’t fight it” approach to the problems that affect Endangered Species Act (ESA) listed species. They visit DC every spring.

THREE THINGS YOU MUST KNOW

- The SRSC are composed of various irrigation districts, reclamation districts, mutual water companies, partnerships, corporations, and individuals with senior water rights for Sacramento River water, delivered primarily from the U.S. Bureau of Reclamation’s (Reclamation) Shasta Reservoir.
- Water supplies in Shasta Reservoir are also managed to provide cold water releases during summer and fall to avoid jeopardizing critically endangered Sacramento River winter-run Chinook salmon.¹
- NMFS partners with the SRSC on a variety of species recovery actions and collaborative science investigations. Such projects include the Sacramento River Mainstem Integrated Management Plan, Science Work Plan, and water infrastructure planning.

BACKGROUND

SRSC are likely to bring up the following important topics:

1. Voluntary Settlement Agreements. Proposed agreements were submitted to the California State Water Resources Control Board on March 1st. We are not part of the voluntary agreements, but are generally supportive.

SRSC are engaged in a voluntary settlement of disputed state water rights and in-stream flows. CDFW is leading discussions that may result in the implementation of voluntary agreements in lieu of new flow standards under a state regulatory process. NMFS is not currently a party to this process, but we understand its importance, and we are willing to participate if invited by CDFW.

2. Science Planning. NMFS, Reclamation, and the SRSC are engaged in the development of a voluntary science "Partnership," which seeks to establish and maintain a science enterprise for collaborative research, modeling, monitoring, and synthesis relevant to salmonid and other in-

¹ This management occurs under the Reasonable and Prudent Alternative in the NMFS 2009 biological opinion on the long-term operations of the Central Valley and State Water Projects in California (NMFS 2009 biological opinion).

river species recovery and water management. The Partnership is, in part, a recognition of the difficulties in meeting the needs of water users while providing adequate protections for threatened and endangered species in the Sacramento River. The Partnership is also a restatement of the agreement between the then Assistant Administrator for Fisheries, Eileen Sobeck, and the SRSC, made at their meeting on July 13, 2016, where Ms. Sobeck and the SRSC agreed to undertake a “shared and integrated work plan” with the intent of demonstrating how the SRSC, state and federal agencies, and conservation organizations, can work together to rapidly improve CVP and SRSC operations and salmon recovery.

Since then, NMFS and the SRSC have taken a lead role in developing a memorandum of understanding (MOU)/Charter for the Partnership, as well as scheduling a workshop, April 11, 2019, to discuss the current state of research and monitoring in the Sacramento River.

3. Reinitiation of NMFS’ 2009 Biological Opinion. NMFS is currently drafting a new biological opinion for the Long-term Operations of the Central Valley Project and the State Water Project and is working to complete the biological opinion within the 135-day timeline identified in the President’s October Western Water Memo. The SRSC are interested in exploring a mechanism that would allow NMFS to provide an incidental take exemption for their water use.² NMFS is interested in exploring options for exempting incidental take exemptions for SRSC operations but any such action would need to provide reasonably certain outcomes for ESA-listed fish species.

4. Sacramento River Integrated Plan.

We are generally supportive of the need for Federal legislation to prepare Basin Plan.

NOAA PARTICIPANTS *(italics indicate participation by phone)*

Sam Rauch, Deputy Assistant Administrator for Regulatory Programs, NMFS

Barry Thom, Regional Administrator, West Coast Region, NMFS

Maria Rea, Assistant Regional Administrator, California Central Valley Office, WCR, NMFS

EXTERNAL PARTICIPANTS

Thad Bettner, General Manager, Glenn Colusa Irrigation District (GCID)

Don Bransford, President, Glenn Colusa Irrigation District (GCID)

David Guy, President, Northern California Water Association (NCWA)

Fritz Durst, President, Board of Trustees, Reclamation District 108

Lewis Bair, General Manager, Reclamation District 108

Roger Cornwell, Manager, River Garden Farms

Les Canter, Owner, River Garden Farms

Brad Mattson, Manager, Sutter Mutual Water Company

Tom Ramos, Board Member, Natomas Mutual Water Company

Brett Gray, Manager, Natomas Mutual Water Company

Roger Gwinn, CEO, The Ferguson Group

Mark Limbaugh, President, The Ferguson Group

² The Bureau of Reclamation maintains that SRSC water deliveries are non-discretionary and they are not considered part of the proposed action in the January 31, 2019 biological assessment.