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# United States Department of the Interior

BUREAU OF RECLAMATION  
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CAWINS?

IN REPLY REFER TO:

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DOC #00820

Ms. Maria Rea  
Assistant Regional Administrator  
California Central Valley Office  
National Marine Fisheries Service  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814

Subject: Proposed Modification to the Annual Review Schedule Required as Part of the Reasonable and Prudent Alternative in the National Marine Fisheries Service's 2009 Biological Opinion on the Coordinated Long-term Operation of the Central Valley Project and State Water Project

Dear Ms. Rea:

The National Marine Fisheries Service's (NMFS's) 2009 Biological Opinion (BO) on the Coordinated Long-term Operation of the Central Valley Project (CVP) and State Water Project (SWP) requires an annual review of the prior year's operations as stated in the Reasonable and Prudent Alternative (RPA), section 11.2.1.2:

*"Not later than November 30 of every year, in conjunction with the CALFED Science Program or other Science Peer Review process, Reclamation and NMFS shall host a workshop to review the prior water years' operations and to determine whether any measures prescribed in this RPA should be altered in light of information learned from prior years' operations or research. After completion of the annual review, NMFS may initiate a process to amend specific measures in this RPA to reflect new information, provided that the amendment is consistent with the Opinion's underlying analysis and conclusions and does not limit the effectiveness of the RPA in avoiding jeopardy to listed species or adverse modification of critical habitat."*

In accordance with the discussion among the Bureau of Reclamation, NMFS, and U.S. Fish and Wildlife Service (Service) on March 2, 2016, Reclamation is requesting implementation of a pilot project modifying the RPA review frequency from annual to biennial and allowing the next long-term operations Biological Opinions (LOBO) review to be held in November 2017. Standard annual reports associated with the LOBO reviews, as provided below, would continue to be required annually, regardless of the frequency of the LOBO review:

- Sacramento River Temperature Task Group Annual Report of Activities.

- Clear Creek Technical Team Annual Report of Activities.
- American River Group Annual Report of Activities.
- Stanislaus Operations Group Annual Report of Activities.
- Delta Operations for Salmonids and Sturgeon Group Annual Report of Activities.
- Interagency Fish Passage Steering Committee Annual Report of Activities.
- Smelt Working Group Annual Report of Activities.
- Summary Matrix of the NMFS and Service Coordinated Long-term Operation BOs RPAs.

The pilot project would be implemented from 2016 through 2020. At that time, Reclamation and NMFS will evaluate whether to make this change permanent or consider additional changes.

Continuation of the pilot project would be conditioned on a good faith effort on the part of Reclamation and NMFS to improve the LOBO review value for ongoing implementation of the RPA. If it is determined that the coordination and participation in the biennial LOBO review is not adequate or sufficient, NMFS may suspend the Pilot Project and require implementation of annual LOBO reviews in accordance with the original language in the 2009 RPA.

Reclamation is committed to working with NMFS, the Service, and the Delta Science Program to develop a framework for the biennial LOBO review that results in comprehensive assessments that will be more relevant and valuable to all of the agencies involved. Initial proposals to change the framework are described as follows:

- The duration of the public workshop associated with the biennial LOBO review would be increased to accommodate a system-wide operational overview (estimated at 3-5 days depending on the topics).
- In 2017, the public workshop for the LOBO review would include either a site visit or a detailed briefing on how the coordinated CVP and SWP system operates. During every LOBO review thereafter, a detailed briefing on how the coordinated CVP and SWP system operates would be offered to new independent review panel members and any member that would like a refresher.
- Reclamation, the Service, and NMFS would request that the Delta Science Program include a panel member with real-time reservoir operation or water management experience.

- Initial LOBO review planning team meetings should be held monthly, or as needed, to plan for the next biennial LOBO review, including an assessment of lessons learned and recommendations implemented from previous reviews.
- The year in between LOBO reviews, Reclamation will convene an informal meeting to afford stakeholders and members of the public a forum in which to provide input regarding RPA implementation. This informational meeting would be approximately 3 hours in length and would not require a commitment of resources akin to an actual LOBO review.

Reclamation, NMFS, the Service, and the Delta Science Council will continue to meet to finalize the details and logistics of the Pilot Project. If you have questions or require further information, please contact Janice Piñero at 916-414-2428 or via email at [jpintero@usbr.gov](mailto:jpintero@usbr.gov).

Sincerely,



Michelle Banonis  
Area Manager