

## Draft for discussion purposes only

### Federal Agency Wednesday Check-in Call

February 27, 2019

#### Good News:

1. BiOp peer reviews are being planned and look like they will work within NMFS contracting arrangements with John Ferguson's group. Agencies are proposing names reviewers. Next steps are to develop questions. On schedule.
2. Biological modeling is progressing well and the various efforts are on schedule.

#### Complete:

- DSM2 results
- CalSimII results
- Temperature results
- Egg mortality results
- Delta Passage Model
- IOS
- CVPIA SIT Survival

#### Forthcoming and on track:

- WR LCM
  - Upper Sac Temperature and Egg Mortality Modeling
  - Salvage-Density Method
  - DSM2-HYDRO Analysis
  - Recon on Salim, SALMOD, IFIM, Rec Mortality Model: Please let us know an ETA for this recon
3. NMFS and USFWS finished their review of the BA, provided comments and held meetings to go over priority comments on the BA on February 21 and 22. The meetings were productive and covered a surprising amount of ground in a short amount of time.

Several focus-group meetings were scheduled during the BA review meetings to discuss and clarify certain topics and allow for additional discussion to try and resolve priority matters.

Follow up focus-group meetings include:

- Fall X2 and food subsidy PA components (*Monday 2/25*)
- Adaptive Management (*Wednesday, 2/27*)
- Seasonal Storage Management and Allocations Logic (*Tuesday, 3/5*)
- Risk Assessment (*TBD*)
- Predator Control in Clifton Court Forebay (*Thursday, 2/28*)
- Division focus groups
  - Trinity (*Thursday, 2/28*)
  - Shasta Temperature Management and HEC-5Q modeling (*Tuesday 3/5*)
  - Clear Creek (*Tuesday, 2/26*)
  - Feather/American (*Tuesday, 2/26*)
  - Delta (*Thursday, 2/28*)
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- Stanislaus (Monday, 2/25)

### Concerns:

Consultation topics currently recommended to elevate to the March 8 3-agency Directors meeting:

#### 1. COA

- NMFS concern is that the COA is so embedded into operations that it should be a clear part of the consultation. NMFS experience is that the COA has restricted operational flexibility to manage Shasta releases in the past.
- Reclamation's position is that the COA addendum was signed and environmental review complete. The EA and FONSI are posted to Reclamation's website.

#### 2. Operations with Shasta Dam Raise

- Reclamation would like to cover it as a site-specific, core operations action relying on a project description and analysis from the 2012 Feasibility Study. Not having it in at all poses challenges and Reclamation is willing to explore options.
- NMFS believes there is not sufficient information regarding the details of the proposed action or the effects analysis for a site-specific or programmatic consultation.
- FWS wants yellow-billed cuckoo supplemental information to support but does not feel this is an elevation topic.

#### 3. Fish Passage Program

- 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.
- 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.

#### 4. Consultation status of Trinity River Restoration Program (TRRP, a.k.a. "Trinity ROD flows") and Lower Klamath flow augmentation.

- Seasonal operations (which are included in the Trinity ROD) are proposed as a site-specific action. However, Trinity ROD and Lower Klamath fall augmentation flows are described and modeled in the BA but listed as Not Being Consulted On because they are covered by existing BiOps.
- NMFS position is that the TRRP BiOp is outdated and warrants reinitiation.

Consultation topics currently being discussed at upcoming focus meetings but may be recommended to elevate to the March 8, 3-agency Directors meeting:

#### 1. Adaptive Management Process

- NMFS and USFWS do not believe that the Adaptive Management program described in the BA is sufficient to meet the standard of providing reasonable certainty to subject actions or their outcomes.

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- NMFS and USFWS believe that the 5-agency Adaptive Management Framework (AMF) developed during CWF was developed with the understanding that it would be applied not just to CWF but the future reinitiation of CVP/SWP consultation.
- 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.

### **2. Seasonal Operations:**

- NMFS and USFWS do not have a clear understanding of how allocations and Reclamation's shortage policy fit into fishery protections. They are concerned that allocation decisions may be made before fishery protections are fully considered.
- Reclamation is working to fully explain the allocation process, including how allocation decisions are made after first considering all environmental commitments (e.g., fisheries and water quality).

### **3. OMR Management**

- The PA includes new OMR fish triggers for salmon and steelhead based on percentage of the population in the Delta. NMFS does not necessarily disagree, in theory, with the proposed metrics, but are not aware of any population estimates for spring-run Chinook salmon and steelhead in order to implement the fish triggers. Reclamation is not proposing to fund or implement new programs to support the triggers.
- Reclamation is willing to explore programs to support these triggers.
- There is language in the PA regarding a Director-level option to off-ramp real-time OMR restrictions (see short para at bottom of p. 4-54 to top of 4-55). USFWS working on draft alternative language.

### **4. Risk Assessments**

- There are a number of places in the BA where "risk assessments" are proposed to determine subsequent actions. NMFS is unclear what the risk assessment metrics are, how they will be used to make decisions, and whether NMFS/the fish agencies have a role in the decision making or elevation.
- Reclamation is willing to work collaboratively on addressing gaps.

### **5. Fall X2**

- Lack of specificity for target to maintain fall habitat for Delta smelt.
- Reclamation would like to define habitat-based approaches (e.g., location, acreage, and salinity) to drive Suisun gate operations in the summer and potential fall actions.

### **6. I:E Ratio**

- NMFS concerned that the proposed action does not include a suitable replacement for April/May San Joaquin steelhead protections.
- Delta focus group to discuss the extent that OMR criteria offer a suitable replacement.

### **Questions:**

How are the agencies handling notice to Reclamation on the initiation of consultation?