

**NMFS Review of Draft Proposed Action of CVP/SWP Long-Term Operations**

**November 26, 2018**

**CONCERNS NOT SPECIFIC TO PROPOSED ACTION**

Need clarification of which species are being covered, specifically related to:

- Southern Resident Killer Whale (a priority decision need for NMFS)
- State-listed species (e.g., longfin smelt; this is not a priority decision need for NMFS)

Need resolution of actions included in the baseline vs. proposed as part of this project. Several actions seemed to be included that would potentially fit the definition of baseline per the ESA.

**CONCERNS SPECIFIC TO PROPOSED ACTION**

All Conservation Measures are non-flow measures.

There is no specificity throughout this project description -- no flow schedules or instream targets. Shouldn't the reader be able to consult this and know how the various knobs are set for any day of the year and any condition? That's not possible with what is given.

**Upper Sacramento**

- Maintain 53.5F only through Oct 31, or 95% emergence, whichever first.
- In lower storage years, use of "life-stage-specific" water temperatures. Cites Anderson 2017.
- Method 3 for low storage years on p. 16 has not specificity. Introduces risk of lack of clear operations.
- Storage <2.5 MAF, no temperature operations implemented.

**Delta**

- Changes to DCC operations triggers. Often uses "if Reclamation determines it is necessary based on a risk assessment", does not identify NMFS approval or determination as necessary. Introduces additional opportunities for opening.
- Operate [OMR] to an index equation. But no equation given, unless it's the following bullets. There is not justification for the numbers in that and it is for smelt and steelhead only.

**Stanislaus**

- New Melones Revised Plan of Operations was just provided, but is proposed to be implemented. NMFS has not reviewed this yet.
- Proposed change to DO requirement in Stanislaus (7 mg/L at Orange Blossom and 5 mg/L at Ripon).
- Sole conservation measure for this division is an existing gravel augmentation commitment.

### **Governance**

- Propose to replace all water operations teams with watershed monitoring teams with agency representatives.
- Reclamation would conduct risk assessments and “would confer with NMFS and USFWS, if Reclamation determines technical assistance is warranted. Annual reporting will demonstrate compliance with the ESA.” This is very hands-off for NMFS and USFWS.

### **Adaptive Management**

- Programmatic AM program included. Notable concerns over whether items are already in other efforts (e.g., 2009 BiOp, EcoRestore, CWF BA, and/or the Salmon Resiliency Strategy).
- Actions included in this programmatic element are expected to be future consultations tiered off this and submitted as paired non-flow action/operational flexibility combinations. As it states, “Actions would be taken to the extent Reclamation can identify increased operational flexibility through tradeoffs between water deliveries and non-flow methods of meeting fisheries requirements.”
- Seems to be no certainty or commitment to these happening. Governance of AM points to an appendix that was not provided. The AMP of CWF (intended to apply to the CVP/SWP even without CWF) is not mentioned.
- Given AM construction and proposed “tiering off” of projects that then have their own ITS, the ITS for the PA *absent* the adaptive management actions should be as low as possible. AM is written to allow AM actions to consult and acquire *additional* take on top of what is provided in the ITS for this consultation.
- Many actions have numbers of fish associated with them, but no indication of the source of those numbers.
- There are some not-bad actions (e.g., lowering intakes so that Wilkins Slough 5000 cfs standard can be reduced; modifying Shasta’s TCD), but no commitment that they would happen.
- Includes moving American River temperature compliance point to further upstream.
- Delta actions tend to be vague (e.g., “reduce predation at CCF” with no indication of how or a performance metric). Also includes Georgiana Slough barrier which was included in previous consultations so should be in baseline.

### **CONCERNS WITH PA RELATED TO MODELING**

- Proposed changes to COA could result in changes to management of Shasta (i.e., different releases to meet Sac Valley In-basin use) that should be modeled to fully understand.
- Unsure whether New Melones Revised Plan of Operations is included in modeling, but the RPO is intended to be implemented with the proposed action.
- Modeling has already started, so any changes to the PA from here forward will not be captured in hydrologic models; this can impede the ability of those changes to be characterized in any models that use these results as input (e.g., the WRLCM, IOS, anything really).

### **OTHER**

#### **Key Phrases**

## DRAFT. FOR INTERNAL NMFS DISCUSSION ONLY. NOT FOR DISTRIBUTION.

- P .3: “and to increase operational flexibility by focusing on non-operational measures to avoid jeopardy.” Non-flow measures are not given; they are paired with an operational knob.
- P. 10: “Reclamation and DWR propose to modify the priorities for implementing the CVPIA as described in the basin specific sections in this Proposed Action.”
- P 24: “...the combined CVP/SWP export rates will not be required to drop below 1,500 cfs.”
- P. 27: “Reclamation and DWR propose to operate the CVP and SWP to maximize exports while staying within the provided incidental take.” This is circular: they will operate to stay within take, but we need to identify the “provided take”, and to do that we need a project description, but the project description says that they will operate to stay within take....
- P. 31: “Under the 2008 and 2009 Biological Opinions, water operations teams assess monitoring information and recommend operating criteria for ***the USFWS and NMFS to impose upon Reclamation and DWR*** during seasonal planning and real-time decision making. The water operations teams typically discuss short-term operational approaches to meet specific biological objectives. ***These approaches often fail to consider potential water supply effects, power generation, and the seasonal risk that could impact future biological objectives.*** By relying on these water operations teams for regulating the seasonal and day to day operations, the Reclamation and DWR operators are not able to use the experience, expertise, and institutional knowledge to appropriately balance risks and best meet all project purposes. The result is increased risk to all project purposes with the bulk of impacts falling to water supply and power generation.” Emphasis added.
- In every Conservation Measures section: “Conservation measures are included to avoid and minimize or compensate for CVP and SWP project effects, including take, on the species under review in this biological assessment. These conservation measures include non-flow actions that benefit listed species without impacting water supply or other beneficial uses. These measures are designed to increase operational flexibility associated with the Proposed Action to maximize water deliveries and power generation.”

### Overall

- The PA is confusing to read. Reads more like a purpose and need, or a background document.
- Can be hard to discern what is describing what is done now and therefore not changing, and what is part of this PA and therefore is different than what is done now.
- You can really see the hand of someone with intimate knowledge of the CVPIA program.

### Cheers

- Includes updates to DCC gates and more resources for them! Yay!