

Reclamation Information responsive to Section 2 of October 19, 2018 [Presidential Memorandum \(PM\)](#), “Promoting the Reliable Supply and Delivery of Water in the West”

Section 2(a)(i): identify major water infrastructure projects in California for which the Department of the Interior and the Department of Commerce have joint responsibility under the Endangered Species Act of 1973 (ESA) (Public Law 93-205) or individual responsibilities under the National Environmental Policy Act of 1969 (NEPA) (Public Law 91-190).

RECLAMATION INFORMATION:

The Mid Pacific Region has initiated the NEPA process on nine projects that will require ESA consultation. Of the nine documents in development, eight EIS documents require consultation with both NMFS and FWS and one EIS document has sole FWS consultation. The project evaluations in progress are described in **Table 1**. Reclamation has identified a first and second priority ranking for the coordination of the completion of the ESA consultation and NEPA process for the outstanding projects. First priority projects requires ESA consultation to be complete by the end of calendar year 2019, while second priority projects will have consultation completion follow the 2019 calendar year.

Table 1: Project Evaluations in Progress

Priority	Project Name Section 2(a)(i)	Timeline ¹ Section 2(b)	ESA Consultation
1	Shasta Dam Raise Record of Decision	ROD: Fall 2019 BA Issuance: 3/2019 BO Issuance: 8/2019 Const. Commence: 12/2019 Const. Complete: 5/2024	FWS ²
1	Re-initiation of Consultation on Long-Term Operation of the Central Valley Project and State Water Project EIS and biological opinions	BA Issuance: 1/31/2019 BO Issuance: 6/15/2019 ROD: 11/2019	FWS, NMFS

Deliberative Draft

Date: November 12, 2018 (shortened to cover only immediate deliverables for PM Sec. 2)

1	B.F. Sisk Safety of Dams Raise Final EIS	ROD: 4/2019 Const. Commence: 2020 Const. Complete: 2027	FWS, NMFS
2	Yolo Bypass Salmon Habitat Restoration and Fish Passage Final EIS	ROD: 12/2018 Const. Commence: 4/2020 Const. Complete: 11/2020	FWS, NMFS
2	Temperance Flat (Upper San Joaquin Storage Study) Final EIS	ROD: 10/2019 Const. Commence: 2025 Const. Complete: 2035	FWS, NMFS
2	Los Vaqueros Reservoir Expansion Final EIS	ROD: 12/2019 Const. Commence: 2021 Const. Complete: 2026	FWS, NMFS
2	San Luis Low Point Final EIS	ROD: 2020 Const. Commence: 2023 Const. Complete: 2029	FWS, NMFS
2	North-of-Delta Offstream Storage (Sites Reservoir) Final EIS	ROD: 10/25/2021 Const. Commence: 2025 Const. Complete: 2030	FWS, NMFS
<ol style="list-style-type: none"> 1. A detailed Gantt schedule will be developed for each project. 2. ESA Consultation with USFWS for construction only, Programmatic ESA consultation for operations may be provided through Re-initiation of Consultation on LTO of CVP and SWP—both NMFS and FWS 			

Sec. 2(a)(ii): for each such project, work together to facilitate the designation of one official to coordinate the agencies' ESA and NEPA compliance responsibilities [COMPLETE PER 11/7/18 MOAs]. Within the 30-day time period provided by this subsection, the designated official shall also identify regulations and procedures that potentially burden the project and develop a proposed plan, for consideration by the Secretaries, to appropriately suspend, revise, or rescind any regulations or procedures that unduly burden the project beyond the degree necessary to protect the public interest or otherwise comply with the law [BELOW].

RECLAMATION INFORMATION:

Suggested regulations or procedures to “suspend, revise or rescind”:

1. NEPA: Reclamation proposes to streamline cooperating agency review for the Re-initiation of Consultation on Coordinated Long-Term Operation of the CVP and SWP by involving cooperating agency subject matter experts in the drafting process related to their specialized expertise and reducing the number of administrative reviews.
2. NEPA: Reclamation will incorporate NEPA streamlining guidance from Department of the Interior Secretarial Order 3355 and subsequent departmental direction on NEPA to ensure that projects and NEPA compliance move forward in a streamlined fashion.
3. ESA: The Services should consider revising agency ESA policy directives to require full coordination and cooperation between NMFS and FWS, where appropriate, with the goal of issuing Programmatic and Joint Biological Opinions (BiOps) under ESA. Although not addressed in current law or regulations implementing ESA, where a proposed Federal action involves both Services, each agency often issues separate biological opinions. Issuance of joint BiOps will ensure that the Services are coordinated in timing of releasing BiOps and that RPAs are consistent and not providing conflicting direction for the operation of the CVP.
4. NHPA: The Department should consider developing and issuing guidance to encourage and simplify National Historic Preservation Act (NHPA) programmatic agreements with all permitting actions and associated compliance actions and procedures articulated within the stipulations. This could enhance coordination among lead and cooperating agencies, State Historic Preservation Offices, and tribes, while ensuring appropriate compliance.

[SECTIONS 2(a)(iii) and (iv) ARE THE BI-OP DEADLINES AND DON'T REQUIRE TEXT HERE]

Sec. 2(b): Within 40 days of the date of this memorandum, the Secretary of the Interior and the Secretary of Commerce shall develop a timeline for completing applicable environmental compliance requirements for projects identified under section 2(a)(i) of this memorandum. Environmental compliance requirements shall be completed as expeditiously as possible, and in accordance with applicable law.

[[See “Timeline” Column of Table 1 above]]

Sec. 2. (iv): The Secretary of the Interior and the Secretary of Commerce shall complete the joint consultation presently underway for the Klamath Irrigation Project by August 2019.

RECLAMATION INFORMATION:

Since January 2017, Reclamation in coordination with the FWS and NMFS (together “Services”) continue to undertake unprecedented levels of coordination to complete re-consultation under Section 7 of the ESA for continued operation of Reclamation Klamath Project (Project). Reclamation and the Services have participated in over 23 Agency Coordination Meetings and the Regional Directors for each organization coordinate on a bi-weekly basis. These meetings have resulted in the development of an approach to manage the Project that allows for certainty on timing and water supply for Project water users while meeting the needs of ESA listed species. The Regional Director coordination has also led to a commitment by Reclamation and the Services to accelerate the completion of the Biological Opinion, with a target completion date currently of spring 2019.

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