

Questions regarding the new BA for the CVP:

1. How are the directives in the President's October memo playing out regarding the CVP? (joint ESA/NEPA compliance, joint BA, short timeline, plans to suspend/rescind regulations and procedures, etc.)
 - a. NMFS and USFWS are preparing separate but coordinated BiOps that will be issued by June 17, 2019. NMFS understands that Reclamation will be operating to the NMFS 2009 BiOp, as amended by the 2011 RPA amendment until a new Record of Decision is signed (expected to be December 2019).
2. Has Reclamation identified specific regulations or procedures as "burdensome", as directed in President's memo?
 - a. This question would best be answered by Reclamation. NMFS would also direct any interest in this topic to review Reclamation's biological assessment and Notice of Intent to prepare a new EIS. These documents are posted on Reclamation's website at:
<https://www.usbr.gov/mp/bdo/lto.html>
3. What are the key elements in Reclamations BA that will affect fish and habitat? NPR reports 10-15% increase in water supply to water districts, and eliminating rules that guarantee flows.
 - a. NMFS is currently analyzing the effects of the proposed action and it would be pre-decisional to comment on this question at this particular point in time.
4. Status of Reclamations draft BO? And public comment opportunity?
 - a. Reclamation posted the biological assessment to their website at:
<https://www.usbr.gov/mp/bdo/lto.html>
 - b. NMFS is currently drafting the biological opinion that is scheduled to be issued by June 17, 2019.
 - c. The Water Infrastructure Improvement for the Nation (WIIN) Act of 2016, Section 4004(a), states that the Secretaries of Commerce and the Interior shall ensure that any public water agency with contracts for water with CVP and SWP has the following opportunities upon request:
 - Have the opportunity to submit to and discuss information with FWS and the National Oceanic and Atmospheric Administration (NOAA) for consideration in the development of a biological assessment;
 - Be informed of the schedule for preparing a biological assessment;
 - Be informed of the schedule for preparing a BiOp;
 - Receive a copy of any draft BiOp and have an opportunity to review and comment on the BiOp;
 - Have the opportunity to confer with FWS or NOAA and the applicant about any reasonable and prudent alternatives (RPAs) prior to them being identified; and
 - Be informed of how each component of the RPAs will contribute to conserving species and the scientific justification supporting the RPAs. Further, be informed as to why other proposed alternative actions that would have fewer adverse economic and water supply effects were not adequate as an RPA.
5. Expected responses by NMFS/USFWS in BO and ESA review?

- a. NMFS is currently analyzing the effects of the proposed action and it would be pre-decisional to comment on this question at this particular point in time.

Questions regarding 2019 CVP operations:

1. Early February forecasts and modeling raised concerns by NMFS that projections were not conservative enough to ensure enough cold water storage in Shasta Reservoir for late season, and that the model underestimates late season temperatures by not incorporating ambient temperature data. There is less concern for storage volume now, thanks to atypical increases in precipitation from storms in late February. Nevertheless, under those early February conditions, the BOR model projected downstream late summer water temps of 55.8 F. The RPA action compliance DAT is 56.0F, and the historic max mean for fall is 56.3F. This year is projected to be hot, dry and long, as is the long term trend.

- a. How can compliance temp be ensured if (a) the projected forecasts are not conservative enough (per NMFS), and (b) there is zero margin for error?
 - i. The projected forecasts are conservative enough, and considers conservative hydrology and meteorological conditions, and date of full side gate access.

b. In 2016 the HC learned of specific issues that lead to temperature exceedances that likely resulted in egg mortality. The HC offered recommendations to improve safety margins for volume and temperature of the cold water storage and releases and for peer-review of their models for predicting egg-to-fry survival (*provide attached Council letter, 2016*). Were these recommendations incorporated into Reclamations water management plans going forward?

- i. This question would best be answered by Reclamation.

2. NMFS raises two additional concerns with this year's March forecasts: (1) the model indicates that periods in April and May will exceed DAT at compliance point due to extremely warm runoff from creeks upstream, and (2) Fall releases from Keswick dam could dewater winter and fall Chinook redds and stabilizing flows for fall Chinook spawning.

- a. Is Reclamation responsive to managing these issues?
 - i. Yes.