

**Critical Success Factors for NMFS to meet the expedited schedule  
identified for the reinitiation of consultation on long-term operations**

Updated on June 28, 2018

NOAA's National Marine Fisheries Service (NMFS) received Gantt charts from Reclamation, updated on June 4, 2018, that identify the necessary steps and timeline associated with being able to complete ESA section 7 consultations by November 27, 2018, for near-term actions (track 1), June 25, 2019, for the programmatic (track 2), and by August 20, 2020, for the long-term re-operation (track 3). These are ambitious expedited schedules that require the following critical success factors to be met.

1. For track 1, any adjustments to the reasonable and prudent alternative (RPA) are non-controversial, are accompanied by best available science that is not disputed between the agencies, and contains an analysis that the action is at least equally protective to the current RPA action(s) based on that science.
  - a. The June 4, 2018, Gantt chart for track 1 identifies the following assumptions associated with the near-term actions:
    - i. No additional adverse effects to listed species
    - ii. No significant impacts
    - iii. Limited Scope (regulatory changes, no upstream ops, no evaluation of "other stressors")
    - iv. Limited stakeholder engagement
    - v. No cooperating agency (water user) drafts
    - vi. No peer review of tools or documents
    - vii. Primarily qualitative analysis using existing info (note: NMFS has concerns that this assumption may not contribute to meeting critical success factor #3)
    - viii. DC NOI/NOA/ROD/EIS Development Reviews stick to April 27, 2018 Deputy Secretary Memo timeframe, and briefing is able to be scheduled in advance prior to document prep
    - ix. Other DC reviews provided for this project are no more than 1 week
2. For tracks 2 and 3, the BA includes a complete project description designed to result in no jeopardy for NMFS' listed species, no adverse modification for designated critical habitats, and adequately incorporates consideration of candidate species, if needed.
  - a. The June 4, 2018, Gantt chart for track 2 identifies the following assumptions associated with the programmatic:
    - i. Limited stakeholder engagement
    - ii. No cooperating agency (water user) drafts
    - iii. No peer review of tools or documents
    - iv. Primarily qualitative analysis using existing info (note: NMFS has concerns that this assumption may not contribute to meeting critical success factor #3)
    - v. Benefits and impacts mostly qualitative
    - vi. DC NOI/NOA/ROD/EIS Development Reviews stick to April 27, 2018 Deputy Secretary Memo timeframe, and briefing is able to be scheduled in advance prior to document prep
    - vii. Other DC reviews provided for this project are no more than 1 week

- b. The June 4, 2018, Gantt chart for track 3 identifies the following assumptions associated with the Long-term Re-operation:
  - i. Limited stakeholder engagement after initial brainstorming
  - ii. No incorporation of input from the public
  - iii. Single 20 day review periods for water user review of EIS and BA
  - iv. No incorporation of peer review findings into tools or documents
  - v. USFWS and NMFS can meet this schedule for the BO
  - vi. No changes to proposed action after BA is submitted
  - vii. Federal/State coordination for CESA occurs before BA submittal
  - viii. NMFS Draft B surnaming process is shortened
  - ix. DC NOI/NOA/ROD/EIS Development Reviews stick to April 27, 2018 Deputy Secretary Memo timeframe, and briefing is able to be scheduled in advance prior to document prep
  - x. Other DC reviews provided for this project are no more than 1 week
3. All sections of final BA are complete, accurate, and have sufficient detail to support BiOp development. There is no significant disputed science in the BA.
4. Reclamation and NMFS would be working closely together through the entire consultation process. Any issues would be quickly elevated from the CORE team to the Directors and resolved. CORE team meetings will be independently facilitated, with draft meeting notes distributed for review within 3 business days, and final meeting notes timely distributed soon after, to include the Directors. All agreements and issues for elevation will be documented and managed.
5. Technical staff from agencies and consultants working on the BA are available for technical assistance during BiOp development.
6. Reclamation and NMFS are able to dedicate staff to the ROC on LTO effort who will not be redirected to drought, new legislation, or other issues.
7. All necessary staffing is in place prior to development of the BA. Both NMFS and Reclamation should have a project manager, facilitator, and consulting team in place.
8. Reviews (internal review, Reclamation review, peer review) of draft BiOp do not result in significant changes, reanalyses, etc., to the BiOp.